

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*



CHAPTER lxxix.

An Act to confirm a Provisional Order of the Minister of Health relating to the Ottershaw Joint Hospital District. [2nd August 1935.] A.D. 1935.

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 (Ottershaw Joint Hospital District) Act 1935. Short title.

[Ch. lxxix.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D 1935.

SCHEDULE.

*Ottershaw
Order.*

OTTERSHAW JOINT HOSPITAL DISTRICT.

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

WHEREAS the councils of the urban and rural districts 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 Ottershaw Joint Hospital Order 1935 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpreta-
tion.

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

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

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

“ the hospitals ” means the hospitals for the time being maintained by the joint board ;

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

“ the joint board ” means the Ottershaw Joint Hospital Board constituted by this order; A.D. 1935.

“ the Minister ” means the Minister of Health;

—
*Ottershaw
Order.*

“ the united district ” means the Ottershaw 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.—(1) The constituent districts shall be formed into a united district to be called the Ottershaw 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.

(2) The urban district of Woking shall cease to form part of the Guildford Godalming and Woking joint hospital district as from the appointed day and the Guildford Godalming and Woking Joint Hospital Orders 1893 to 1903 as amended by the Surrey Review Order 1933 shall be amended accordingly.

4. The joint board shall consist of twenty-four members and shall be called the Ottershaw 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 2 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 2 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 three days'

[Ch. lxxix.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D. 1935.

—
*Ottershaw
Order.*

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.

Tenure of
office of
members.

7.—(1) The members of the joint board shall retire from office on the first day of May in the year nineteen hundred and thirty-eight and in every third year thereafter and their 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 he is elected or re-elected.

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 eight members shall constitute a quorum.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

(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 six members of the joint board.

A.D. 1935.

—
*Ottershaw
Order.*

(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) 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.

(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

Application
of enact-
ments.

[Ch. lxxix.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D. 1935.

*Ottershaw
Order.*

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 :

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
and 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 any 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

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D. 1935.

such person may be admitted to the hospital in the manner and on the terms prescribed by the agreement.

—
*Ottershaw
Order.*

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

Notice of provisions as to recovery of cost of maintenance.

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 :

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

Provided that the offices of treasurer to the joint board and clerk 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.

Common
fund of
joint board.

(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—

(a) as to one-half on the proportion which the rateable value of the constituent district bears to the aggregate rateable value of all the constituent districts; and

(b) as to one-half on the proportion which the population of the constituent district bears to the aggregate population of all the constituent districts.

[Ch. lxxix.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D. 1935.

—
*Ottershaw
Order.*

(4) For the purposes of this section—

- (a) the rateable value of a constituent district shall be the rateable value appearing in the valuation list in force on the first day of February preceding the issue of the precept; and
- (b) the population of a constituent district shall be ascertained from the last published census before the issue of the precept.

Orders for
payments.

19. 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.

20. 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.

Abstract of
accounts and
auditor's
report.

21. 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.

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

22.—(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;

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 population of any constituent district as ascertained from the last published census or the rateable value of any constituent district has so increased or decreased as to render the representation of the council of that district on the joint board inadequate

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

or excessive as the case may be the Minister may by order provide for the appointment of additional members or for the retirement of redundant members of the joint board as the case may require.

A.D. 1935.

—
*Ottershaw
Order.*

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

23. 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.

Provision for
Sundays and
public holi-
days.

24. 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.

Settlement
of differ-
ences.

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

Inquiries and
expenses.

26. Until a hospital provided by the joint board 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 district.

Saving for
powers of
constituent
councils.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS AND NUMBER OF MEMBERS OF THE
JOINT BOARD.

1.	2.
Name of district.	Number of members.
The urban district of Chertsey - - - -	3
The urban district of Egham - - - -	4
The urban district of Walton and Weybridge - -	7
The urban district of Woking - - - -	8
The rural district of Bagshot - - - -	2
TOTAL - - - - -	24

[Ch. lxxix.] *Ministry of Health* [25 & 26 GEO. 5.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

A.D. 1935.

SECOND SCHEDULE.

*Ottershaw
Order.*

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 - Section 206 (except so far as it requires the publication in a local newspaper of the annual report). 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. Annual report. 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.	Subsection (4) of section 107 and sections 119 120 122 123 and 125. Sections 157 to 160 and 164 to 166.	Officers and offices. Purchase and disposal of lands.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxix.]
*Provisional Order Confirmation (Ottershaw Joint
Hospital District) Act, 1935.*

SECOND SCHEDULE—*continued.*

A.D. 1935.

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 176 - - Section 266 - - Sections 277 and 278 - Section 289 - - Paragraph 5 of Part III of Third Schedule.	Application of Lands Clauses Acts to purchases by agreement. Contracts. Legal proceedings. Penalty for destruction of notices &c. Attendance of inspectors at meetings.

*Ottershaw
Order.*

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
Austral House, Kingsway, London, W.C. 2; 120 George Street, Edinburgh 2;
York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any Bookseller

