

3 & 4 GEO. 6. *Saint Mary Magdalene* Ch. xxxv.
Hospital (Newcastle-upon-Tyne) Act, 1940.



CHAPTER xxxv.

An Act to amend the Act 30 & 31 Vict. c. vii. to confer upon the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne further powers and to make further provisions with respect to the hospital of Saint Mary Magdalene in the said city and county and for other purposes. [10th July 1940.]

WHEREAS under the provisions of a royal charter granted by His Majesty King James the First and of subsequent Acts including the Act 7 & 8 Geo. 4. c. lviii. and the Act 30 & 31 Vict. c. vii. (hereinafter referred to as "the Act of 1867") the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the Corporation") acting by the council of the said city and county (hereinafter referred to as "the council") are entrusted with the management of an ancient charity in the said city and county known as the hospital of Saint Mary Magdalene and consisting of a master appointed by the council and certain brethren appointed from among the free burgesses or freemen of the said city and county :

And whereas the estates and property forming the endowment of the said charity are by virtue of the Act of 1867 vested in the Corporation :

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And whereas it is expedient that the Act of 1867 should be amended as by this Act provided and that such further powers as are contained in this Act should be conferred upon the Corporation with respect to the said charity :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

23 & 24
Geo. 5.
c. 51.

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 :—

Short
title.

1. This Act may be cited as the Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940.

Interpre-
tation.

2. In this Act unless the subject or context otherwise requires—

“ The city ” means the city and county of Newcastle-upon-Tyne ;

“ The council ” means the council of the city ;

“ The Corporation ” means the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne acting by the council ;

“ The Act of 1827 ” means the Act 7 & 8 Geo. 4. c. lviii ;

“ The Act of 1867 ” means the Act 30 & 31 Vict. c. vii ;

“ The charity ” means the hospital of Saint Mary Magdalene in the city ;

“ The master ” means the person for the time being holding the office of master of the charity.

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3.—(1) Section 8 (Payment to the master of the hospital) of the Act of 1867 shall have effect subject to the following modifications and amendments:—

Modifica-
tions of
section 8
of Act of
1867.

- (a) The yearly sum to be paid to the master pursuant to the Act of 1827 as amended by the said section 8 shall be six hundred pounds or such other sum as may from time to time be approved by the Charity Commissioners;
- (b) The words "and on every Wednesday evening throughout the year and also on all public fasts and days of thanksgiving" shall be omitted from the said section;
- (c) The Bishop of Newcastle for the time being shall be substituted for the Bishop of Durham for the time being.

(2) In addition to the jurisdiction as to the determination of questions exerciseable by the Bishop of Newcastle under the said section 8 as modified by this section the religious ministrations of the master at Saint Thomas' Church shall be under the supervision and spiritual jurisdiction of the said bishop.

4. The master shall retire from office on attaining the age of seventy years and thereupon a vacancy in the said office shall be deemed to have arisen.

Retirement
of master.

5. It shall be a condition of the appointment of any person appointed after the passing of this Act to the office of master of the charity that he shall be and shall continue throughout the term of his office as master to be a member of the Clergy Pensions Fund. Provided that this requirement may with the approval of the Charity Commissioners be waived by the Corporation in any case in which they think it proper so to do.

Master to
be member
of Clergy
Pensions
Fund.

6. If the master commits any breach of or fails to comply with any of the conditions of his appointment or any requirement relating to him prescribed by this or any other Act for the time being relating to the charity it shall be lawful for the Corporation to remove him from his mastership and to declare the office vacant.

Power to
remove
master in
case of
breach of
conditions
of appoint-
ment.

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Payment of remuneration to person exercising temporarily functions of master.

7. The Corporation shall be empowered and shall be deemed as from the date on which the office of master last became vacant before the passing of this Act to have been empowered to pay remuneration of such amount as may be approved by the Charity Commissioners to any person temporarily exercising with the approval of the Bishop of Newcastle any of the functions of master of the charity during any vacancy in the office or during any period in which the master is unable to exercise his functions owing to illness or absence on leave.

As to residence of master.

8.—(1) The dwelling-house provided pursuant to the Act of 1867 as a residence for the master shall cease to be used for that purpose and shall be held by the Corporation and dealt with as part of the endowment of the charity.

(2) The Corporation may if they think fit with the approval of the Charity Commissioners provide or erect upon such site as they may determine either upon the land of the charity or elsewhere in the city a dwelling-house for the residence of the master with all necessary outbuildings conveniences and appurtenances and if the site so determined is elsewhere than upon the land of the charity the Corporation with the like approval may purchase such site by agreement.

(3) The master shall reside in any dwelling-house so erected or provided by the Corporation and the Corporation shall be at liberty to pay the rates and taxes payable in respect of such dwelling-house and the cost of maintaining and keeping in repair such dwelling-house.

(4) Unless and until the Corporation shall have erected or provided such a dwelling-house as aforesaid the Corporation shall be at liberty to pay to the master an allowance at such rate per annum as may be approved by the Charity Commissioners in lieu of a residence.

Amendment of Acts by schemes of

9. The Charity Commissioners in the exercise of their ordinary jurisdiction may from time to time make schemes amending the Act of 1867 or this Act or any

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other Act for the time being relating to the charity in any respect not inconsistent with the main objects of the charity and may from time to time make schemes amending any scheme made under the powers of this section. Charity Commissioners.

10. All expenditure incurred by the Corporation under or for the purposes of this Act shall be defrayed out of the funds and income of the charity. Application of funds of charity.

11. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the income of the charity. Costs of Act.

Printed by PERCY LUND, HUMPHRIES & Co., LTD.

FOR

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