

CHAPTER vii.

An Act to confirm a Provisional Order of the Minister of Health relating to the South Staffordshire Joint Hospital District.

[27th March 1939.]

WHEREAS under the provisions of the Public Health Act 1936 the Minister of Health has made a provisional order which needs confirmation by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 49.

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 (South Staffordshire Joint Hospital District) Act 1939. Short title.

SCHEDULE.

SOUTH STAFFORDSHIRE JOINT HOSPITAL DISTRICT.

Provisional order forming a united district under section 6 of the Public Health Act 1936.

WHEREAS certain of the councils of the boroughs and districts named in column 1 of the first schedule to this order applied to the Minister of Health for an order constituting those boroughs and districts a united district for the purpose of the provision of hospital accommodation for cases of infectious disease other than smallpox;

And whereas the Minister of Health duly gave notice under subsection (4) of section 6 of the Public Health Act 1936 that he proposed to make an order for the purpose aforesaid;

26 Geo. 5. & 1 Edw. 8. c. 49.

And whereas the councils of certain of the boroughs and districts proposed to be included in the united district gave due notice of objection to the said proposal of the Minister of Health and one of such objections has not been withdrawn;

And whereas the Minister of Health has decided to make a provisional order for the purpose aforesaid:

Now therefore the Minister of Health in pursuance of the powers conferred by section 6 of the said Act and of all other powers in that behalf hereby makes the following order:—

PART I.

PRELIMINARY.

Short title and commencement.

1. This order may be cited as the South Staffordshire Joint Hospital Order 1938 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpretation.

2.—(1) In this order unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them:—

"constituent district" means a borough or district mentioned in column 1 of the first schedule to this order;

PART I. —*cont.*

"constituent council" means the council of a constituent district;

"year" means the financial year commencing on the first day of April and "half-year" means the financial half-year commencing on the first day of April or the first day of October;

"the Act of 1933." means the Local Government Act 1933; 23 & 24 Geo. 5. c. 51.

"the Act of 1936" means the Public Health Act 1936;

"the appointed day" means the first day of April nineteen hundred and thirty-nine;

"the joint board" means the South Staffordshire Joint Hospital Board constituted by this order;

"the Minister" means the Minister of Health;

"the united district" means the South Staffordshire Joint Hospital District constituted by this order.

(2) 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.

PART II.

FORMATION OF UNITED DISTRICT AND CONSTITUTION OF JOINT BOARD.

Constitution of joint board.

3.—(1) The constituent districts shall be constituted a united district to be called the South Staffordshire Joint Hospital District for the purpose of the provision of hospital accommodation for persons in the constituent districts who are suffering from infectious diseases other than smallpox.

(2) The joint board shall consist of twenty-eight members each of whom shall be a member of the council by whom he was elected and shall be called the South Staffordshire Joint Hospital Board.

Election and retirement of members.

4.—(1) The number of members of the joint board to be elected by each constituent council shall be the number set opposite the name of their constituent district in column 2 of the first schedule to this order.

(2) Each constituent council shall at a meeting to be held before the appointed day elect the number of members of the

PART II. —*cont.*

joint board assigned to them by this order and the members so elected shall come into office on the appointed day.

(3) One-third (or as near as may be) of the members of the joint board shall retire from office on the first day of May in each of the years nineteen hundred and forty nineteen hundred and forty-one and nineteen hundred and forty-two the order of retirement to be determined by lot at the first meeting of the joint board the lots being drawn under the direction of the person presiding at the meeting.

(4) Any vacancy other than a casual vacancy in the representation of any constituent council on the joint board which will occur on the first day of May in any year shall at a meeting to be held before the first day of May in that year be filled by the election by that constituent council of a new member whose period of office shall be three years.

(5) Every member of the joint board elected in any year subsequent to that ending on the thirty-first day of March nineteen hundred and forty shall come into office upon the first day of May following his election unless he is elected to fill a casual vacancy in which event he shall come into office upon his election.

(6) The clerk of each constituent council shall forthwith after the election of any member of the joint board by that council notify the name address and description of the member elected—

(*a*) in the case of a first election under this order to the town clerk of Wednesbury; and

(*b*) in the case of each subsequent election to the clerk of the joint board.

Period of office.

5.—(1) Except as in this order otherwise provided a member of the joint board shall hold office until the date on which his successor comes into office.

(2) A member of the joint board who ceases to be a member of the constituent council by whom he was elected or otherwise becomes disqualified shall thereupon cease to be a member of the joint board:

Provided that a member of the joint board shall not be deemed to have ceased to be a member of the constituent council by whom he was elected if on or before the day on which he goes out of office he has been re-elected a member of that council.

(3) A member of the joint board may resign his membership by sending to the clerk of the joint board notice in writing of his desire to do so whereupon a casual vacancy shall be deemed to

PART II. —*cont.*

have arisen and the clerk of the joint board shall forthwith notify the clerk of the constituent council by whom the member was appointed of the vacancy.

(4) Any casual vacancy in the membership of the joint board shall be filled as soon as practicable by the election by the constituent council in whose representation the vacancy arises of a new member and the person so elected shall hold office during the remainder of the term of office of the person in whose place he is elected :

Provided that it shall not be obligatory upon a constituent council to fill any such casual vacancy arising within two months before the ordinary day of retirement from the office in which the vacancy occurs.

(5) Sections 58 59 63 and 76 of the Act of 1933 shall apply to the joint board as if the joint board were a local authority other than a parish council.

Meetings and proceedings.

6. The meetings and proceedings of the joint board shall be conducted in accordance with the rules set forth in the second schedule to this order.

Committees.

7.—(1) The joint board may appoint committees composed of their members for the exercise of any functions 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 section 96 of the Act of 1933 shall apply to the joint board as if the joint board were a local authority.

Appointment and remuneration of officers &c.

8.—(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 and servants such reasonable remuneration as they deem expedient and every such treasurer clerk medical officer and other officer and servant shall be removable by the joint board at their pleasure.

PART III.

POWERS AND DUTIES OF THE JOINT BOARD.

Application of enactments.

9. For the purposes of their functions under this order the joint board are hereby invested with all the functions rights and liabilities of a local authority under the enactments mentioned in the third schedule to this order and those enactments shall apply accordingly with the necessary modifications to the joint board and the united district :

Provided that section 184 of the Act of 1936 as applied by this section shall be modified by the insertion in subsection (1) thereof after the word " source " of the words " other than a constituent council " and in paragraph (*a*) of subsection (2) thereof after the words " local authority " of the words " or joint board."

Regulations of Minister under 26 Geo. 5. & 1 Edw. 8. c. 49, s. 143.

10. In so far as any functions which may be imposed upon a constituent council by regulations of the Minister under section 143 of the Act of 1936 relate to the purposes of this order such functions shall be discharged by the joint board.

Admission of patients to hospitals.

11.—(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 (namely) :—

(*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 169 of the Act of 1936 with the consent required by that section.

(2) The joint board may by agreement with any public assistance authority 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 as to recovery of cost of maintenance.

12. A copy of section 184 of the Act of 1936 (which relates to the recovery of the cost of maintaining a patient in a hospital) as modified by this order shall be exhibited in a conspicuous place at the principal entrance of every hospital provided by the joint board.

PART IV.

FINANCIAL PROVISIONS.

Common fund of joint board.

13. For the purpose of defraying the expenses of the joint board not otherwise provided for 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 based on the proportion which the aggregate rateable value of all the hereditaments in the constituent district bears to the aggregate rateable value of all the hereditaments in the united district as shown in the valuation lists on the first day of the half-year in which the precepts are issued.

Calculation and payment of charges for patients.

14.—(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 the half-year divided by the average number of patients in the hospital on each day of the half-year.

(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 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;

PART IV. —*cont.*

(*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 of any sum repaid to or recovered by the joint board in respect of the maintenance of 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.

15. Any amount shown to be due from a constituent council by an account prepared by the clerk of the joint board under the last 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 subsection (2) of section 309 of the Act of 1936 and in case of default shall be recovered in the manner authorised by subsection (3) of that section.

Orders for payments.

16. 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 may authorise for the purpose.

Accounts and audit.

17.—(1) The accounts of the joint board shall at all reasonable times be open to inspection and transcription without payment 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.

(2) 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.

PART V.

SUPPLEMENTARY.

Compensation of officers.

18.—(1) Every officer in office on the twenty-eighth day of November nineteen hundred and thirty-eight who by virtue of this order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and for whose compensation for that loss no other provision is made by any enactment or any order rule or regulation made under any enactment for the time being in force shall be entitled to compensation under this order for that loss.

(2) Any compensation payable under this order to an officer shall be awarded and paid by the joint board and the claim for compensation shall be made by the officer accordingly.

(3) For the purpose of the determination and payment of compensation to officers under this order the provisions set out in the fourth schedule to the Act of 1933 are hereby incorporated in this order.

Settlement of disputes.

19. Subject to the provisions of this order any dispute arising in connection with the provisions of this order between the joint board and any constituent council or between any two or more constituent councils shall be referred to arbitration in the manner provided by section 303 of the Act of 1936.

Inquiries and expenses.

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

Adjustment of property liabilities &c.

21. The provisions of section 151 of the Act of 1933 shall have effect in relation to this order as if the constitution of the united district effected by this order were an alteration of areas or authorities made by an order under Part VI of that Act.

Saving for powers of constituent councils.

22. Until a hospital provided by the joint board is ready for the reception of patients nothing in this order shall affect the powers of any constituent council under section 181 of the Act of 1936.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS AND NUMBER OF MEMBERS OF THE JOINT BOARD.

1. Name of district.	2. Number of members.
The borough of Bilston	3
The borough of Rowley Regis	3
The borough of Tipton	3
The borough of Wednesbury	3
The urban district of Amblecote	1
The urban district of Brierley Hill	3
The urban district of Coseley	2
The urban district of Darlaston	2
The urban district of Sedgley	2
The urban district of Tettenhall	1
The urban district of Wednesfield	1
The urban district of Willenhall	2
The rural district of Seisdon	2
Total	28

SECOND SCHEDULE.

RULES AS TO MEETINGS AND PROCEEDINGS.

1. The first meeting of the joint board shall be convened by the town clerk of Wednesbury on such day (not being later than the first day of May nineteen hundred and thirty-nine) and at such place as may be fixed by the mayor of Wednesbury and such meeting shall be deemed to be the annual meeting of the joint board in the year nineteen hundred and thirty-nine.

2.—(1) The joint board shall in every year hold an annual meeting and at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.

(2) The first meeting held after the thirtieth day of April in any year shall be the annual meeting.

3.—(1) The joint board shall at their annual meeting appoint one of their number to be chairman and the chairman shall unless he resigns his office or ceases to be a member of the joint board continue in office until his successor is appointed.

2ND SCH. —*cont.*

(2) The joint board may at their annual meeting appoint one of their number to be vice-chairman who shall unless he resigns his office or ceases to be a member of the joint board continue in office until immediately after the election of the chairman at the next annual meeting.

4.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the joint board the vacancy shall be filled by the appointment by the joint board of one of their number at a meeting held as soon as practicable after the vacancy occurs and where the office vacant is that of chairman the meeting may be convened by the clerk of the joint board.

(2) The person appointed under this rule to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

5.—(1) At a meeting of the joint board the chairman if present shall preside.

(2) If the chairman is absent from a meeting of the joint board the vice-chairman if present shall preside.

(3) If both the chairman and vice-chairman of the joint board are absent such member of the joint board as the members present shall choose shall preside.

6.—(1) The chairman of the joint board may call a meeting of the joint board at any time.

(2) If the chairman refuses to call a meeting of the joint board after a requisition for that purpose signed by four members of the joint board has been presented to him or if without so refusing the chairman does not call a meeting within seven days after such requisition has been presented to him any four members of the joint board on that refusal or on the expiration of seven days as the case may be may forthwith call a meeting of the joint board.

(3) Three clear days at least before a meeting of the joint board—

(*a*) notice of the time and place of the intended meeting shall be published at the offices of the joint board and where the meeting is called by members of the joint board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(*b*) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the joint board shall be left at or sent by post to the usual place of residence of every member of the joint board:

2ND SCH. —*cont.*

Provided that want of service of the summons on any member of the joint board shall not affect the validity of a meeting :

Provided also that no business shall be transacted at a meeting called by members of the joint board other than that specified in the notice thereof.

7. No business shall be transacted at a meeting of the joint board unless at least seven members are present thereat.

8. A copy of the minutes of proceedings at each meeting of the joint board shall be sent to the clerks of the constituent councils within fourteen days after the date of the meeting.

9. An inspector appointed by the Minister shall be entitled to attend any meeting of the joint board as and when directed by the Minister and to take part in the proceedings thereat but not to vote at the meeting.

10. The provisions of paragraphs 1 to 5 of Part V of the Third Schedule to the Act of 1933 shall apply to the joint board as if the joint board were a local authority and as if for references therein to the said Act there were substituted references to this order.

THIRD SCHEDULE.

ENACTMENTS APPLIED TO THE JOINT BOARD.

Session and chapter.	Short title.	Enactments applied.	Subject-matter.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	Subsection (4) of section 107 and sections 119 to 123 and 125.	Officers and offices.
		Sections 157 158 160 and 164 to 166.	Purchase and disposal of lands.
		Section 176 - - -	Application of Lands Clauses Acts to purchases by agreement.
		Section 266 - - -	Contracts.
		Sections 277 and 278 -	Legal proceedings.
		Subsection (2) of section 285.	Costs of provisional orders.
		Section 289 - - -	Penalty for destruction of notices &c.

3RD SCH. —*cont.*

Session and chapter.	Short title.	Enactments applied.	Subject-matter.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 166 - - -	Disinfection of articles.
		Sections 181 183 271 and 272.	Provision of hospital accommodation.
		Section 184 (as modified by this order).	Recovery of expenses of maintenance in hospitals.
		Section 197 - - -	Ambulances.
		Section 277 - - -	Power to require information as to ownership of premises.
		Subsections (1) and (2) of section 278.	Compensation for damage.
		Sections 283 to 286 -	Notices &c.
		Sections 288 and 289 -	Penalty for obstructing execution of Act &c.
		Sections 293 296 298 and 304.	Recovery of expenses and penalties and legal proceedings.
		Sections 301 and 302 -	Appeals to quarter sessions.
		Section 306 - - -	Compulsory purchase of land.

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