

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxiv.]
*Provisional Order Confirmation (Weymouth and
Portland Joint Hospital District) Act, 1934.*



CHAPTER lxiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the Weymouth and Portland Joint Hospital District. A.D. 1934.

[25th July 1934.]

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Weymouth and Portland Joint Hospital District) Act 1934. Short title.

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SCHEDULE.

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WEYMOUTH AND PORTLAND JOINT HOSPITAL
DISTRICT.

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

WHEREAS the councils of the borough and the 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 the said councils have applied to the Minister of Health for a provisional order forming a united district for the purpose of the provision maintenance and management of hospitals for the reception of cases of infectious disease :

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

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. This order may be cited as the Weymouth and Portland Joint Hospital Order 1934 and shall come into operation on the first day of October nineteen hundred and thirty-four.

Interpreta-
tion.

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

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

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

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

“ the appointed day ” means the first day of October nineteen hundred and thirty-four ;

“ the joint board ” means the Weymouth and Portland Joint Hospital Board constituted by this order ;

“ the Minister ” means the Minister of Health ;

“ the united district ” means the Weymouth and Portland 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.

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PART II.

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FORMATION OF UNITED DISTRICT AND CONSTITUTION
OF JOINT BOARD.

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

Formation
of united
district.

4. The joint board shall consist of two ex-officio and ten elective members and shall be called the Weymouth and Portland Joint Hospital Board.

Constitution
and name of
joint board.

5. Subject to the provisions of Part V of this order the members of the joint board shall be elected by the constituent councils the number of members of the joint board to be elected by each constituent council shall be the number opposite the name of the constituent district in column 3 of the first schedule to this order and that number of members of the joint board shall be chosen by the constituent council from among the members of the council.

Members of
joint board.

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

First
election of
members of
joint board.

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

(2) The clerk of each of the constituent councils shall give or send to each member of the council not less than 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 or if the meeting at which they are elected is held on or after the appointed day upon their election by the constituent council.

7.—(1) The members of the joint board shall retire from office on the first day of November in the year nineteen hundred and thirty-seven and in every third year thereafter and their

Tenure of
office of
members.

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places shall be filled by persons elected as members of the joint board by the constituent councils at meetings to be held before the day of retirement.

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

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

Filling of
vacancies.

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

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

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

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

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

Meetings of
joint board.

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

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

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

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

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

Chairman
and vice-
chairman.

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

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

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

Committees.

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

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

PART III.

POWERS AND DUTIES OF THE JOINT BOARD.

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

Application
of enact-
ments.

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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.

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

14.—(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 exercisable by or imposed upon either constituent council by regulations of the Minister under any such enactment.

Admission of
patients to
hospitals.

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

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

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

Notice of pro-
visions as to
recovery of cost
of maintenance.

16. 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

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patient in a hospital) shall be exhibited in a conspicuous place at the principal entrance of every hospital provided by the joint board.

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

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

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

PART IV.

FINANCIAL PROVISIONS.

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

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

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

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

(4) For the purposes of this section the rateable value of a constituent 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.

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

Common
fund of
joint board.

Calculation
and payment
of charges
for patients.

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A.D. 1934. the half-year divided by the average number of patients in the hospital on each day of the half-year.

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

Provided that establishment expenses of a hospital including—

- (a) loan charges and the expenses of the purchase or hire of land ;
- (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.

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

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

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

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20. 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.

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Inclusion in precepts of charges for patients.

21. 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.

Orders for payments.

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

Inspection of accounts and audit.

23. 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.

24.—(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) the urban district is created or included in a municipal borough; or
- (c) any alteration is made in the law affecting the united district or the joint board or a constituent district or constituent council in matters touching their relation to the united district or the joint board;

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

the Minister may on the application of the joint board or either 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 either constituent council it shall appear to the Minister that the rateable value of either constituent district as ascertained from the last published valuation lists 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.

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Provision for
Sundays and
public holidays.

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

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

Settlement
of differ-
ences.

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

Inquiries
and
expenses.

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

SCHEDULES.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS AND NUMBER OF MEMBERS OF THE
JOINT BOARD.

1.	2.		3.
Name of district.	Ex-officio members.		Elective members.
	Number.	Description.	
The borough of Weymouth and Melcombe Regis.	1	The mayor of the borough.	8
The urban district of Portland.	1	The chairman of the urban district council.	2
Total - -	2	Total - -	10

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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.	Section 122 - - - Section 123 as amended by section 63 of the Public Health Act 1925. Section 131 - - - Section 132 as amended by section 60 of the Public Health Acts Amendment Act 1907. Sections 179 to 181 - Sections 251 253 254 258 261 262 and 265. Sections 266 and 267 - Section 269 (as amended by the Summary Jurisdiction Act 1884). Section 298 - - - Section 306 (except so far as it relates to the destruction of notices &c.). Section 307 - - - Section 308 - - - Section 309 - - -	Disinfection of articles. Ambulances. Provision of hospitals or temporary places for reception of the sick. Recovery of cost of maintenance in hospitals. Arbitration. Recovery of penalties and legal proceedings. Notices. Appeals to quarter sessions. Costs of provisional orders. Penalty for obstructing execution of Act. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	Sections 119 120 122 123 and 125. Sections 157 to 160 and 164 to 166. Section 176 - - -	Officers and offices. Purchase and disposal of lands. Application of Lands Clauses Acts to purchases by agreement.

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
23 & 24 Geo. 5. c. 51— <i>cont.</i>	The Local Government Act 1933— <i>cont.</i>	Section 266 - - - Sections 277 and 278 - Section 289 - - - Paragraph 5 of Part III of the Third Schedule.	Contracts. Legal proceedings. Penalty for destroying notices &c. Attendance of inspectors at meetings.

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