

the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

PART VI.
—cont.

(2) Any provision of a local or private Act or charter defining or restricting the objects of any hospital to which section six of this Act applies or the purposes for which any property transferred to the Minister or the Board of Governors of a teaching hospital by virtue of this Act may be used shall cease to have effect.

78.—(1) The following bodies, that is to say—

- (a) visiting committees constituted under section seven of the Mental Treatment Act, 1930, joint visiting committees constituted under section two hundred and fifty-three of the Lunacy Act, 1890, joint mental hospital boards constituted under any local Act, committees constituted under section twenty-eight of the Mental Deficiency Act, 1913, for the care of the mentally defective and joint boards and joint committees constituted under section twenty-nine of that Act;
- (b) joint boards constituted under the Public Health Act, 1936, or any enactment repealed by that Act, solely for the purpose of exercising functions which cease to be exercisable in consequence of this Act or are transferred to a local health authority or other person by this Act; and
- (c) governing bodies of voluntary hospitals transferred to the Minister by virtue of this Act whose functions wholly cease in consequence of this Act;

Provision for
winding up
certain
bodies.

shall as from the appointed day be dissolved, and regulations may make such provision, supplementary to the provisions of this Act, as may be necessary for the purpose of winding up the affairs of those bodies.

(2) Without prejudice to the provisions of the last foregoing subsection, regulations may provide that any rights or liabilities of any of the bodies referred to in paragraphs (a) and (b) of the last foregoing subsection under any enactment, scheme or contract providing for the payment of, or contribution towards, superannuation benefits in respect of officers employed by those bodies, being rights and liabilities arising in respect of officers who have ceased to be so employed before the appointed day, shall as from that day be transferred to the local authorities by whom the said bodies were appointed or, in the case of joint committees or joint boards, be apportioned among the constituent authorities of those committees or boards.

PART VI.
—cont.
Interpretation.

79.—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

- “ appointed day ” means such day as His Majesty may by Order-in-Council appoint, and different days may be appointed for the purposes of different provisions of this Act and for the repeal or amendment of different enactments by this Act;
- “ certified midwife ” means a person certified under the Midwives Acts, 1902 to 1936;
- “ dental practitioner ” means a person registered in the dentists register under the Dentists Acts, 1878 to 1923;
- “ dispensing optician ” means a person having the prescribed qualifications for the fitting and supply of optical appliances;
- “ equipment ” includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle;
- “ the governing body ”, in relation to any voluntary hospital, includes any body, whether corporate or unincorporate, having the control and management of the hospital or any part thereof or otherwise carrying on the business of the hospital or any part thereof;
- “ hospital ” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “ hospital accommodation ” shall be construed accordingly;
- “ illness ” includes mental illness and any injury or disability requiring medical or dental treatment or nursing;
- “ insurance committee ” means an insurance committee constituted under the National Health Insurance Act, 1936;
- “ local authority ” means the council of a county or county borough, the Common Council of the City of London, the council of a metropolitan borough and the council of a county district, and also includes—
- (a) any joint board constituted under the Public Health Act, 1936, or under the Public Health

(London) Act, 1936, or any enactment repealed by those Acts, or any port health authority constituted under those Acts or under any Act passed before those Acts;

(b) any visiting committee constituted under section seven of the Mental Treatment Act, 1930, any joint visiting committee constituted under section two hundred and fifty-three of the Lunacy Act, 1890, any joint mental hospital board constituted under any local Act, any committee constituted under section twenty-eight of the Mental Deficiency Act, 1913, and any joint board or joint committee constituted under section twenty-nine of that Act;

(c) the King Edward VII Welsh National Memorial Association;

“ local education authority ” has the same meaning as in the Education Act, 1944;

“ medical ” includes surgical;

“ medical practitioner ” means a registered medical practitioner;

“ medicine ” includes any prescribed chemical re-agent;

“ officer ” includes servant;

“ ophthalmic optician ” means a person having the prescribed qualifications in optics, including the measurement of errors of refraction, in orthoptics and in the fitting and supply of optical appliances;

“ patient ” includes an expectant or nursing mother and a lying-in woman;

“ prescribed ” means prescribed by regulations made by the Minister under this Act;

“ property ” includes rights;

“ registered nurse ” means a nurse registered in the register of nurses established under the Nurses Registration Act, 1919;

9 & 10 Geo. 5
c. 94.

“ registered pharmacist ” means a pharmacist registered in the register of pharmaceutical chemists or the register of chemists and druggists;

“ regulations ” means regulations made by the Minister under this Act;

“ superannuation benefits ” means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;

PART VI.
—cont.

“teaching hospital” means a hospital or group of hospitals designated by the Minister as a teaching hospital by an order in force under Part II of this Act;

“university” includes a university college;

“voluntary” means not carried on for profit and not provided by a local or public authority.

(2) References in this Act to the purposes of a hospital shall be construed as referring both to the general purposes of the hospital and to any specific purpose of the hospital.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Act.

Short title
and extent.

80.—(1) This Act may be cited as the National Health Service Act, 1946.

47 & 48 Vict.
c. 64

(2) This Act, except subsection (2) of section sixty-seven and the amendment made by the Ninth Schedule in subsection (3) of section eight of the Criminal Lunatics Act, 1884, shall not extend to Scotland or to Northern Ireland.

(3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, as may be specified in the order, extend to the Isles of Scilly, but except as so applied this Act shall not extend to the said Isles.

The Minister may by any such order amend or repeal any provisions contained in the Isles of Scilly Orders, 1927 to 1943.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

CENTRAL COUNCIL AND ADVISORY COMMITTEES.

Constitution of Central Council

1 The number of members of the Central Council shall be forty-one of whom six shall be the persons for the time being holding the offices of the President of the Royal College of Physicians of London, the President of the Royal College of Surgeons of England, the President of the Royal College of Obstetricians and Gynaecologists, the Chairman of the Council of the British Medical Association, the President of the General Medical Council and the Chairman of the Council of the Society of Medical Officers of Health, respectively; and of the remaining thirty-five members, who shall be appointed by the Minister,—

- (a) fifteen shall be medical practitioners of whom two shall be selected for their knowledge of mental illness and mental defectiveness;
- (b) five shall be persons, not being medical practitioners, with experience in hospital management;
- (c) five shall be persons, not being medical practitioners, with experience in local government;
- (d) three shall be dental practitioners;
- (e) two shall be persons with experience in mental health services;
- (f) two shall be registered nurses;
- (g) one shall be a certified midwife; and
- (h) two shall be registered pharmacists;

and before appointing any of the persons specified in sub-paragraphs (a) to (h), respectively, the Minister shall consult with such organisations as he may recognise as representative of those persons.

Supplementary Provisions.

2. Regulations may make provision with respect to the appointment, tenure of office and vacation of office of the members of the Central Council and of any standing advisory committee constituted under section two of this Act and for the making of such payments as may be prescribed to such members and to members of any committee or sub-committee set up under paragraph 4 of this Schedule in respect of any loss of remunerative time or any travelling or subsistence expenses.

3. The Minister shall appoint a secretary to the Central Council and to each standing advisory committee, and the Central Council and any standing advisory committee may also appoint a secretary to the Council or the committee, as the case may be, who shall act jointly with the secretary appointed by the Minister.

1ST SCH.
—cont.

4. The Central Council may appoint such committees, and any standing advisory committee may appoint such sub-committees, as they think fit, to consider and report upon questions referred to them by the Central Council or standing advisory committee, as the case may be, and any such committee or sub-committee may include persons who are not members of the Central Council or standing advisory committee, as the case may be.

5. The Central Council and any standing advisory committee shall elect one of the members of the Council or committee, as the case may be, to be chairman of the Council or committee, and shall have power to regulate their own procedure.

6. The proceedings of the Central Council or of any standing advisory committee shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof.

Section 10.

SECOND SCHEDULE.

ACQUISITION OF HOSPITAL PROPERTY OTHER THAN LAND.

1. Where under section ten of this Act, in connection with the acquisition of any hospital, the Minister proposes to acquire any equipment, furniture or other movable property used in or in connection with the hospital premises, he may, at any time after the acquisition of the hospital (in the case of acquisition by agreement) or at any time after the service of the notice to treat (in the case of the compulsory acquisition of a hospital), serve a notice on the owner of the property specifying the property proposed to be acquired, and specifying the time within which and the manner in which any objection to such acquisition may be made.

2. If any objection is duly made, the Minister shall afford to the said owner an opportunity of appearing before and being heard by a person appointed by him for the purpose, and after considering any such objection and the report of the person so appointed by him, the Minister shall either withdraw the notice aforesaid or serve upon the owner a notice confirming that notice.

3. The property with respect to which a notice is served under paragraph 1 of this Schedule and is not withdrawn shall—

(a) if no objection is duly made to the notice, vest in the Minister at the expiration of the time for making such an objection;

(b) if such an objection is duly made and the notice is confirmed by a notice served under the last foregoing paragraph, vest in the Minister on the service of the last mentioned notice; and shall in each case vest free of any mortgage, pledge, lien or similar obligation.

4. Where any property is acquired in accordance with this Schedule, there shall be paid by way of compensation to the owner of the property concerned a sum equal to the price which he might reasonably have

been expected to have obtained upon a sale of the property effected by him immediately before the acquisition of the property by the Minister, and any dispute as to the amount of such compensation shall be determined by arbitration, and the compensation shall accrue due at the time when the property vested in the Minister.

5. Where property in respect of which compensation is payable as aforesaid was, immediately before the acquisition thereof by the Minister, in the possession of some person by virtue of a hire purchase agreement, that person may, by a notice served on the Minister, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and in default of agreement between the parties the claim shall be determined by arbitration and the arbitrator may apportion the compensation between the owner and the other person in such manner as appears to him to be just.

6. Any such compensation shall carry interest, as from the time when it accrues due until payment, at such rate as the Treasury may from time to time by order prescribe.

7. Where any sum by way of compensation is paid in accordance with this Schedule in respect of any property and, at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

THIRD SCHEDULE.

Section 11

REGIONAL HOSPITAL BOARDS, HOSPITAL MANAGEMENT COMMITTEES AND BOARDS OF GOVERNORS OF TEACHING HOSPITALS

PART I.

Constitution of Regional Hospital Boards.

A Regional Hospital Board shall consist of a chairman appointed by the Minister and such other members so appointed as the Minister thinks fit, and the members shall include—

- (a) persons appointed after consultation with the university with which the provision of hospital and specialist services in the area of the Board is to be associated;
- (b) persons appointed after consultation with such organisations as the Minister may recognise as representative of the medical profession in the said area or the medical profession generally;
- (c) persons appointed after consultation with the local health authorities in the said area; and
- (d) persons appointed after consultation with such other organisations as appear to the Minister to be concerned;

and the original members of the Board shall also include persons appointed after consultation with such organisations as the Minister may recognise as representative of voluntary hospitals in the said area

Before making appointments to fill vacancies, the Minister shall also consult the Board.

At least two of the members of the Board shall be persons with experience in mental health services

PART II.

Constitution of Hospital Management Committees.

A Hospital Management Committee shall consist of a chairman appointed by the Regional Hospital Board for the area in which the hospital or group of hospitals is situated and such other members so appointed as the Board thinks fit, and the members shall include—

- (a) persons appointed after consultation with any local health authority whose area comprises the area or any part of the area served by the hospital or group;
- (b) persons appointed after consultation with any Executive Council (constituted under Part IV of this Act) whose area comprises the area or any part of the area served by the hospital or group;
- (c) persons appointed after consultation with the senior medical and dental staff employed at the hospital or the hospitals of the group, as the case may be; and
- (d) persons appointed after consultation with such other organisations as appear to the Board to be concerned;

and, in the case of a Committee appointed before the appointed day for a voluntary hospital or for a group comprising any voluntary hospital, the original members of the Committee shall also include persons appointed after consultation with the governing body of any voluntary hospital concerned.

Before making appointments to fill vacancies, the Board shall also consult the Committee.

PART III

Constitution of Boards of Governors of teaching hospitals.

The Board of Governors of a teaching hospital shall consist of a chairman appointed by the Minister and such number of other members so appointed as the Minister thinks fit, and of those members—

- (a) not more than one-fifth shall be nominated by the university with which the hospital is associated;
- (b) not more than one-fifth shall be nominated by the Regional Hospital Board for the area in which the hospital is situated;
- (c) not more than one-fifth shall be nominated by the medical and dental teaching staff of the hospital; and
- (d) other persons shall be appointed after consultation with such local health authorities and other organisations as appear to the Minister to be concerned, including, in the case of the original members of the Board of Governors of a teaching hospital designated before the appointed day, the governing body of any voluntary hospital comprised or to be comprised in the teaching hospital.

PART IV

Supplementary provisions.

1. Regional Hospital Boards and Boards of Governors of teaching hospitals and Hospital Management Committees shall be bodies corporate with perpetual succession and a common seal and power to hold land without licence in mortmain

2. Regulations may make provision—

- (a) with respect to the appointment, tenure of office and vacation of office of the members of the bodies constituted under the foregoing provisions of this Schedule;
- (b) with respect to the appointment of committees consisting wholly or partly of members of those bodies and the delegation of functions to such committees;
- (c) for the making of such payments as may be prescribed to members of those bodies or committees in respect of any loss of remunerative time or, if the special circumstances of the body or committee concerned appear to the Minister to justify it, in respect of any travelling or subsistence expenses;
- (d) with respect to the procedure of those bodies or committees

3. The proceedings of any body or committee constituted under the foregoing provisions of this Schedule shall not be invalidated by any vacancy in the membership of the body or committee or by any defect in the appointment or qualification of any member thereof.

4. It is hereby declared, for the avoidance of doubt, that a member or officer of any such body or committee is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons

FOURTH SCHEDULE

Section 19

PROVISIONS AS TO LOCAL HEALTH AUTHORITIES

PART I.

Joint Boards.

1. A joint board constituted under section nineteen of this Act shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain

2. An order constituting such a joint board—

- (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933, and section one hundred and ninety-six of the London Government Act, 1939, (which authorise the application of the provisions of those Acts to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent local health authorities;

4TH SCH.
—cont.

- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and the apportionment of liabilities;
- (c) may confer on the board the like powers for the compulsory purchase of land as are exercisable by local health authorities;
- (d) may provide for the application, with such adaptations as may be specified, of any enactments relating to functions transferred to the board;
- (e) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions;
- (f) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Part II of this Schedule.

PART II.

Health Committees.

1. Every local health authority shall establish a health committee, and, subject to the next following paragraph, all matters relating to the discharge of the functions of a local health authority shall stand referred to the health committee, and the authority, before exercising any such functions, shall consider a report of the health committee with respect thereto:

Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent or has been sufficiently considered and reported upon by a divisional executive established under section twenty-two of this Act.

2. The last foregoing paragraph shall not prevent the council of a county or county borough from referring to any committee appointed by them any matter arising out of, and incidental to, their functions as local health authority which, by reason that it relates also to a general service of the council, ought, in the opinion of the council, to be so referred, and the last foregoing paragraph shall not apply to any matter which is so referred:

Provided that, before deciding on a proposal for a reference under this paragraph, the council shall receive and consider a report of the health committee on the proposal.

3. A local health authority may authorise the health committee to exercise on their behalf any of their functions as a local health authority, except the power to borrow money or to levy or issue a precept for a rate.

4. At least a majority of the health committee of a local health authority shall be members of the authority.

5. The minutes of proceedings of the health committee shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling and any such local government elector may make a copy thereof or extract therefrom.

6. The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, establish such sub-committees as the health committee may determine, and

any sub-committee established under this paragraph shall be constituted in such manner as may, subject to any restrictions imposed by the local health authority, be determined by the health committee, and at least a majority of every sub-committee shall be members of the local health authority or of a local authority for any area forming part of the area of the local health authority.

7. The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, authorise any sub-committee to exercise on their behalf any functions of the health committee.

4TH SCH.
—cont.

FIFTH SCHEDULE.

Sections 31, 40.
41

EXECUTIVE COUNCILS.

Constitution of Executive Councils.

1. An Executive Council shall consist of a chairman appointed by the Minister and twenty-four other members of whom—
 - (a) eight members shall be appointed by the local health authority for the area of the Executive Council;
 - (b) four members shall be appointed by the Minister;
 - (c) seven members shall be appointed by the Local Medical Committee;
 - (d) three members shall be appointed by the Local Dental Committee;
 - (e) two members shall be appointed by the Local Pharmaceutical Committee.

Supplementary Provisions.

2. Every Executive Council shall be a body corporate with perpetual succession and a common seal and with power to hold land without licence in mortmain:

Provided that an Executive Council shall not acquire land except with the consent of the Minister.

3. The Minister may make regulations—
 - (a) with respect to the appointment, tenure of office and vacation of office of the members of an Executive Council;
 - (b) with respect to the appointment of committees consisting wholly or partly of members of the Council and the delegation of functions to such committees;
 - (c) for the making of such payments as may be prescribed to members of the Council or any such committee in respect of any loss of remunerative time or, if the special circumstances of the area of the Council appear to the Minister to justify it, in respect of any travelling or subsistence expenses;
 - (d) with respect to the appointment of officers of the Council;
 - (e) for payment by an Executive Council of sums, not exceeding such sums as may be prescribed as subscriptions to the

5TH SCH.
—cont.

funds of any association of Executive Councils whose objects are approved by the Minister, and for the payment at the prescribed rates of any expenses reasonably incurred by representatives in attending meetings of any such association;

(f) with respect to the procedure of the Council or any such committee.

4. If the Local Medical Committee, the Local Dental Committee or the Local Pharmaceutical Committee fail within such period as the Minister may determine to appoint any member of the Executive Council whom they are required to appoint, the appointment shall be made by the Minister.

5. The proceedings of an Executive Council or any such committee shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof.

6. It is hereby declared, for the avoidance of doubt, that a member or officer of any such Council or committee is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

Section 34.

SIXTH SCHEDULE.

MEDICAL PRACTICES COMMITTEE.

1. The Medical Practices Committee shall consist of a chairman, who shall be a medical practitioner, and eight other members of whom six shall be medical practitioners. Of the said six medical practitioners at least five shall be persons actively engaged in medical practice.

2. The chairman and members shall be appointed by the Minister after consultation with such organizations as the Minister may recognise as representative of the medical profession.

3. The Minister may make regulations—

(a) with respect to the appointment, tenure of office and vacation of office of the members of the Committee;

(b) for the payment to members of the Committee of remuneration or travelling and subsistence allowances at the prescribed rates.

4. The Minister may provide the services of such officers as the Committee may require.

5. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment or qualification of any member thereof.

Section 42.

SEVENTH SCHEDULE

CONSTITUTION OF TRIBUNAL.

1. The Tribunal shall consist of a chairman and two other members.

2. The chairman shall be a practising barrister or solicitor of not less than ten years' standing appointed by the Lord Chancellor.

3. One of the other members shall be a person appointed by the Minister after consultation with such associations of Executive Councils as the Minister may recognise as representative of Executive Councils.

4. The other member (hereinafter referred to as the "practitioner member") shall be one of a panel of six persons who shall be appointed by the Minister, after consultation with such organisations as the Minister may recognise as representative of the several professions concerned, and shall consist of a medical practitioner, a dental practitioner, a registered pharmacist, a medical practitioner practising as an oculist, an ophthalmic optician and a dispensing optician, and the practitioner member shall, for the purpose of the investigation of the case of any person, be such one of the six persons aforesaid as belongs to the same profession as the person whose case is being investigated.

5. If any of the members of the Tribunal is unable to act in any case, a deputy may be appointed in like manner and after the like consultations as in the case of the appointment of the member in question and, if the member was required to possess professional qualifications, the deputy shall possess the like qualifications.

Supplementary provisions.

6. Regulations may make provision—

- (a) with respect to the appointment, tenure of office and vacation of office of members of the Tribunal;
- (b) for the payment to members of the Tribunal of remuneration or subsistence allowances and travelling allowances at the prescribed rates;
- (c) with respect to the appointment of officers of the Tribunal.

EIGHTH SCHEDULE.

Section 49.

ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED FROM
BOARD OF CONTROL TO MINISTER.

The Lunacy Act, 1890.

Subsection (6) of section thirty-nine.

Subsection (4) of section fifty-one.

Subsection (3) of section two hundred and four.

The whole of Part VIII of the Lunacy Act, 1890, except section two hundred and twenty-one, so far as it relates to the power of the Board of Control to recommend the revocation or non-renewal of a licence, and sections two hundred and twentythree and two-hundred and twenty-eight.

Subsection (4) of section three hundred and thirty-two.

54 & 55 Vict.
c 65

The Lunacy Act, 1891.

Section twelve.

The Mental Deficiency Act, 1913.

Subsection (1) of section three.

Subsection (2) of section five.

8TH SCH
—cont.

Subsection (3) of section sixteen.

Section twenty-one.

Paragraphs (b), (c), so far as it relates to certification and approval, and (f) of subsection (1) of section twenty-five.

Paragraph (h) of section thirty

Section thirty-six.

Subsection (1) of section forty-nine.

Subsection (1) of section fifty.

Section fifty-eight.

The Mental Treatment Act, 1930.

Subsection (1) and paragraph (a) of subsection (3) of section one.

Paragraph (iii) of subsection (1) and subsections (3), (9) and (17) of section five.

Sections 49, 50.

NINTH SCHEDULE.

AMENDMENT AND REPEAL OF ENACTMENTS RELATING TO PERSONS OF
UN SOUND MIND AND MENTAL DEFECTIVES.

PART I.

AMENDMENTS.

General Amendments

In all enactments relating to persons of unsound mind and mental defectives and in any documents issued thereunder references to a mental hospital shall be construed as references to a hospital vested in the Minister and designated by him as a mental hospital.

The Criminal Lunatics Act, 1884.

47 & 48 Vict. c. 64.

In subsection (2) of section seven for the words "asylum or place of confinement for persons of unsound mind" there shall be substituted the words "mental hospital"; for the words "and he shall be deemed to be a rate-aided person of unsound mind" there shall be substituted the words "and shall be deemed, for the purposes of the Lunacy and Mental Treatment Acts, 1890 to 1930, as amended by the National Health Service Act, 1946, to be a summary reception order made under section sixteen of the Lunacy Act, 1890, as so amended."

In section eight, for subsection (2) there shall be substituted the following subsection:—

"(2) If it is certified by a legally qualified medical practitioner that a criminal lunatic, who is about to be absolutely discharged or whose term of penal servitude or imprisonment is about to determine, is of unsound mind and unfit for removal to a mental hospital, an order made by a justice under this Act may provide for his detention in any asylum or place in which a criminal lunatic may be detained, and he shall be deemed to have been sent to that asylum or place in pursuance of a summary reception

order made under section sixteen of the Lunacy Act, 1890, as amended by the National Health Service Act, 1946, and the Lunacy and Mental Treatment Acts, 1890 to 1930, as amended by the National Health Service Act, 1946, shall apply as if the asylum or place were a mental hospital, and the council of supervision or other person having control thereof were a Hospital Management Committee."

9TH SCH.
—cont.

For subsection (3) of the said section there shall be substituted the following subsection—

" (3) In any case where a person for whose detention an order has been made under the last foregoing section is ordinarily resident in Scotland or Northern Ireland, the justice making the order shall report the case to a Secretary of State, and thereupon a Secretary of State may, by warrant, direct the removal of such person to Scotland or Northern Ireland, as the case may be."

In section nine, in paragraphs (1) and (3) for the words " committee of visitors," there shall be substituted the words " Hospital Management Committee", and the words in paragraph (3) from " and the costs " to the end of the paragraph shall be omitted.

In section ten, in subsection (1), the words from " and the costs of maintenance " to the end of the subsection shall be omitted; and in subsection (3), the words from the beginning of the subsection to " is detained " shall be omitted.

The Lunacy Act, 1890.

53 & 54 Vict. c. 5.

Throughout the Act, subject to any specific amendment made by a subsequent provision of this Schedule, for references to the visitors of a mental hospital and the visiting committee of a mental hospital there shall be substituted respectively references to members of the Hospital Management Committee of a mental hospital and to such a Committee

Throughout the Act, subject to any specific amendment made by a subsequent provision of this Schedule, the word " rate-aided " shall be omitted.

In section four the words " a rate-aided person or " shall be omitted.

In section eight, in subsection (1), the words " as a private patient " shall be omitted.

For sections fourteen and fifteen, there shall be substituted the following sections:—

" 14.—(1) If a duly authorised officer of the local health authority—

- (a) has reasonable ground for believing that a person in the area of the authority is a person of unsound mind and a proper person to be sent to a mental hospital; and
- (b) is satisfied that he is not under proper care and control, or that there are no relatives or friends who intend and are able to take proceedings by petition for a reception order under the foregoing provisions of this Act;

9TH SCH.
—cont.

he shall, within three days, give notice thereof to a justice having jurisdiction in the place where the said person is.

(2) A justice, upon receiving such a notice, shall by order require the officer giving the notice to bring the said person before him or some other justice having such jurisdiction as aforesaid, at such time within three days of the receipt of the notice and at such place as may be specified in the order.

15.—(1) A duly authorised officer of the local health authority or any constable who has reasonable ground for believing that any person wandering at large in the area of the authority is a person of unsound mind, shall immediately apprehend and take the said person, or cause him to be apprehended and be taken, before a justice.

(2) Any justice, upon the information upon oath of any person that a person wandering at large within the limits of his jurisdiction is of unsound mind, may by order require any constable or duly authorised officer of the local health authority for the area where the said person is, to apprehend him and bring him before the justice making the order, or any justice having jurisdiction where the said person is ”.

In section sixteen for the words “relieving officer, overseer” there shall be substituted the word “officer”.

In section seventeen the words “whether a rate-aided person or not” shall be omitted.

For section twenty there shall be substituted the following section:—

“20. If a duly authorised officer of the local health authority or any constable is satisfied that it is necessary for the public safety or the welfare of a person alleged to be of unsound mind with regard to whom it is his duty to take any proceedings under this Act, that the said person should, before any such proceedings are taken, be placed under care and control, the officer or constable may remove the said person to any hospital or part of a hospital vested in the Minister (whether a mental hospital or not) which is designated by the Minister for the purposes of this section, and the person in charge of the said hospital or part shall receive and detain the said person therein, but no person shall be detained under this section for more than three days.”

In section twenty-one, in subsection (1), for the words “the workhouse of the union in which the person of unsound mind is” there shall be substituted the word “any hospital or part of a hospital designated for the purposes of the last foregoing section” and for the words “in that workhouse” there shall be substituted the word “therein”; and in subsection (3) the words “in a workhouse” and the words from “after which” to the end of the subsection shall be omitted.

After section twenty-one the following section shall be inserted:—

“21A. Where any person is detained, whether under section twenty of this Act or under the last foregoing section, in any hospital designated for the purposes of the said section twenty,

and while he is so detained the medical officer of the hospital certifies that he is of unsound mind and that it is expedient for his welfare that he should be detained at the hospital for a further period, he may be so detained for a period not exceeding fourteen days from the date of the certificate "

In section thirty-four, in subsection (1) for the words " a private patient " there shall be substituted the words " an order made on petition."

In section thirty-six, for the word " workhouse " there shall be substituted the words " hospital or part of a hospital designated for the purposes of section twenty of this Act "

In section thirty-nine, in subsection (1) for the words " reception of a private patient " there shall be substituted the words " reception of a patient under a reception order made on petition "; in subsection (3) for the words " their immediate jurisdiction " there shall be substituted the words " the immediate jurisdiction of the Minister "; in subsection (6) for the words " Board of Control " where they first occur, there shall be substituted the word " Minister ", and for the words from " they think fit " to the end of the subsection there shall be substituted the words " the Minister thinks fit "; and in subsections (7) and (8) the word " private " shall be omitted.

In section forty, in subsection (3), for the word " workhouse " there shall be substituted the words " hospital or part of a hospital designated for the purposes of section twenty of this Act "

In section forty-one, in subsection (1), the words " if written by a private patient " shall be omitted

In section forty-two, in subsection (1) the words " unless there is no private patient therein ", and the word " private ", in the second and third places where it occurs in subsection (1) and where it occurs in subsection (2) shall be omitted

In section fifty-one, in subsection (4) for the words " Board of Control or visitors fix " there shall be substituted the words " Minister may fix "

In section fifty-five, in subsection (2) for the word " charge " there shall be substituted the words " expense of his maintenance "; in subsection (3) the word " private ", where it last occurs, shall be omitted; and for subsection (6) there shall be substituted the following subsection:—

" (6) Where any patient detained in a registered hospital in pursuance of a contract with a Regional Hospital Board is permitted under this section to be absent upon trial, two members of the managing committee of the hospital may make an allowance to the patient during the period of his absence not exceeding the amount payable under the contract for his maintenance in the hospital and the allowance shall either be paid to him or for his benefit as the members of the managing committee may direct "

In section fifty-seven, in subsection (1) the words from " the application has been approved " to " and that " shall be omitted; and in subsection (2) for the words " the authority liable for the maintenance of the person of unsound mind " there shall be substituted the words " the Hospital Management Committee ", after the word

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—cont.

“ shall ” there shall be inserted the words “ if the Committee considers it reasonable so to do ”, and for the words from “ such authority ” to “ delivered over ” there shall be substituted the words “ the Committee ”.

For section sixty-one there shall be substituted the following section:—

“ 61. Where a patient is detained in a registered hospital in pursuance of a contract with a Regional Hospital Board, the Board may make an order for the removal of the patient and may direct the mode of removal and on production to the manager of the hospital of a copy of the order he shall forthwith remove the patient or permit him to be removed in accordance with the order.”

For section sixty-four there shall be substituted the following section:—

“ 64 Any two members of the Hospital Management Committee of a mental hospital may by order authorise the removal of a person of unsound mind to that hospital from any other mental hospital.”

In section sixty-six for the words from “ any relieving officer ” to “ chargeable ” there shall be substituted the words “ the local health authority for the area where the mental hospital is situated ”.

For section seventy-two, the following section shall be substituted:—

“ 72 —(1) A patient detained in any institution for persons of unsound mind, or under care as a single patient, shall, if he is detained under a reception order made on petition, be discharged on a direction in writing given under his hand—

- (a) by the person on whose petition the order was made; or
- (b) if that person is dead or incapable by reason of insanity, absence from England and Wales or otherwise of signing an order for discharge, by the person who made the last payment on account of the patient, or by the appropriate relative.

(2) A private patient detained in any such institution or under such care as aforesaid, other than a person to whom the last foregoing subsection applies, shall be discharged on a direction in writing given under his hand by the person who made the last payment on account of the patient or by the appropriate relative.

(3) In any other case a patient detained in any such institution or under such care as aforesaid shall be discharged on a direction in writing given under his hand by the appropriate relative.

(4) If there is no person qualified to direct the discharge of a patient under this section, or no person able or willing to act, the Board of Control may order his discharge.

(5) In this section the expression “ appropriate relative ” means the husband or wife, or if there is no husband or wife, or the husband or wife is incapable by reason of insanity, absence from England and Wales, or otherwise of signing an order for discharge, the father, or if there is no father, or if he is incapable as aforesaid, the mother, or if there is no mother, or she is incapable as aforesaid, then any one of the next of kin ”

For section seventy-three there shall be substituted the following section:—

“ 73. Where any patient is detained in a registered hospital in pursuance of a contract with a Regional Hospital Board, the Board may make an order for the discharge of the patient and may direct the mode of discharge, and on production to the manager of the hospital of a copy of the order he shall forthwith discharge the patient or permit him to be discharged in accordance with the order.”

In section seventy-eight, in subsection (4), the words “ in the case of a private patient,” and “ and in the case of a rate-aided person to the authority liable for his maintenance ” shall be omitted.

In section seventy-nine the words “ shall be no longer chargeable to any union, county or borough, and ” shall be omitted.

In section eighty, in subsection (1) for the words from “ a relieving officer ” to the end of the subsection there shall be substituted the words “ the local health authority ”.

In section eighty-three, in subsection (1) the words “ in the case of a patient not a rate-aided person ” and the words from “ and in the case of ” to the end of the subsection shall be omitted.

In section eighty-five for the words “ master of the workhouse,” there shall be substituted the words “ person in charge of the hospital or part of the hospital designated for the purposes of section twenty of this Act ” and the word “ master,” in the second place where it occurs, shall be omitted.

In section one hundred and seventy-seven, in subsection (1), for the words “ Board of Control ” there shall be substituted the word “ Minister ”.

In section one hundred and ninety-one, in subsections (2) and (3), for the words “ the immediate jurisdiction of the Board of Control ” there shall be substituted the words “ the immediate jurisdiction of the Minister ”; and in paragraph (b) of subsection (7) for the words “ Board of Control ” there shall be substituted the word “ Minister ”, and the words “ and not receiving rate-aided patients ” shall be omitted.

In section one hundred and ninety-six, in subsection (1) the words “ rate-aided patients from other patients, and ” shall be omitted.

In section two hundred and three for the word “ workhouses ” there shall be substituted the words “ hospitals or parts of hospitals designated for the purposes of section twenty of this Act ”.

In section two hundred and four, in subsection (1) the words “ or workhouse ” shall be omitted; and in subsection (3) for the words “ Board of Control ” there shall be substituted the word “ Minister ”.

In section two hundred and six, in subsection (3) the words from “ and the expenses ” to the end of the subsection shall be omitted.

Throughout Part VIII, except in sections two hundred and twenty-one, two hundred and twenty-three and two hundred and twenty-eight, for references to the Board of Control there shall be substituted references to the Minister.

In section two hundred and seventeen, in subsection (1) the words “ the secretary of ” and the words from “ not being a rate-aided

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—cont.

person ” to the end of the subsection shall be omitted; and in subsection (2) the words “ and two shillings and sixpence ” shall be omitted.

In section two hundred and nineteen, the word “ private,” and the words “ and to the authority liable for the maintenance of each rate-aided patient ” shall be omitted.

In section two hundred and twenty-one, in subsection (1) the words “ either by them or ” and the words “ if granted by any justices ” shall be omitted, and after the word “ renewed ” there shall be inserted the words “ or recommend to the Minister that any licence granted by him be revoked or be not renewed ” and after the words “ Lord Chancellor ”, where they last occur, there shall be inserted the words “ or Minister ”; and in subsection (4) after the words “ Lord Chancellor ” in both places where they occur there shall be inserted the words “ or Minister ”.

In section two hundred and twenty-six, the words “ by their secretary ” shall be omitted.

In section two hundred and thirty-one, in subsection (1), the words “ may depute any one or more members of their body, or ” shall be omitted.

In section two hundred and thirty-seven, in subsection (3) the words “ with the consent in writing of the Minister of Health ” and in subsection (5) the words from “ and such statement ” to the end of the subsection shall be omitted.

In section two hundred and fifty-eight, in subsection (1), for the words “ visiting committee of a mental hospital ” there shall be substituted the word “ Minister ” and the words “ with the consent of the local authority by whom they are appointed and of the Minister of Health ” shall be omitted; in subsection (2) for the word “ committee ” there shall be substituted the word “ Minister ”; and in subsection (3) for the words “ a visiting committee ” and “ the committee ” there shall be substituted the words “ the Minister ”.

In section two hundred and fifty-nine, for the words “ a visiting committee ” and “ the visiting committee ” there shall be substituted the words “ the Regional Hospital Board ”.

In section two hundred and seventy-five, for subsection (5) there shall be substituted the following subsection:—

“(5) Any patient in a mental hospital may be absent by permission of the manager for a period not exceeding four days.”

In section two hundred and eighty-five, in subsection (1), the words “ whether a rate-aided person or not ” shall be omitted, for the words “ guardians of the union ” there shall be substituted the words “ local health authority ”, for the word “ workhouse ” there shall be substituted the words “ hospital or part of a hospital designated for the purposes of section twenty of this Act ”, and the words from “ and also ” to “ effect ” shall be omitted.

In section three hundred and fifteen, in subsection (2) for the word “ workhouse ” there shall be substituted the words “ hospital or part of a hospital designated for the purposes of section twenty of this Act ”.

In section three hundred and twenty, after the words “ sending to ” there shall be inserted the words “ the Minister ”.

In section three hundred and twenty-four, for the word "workhouse" there shall be substituted the words "hospital or part of a hospital designated for the purposes of section twenty of this Act".

In section three hundred and twenty-five, in subsection (1), for paragraph (c) there shall be substituted the following paragraph:—

"(c) by the secretary of a Regional Hospital Board for an offence by any person employed by the Board"

In section three hundred and twenty-six, for paragraph (c) there shall be substituted the following paragraph:—

"(c) When recovered by the secretary of a Regional Hospital Board, to the treasurer of the Board"

In section three hundred and twenty-seven, the words "other than orders adjudicating as to the settlement of a rate-aided person of unsound mind and providing for his maintenance," shall be omitted.

In section three hundred and twenty-nine, after the words "Board of Control", in both places where they occur, there shall be inserted the words "or the Minister" and for the word "guardians", in both places where they occur, there shall be substituted the words "a local health authority"

In section three hundred and thirty-two, for subsection (4) the following subsection shall be substituted:—

"(4) Where any Commissioners or visitors summon a person to appear and give evidence, all reasonable expenses of his appearance and attendance shall be paid by the Minister"

In section three hundred and thirty-eight, in subsection (1) for the words "with the approval of the Lord Chancellor" there shall be substituted the words "with the approval of the Minister and the concurrence of the Lord Chancellor"

In section three hundred and forty-one for the definition of "mental hospital" there shall be substituted the following definition:—

"'mental hospital' means a hospital vested in the Minister and designated by him as a mental hospital";

and after the said definition there shall be inserted the following definition:—

"'the Minister' means the Minister of Health";
in the definition of "clerk" for the words "local authority," wherever they occur, there shall be substituted the words "local health authority," the definitions of "district mental hospital," "rate-aided person," "visiting committee" and "workhouse" shall be omitted, for the definition of "private patient" there shall be substituted the following definition:—

"'private patient' means a patient maintained wholly or partly at the expense of some person other than the Minister;"

and in the definition of "reception order," the words "whether a rate-aided person or not," shall be omitted

The Lunacy Act, 1891.

54 & 55 Vict. c 65

In section two, in subsection (1), for the words "relieving officer, or overseer" there shall be substituted the words "or officer of a local health authority".

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—cont.

In section twelve for the reference to the Board of Control there shall be substituted a reference to the Minister.

For section nineteen, the following section shall be substituted:—

“ 19.—(1) Where a person of unsound mind can no longer be maintained in a registered hospital or licensed house, the manager of the hospital or house may after giving notice to the local health authority apply to a justice having jurisdiction in the place where the hospital or house is situated for an order for the removal of the said person and the justice may order him to be removed to a mental hospital named in the order and the manager of the hospital or house shall cause him to be removed thereto. In the case of such removal the original reception order shall remain in force.

(2) The costs of obtaining an order under this section and of the removal of the person to whom it relates shall be paid to the said manager by the local health authority and the amount of those costs shall, in default of agreement, be determined by a justice having jurisdiction to make the order ”.

The Mental Deficiency Act, 1913

3 & 4 Geo. 5. c. 28.

Throughout the Act, for references to the local authority or a local authority there shall be substituted references to the local health authority and a local health authority, respectively, and references to the managers of an institution shall, in relation to an institution vested in the Minister, be construed as references to the hospital management committee of the institution.

In section three, in subsection (1) for the word “ Board ” there shall be substituted the words “ Minister of Health ”.

In section five in subsection (2) for the word “ Board ” there shall be substituted the words “ Minister of Health ”.

In section six, in subsection (3) the words “ the managers of which are willing to receive him ” shall be omitted.

In section seven, in subsection (2A) after the word “ Board ” there shall be inserted the words “ or the Regional Hospital Board in whose area the institution is situated ”.

In section nine the words “ the managers of which are willing to receive him ” shall be omitted.

In section sixteen, at the end of subsection (2) there shall be added the words “ The reference in this subsection to the managers of the institution for persons of unsound mind shall be construed, in the case of a mental hospital, as a reference to the Hospital Management Committee of that hospital ”; and in subsection (3), for the words from the beginning of the subsection to “ Minister of Health ” there shall be substituted the words “ The Minister of Health may ”.

In section twenty-one for the words “ Board of Control hereinafter constituted ” there shall be substituted the words “ Minister of Health ”.

In section twenty-three, in subsection (1) the words “ and other officers and servants ”, in both places where they occur, shall be omitted; in subsection (2) after the word “ secretary ” there shall be inserted the word “ and ” and the words “ and other officers and

servants" shall be omitted; and in subsection (3) after the word "secretary" there shall be inserted the word "and" and the words "officers and servants of the Board" shall be omitted.

In section twenty-four, for the words "secretary, officer or servant" there shall be substituted the words "or secretary", and for the words "secretary or officer" there shall be substituted the words "or secretary".

The functions of the Board of Control under paragraph (b), paragraph (c), so far as it relates to certification and approval, and paragraph (f) of subsection (1) of section twenty-five shall be exercised by the Minister, and in paragraph (g) for the words "Secretary of State" there shall be substituted the words "Minister of Health", and in subsection (2) the word "certified" wherever it qualifies the word "institution" shall be omitted.

In section twenty-six, after the word "Commissioners" there shall be inserted the words "the secretary and the inspectors", the words "and the officers" shall be omitted and the reference to the Minister of Health (included by the Ministry of Health (Lunacy and Mental Deficiency) Transfer of Powers Order, 1920) shall be omitted.

In section thirty, in paragraph (cc) the words "or have been sent to certified institutions" shall be omitted, in paragraph (e) the words "maintain in an institution or approved home or" and the words "the expenses of maintenance in an institution or approved home or" shall be omitted, in paragraph (f) the words "dying in an institution or" shall be omitted, and in paragraph (h) for the word "Board" in both places where it occurs there shall be substituted the words "Minister of Health".

In section thirty-six for the word "Board" there shall be substituted the words "Minister of Health".

In section forty-one, in subsection (1), for paragraph (f) there shall be substituted the following paragraph:—

"(f) the transfer of patients from one institution to another".

For subsection (1) of section forty-three there shall be substituted the following subsection:—

"(1) where a person is ordered to be sent to an institution or to be placed under guardianship, the local health authority for the area in which he resided (to be specified in the order) shall provide for his conveyance to the institution or, as the case may be, shall make provision for his guardianship".

In subsections (2) and (3) for the word "council," wherever it occurs there shall be substituted the words "local health authority"; subsection (2) shall only apply to orders placing a person under guardianship; and in subsection (3) the words from the beginning to the words "other and," the word "certified" and the words "and his reception and maintenance in" shall be omitted.

In section forty-four, in subsection (2A) the word "certified" shall be omitted; and in sub-section (3) for the word "council" wherever it occurs, there shall be substituted the words "local health authority".

In section forty-six, in subsection (1) the words "not provided by a local authority," shall be omitted.

In sections forty-nine and fifty, for references to the Board of Control there shall be substituted references to the Minister of Health.

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—cont.

In section fifty-four, in subsection (1) after the word " authority " there shall be inserted the words " or a Regional Hospital Board "

In section fifty-eight, for the word " Board " there shall be substituted the words " Minister of Health ".

In section seventy-one, in subsection (1) for the definitions of " institution " and " institution for defectives " there shall be substituted the following definitions:—

" The expressions ' institution ' and ' institution for defectives ' mean an institution for defectives vested in the Minister of Health and a certified institution ";

the definitions of " State institution " and " board of guardians of a poor law union " shall be omitted; in the definition of " certified institution " the words from " and includes " to the end of the definition shall be omitted; in the definition of " approved home " for the word " Board " there shall be substituted the words " Minister of Health "; and in the definition of " place of safety " the words " workhouse or " shall be omitted; and in subsection (3) for the words " a county " there shall be substituted the words " the area of a local health authority ", and for the words " the council of a county " there shall be substituted the words " a local health authority ".

The Mental Deficiency Act, 1927.

17 & 18 Geo. 5. c. 33

In section six, in subsection (1) for the words " local authority " there shall be substituted the words " Hospital Management Committee ".

The Mental Treatment Act, 1930

20 & 21 Geo. 5. c. 23.

Throughout the Act, for references to the local authority or a local authority there shall be substituted references to the local health authority or a local health authority;

In section one for the references to the Board of Control there shall be substituted references to the Minister of Health;

In section two, in subsections (1) and (2) for the words " visiting committee " there shall be substituted the words " Hospital Management Committee ";

In section five, in subsection (1) for the words " maintained by a local authority " there shall be substituted the words " vested in the Minister of Health " and for the first reference to the Board of Control there shall be substituted a reference to the Minister of Health; in subsection (3) for the reference to the Board of Control there shall be substituted a reference to the Minister of Health; and in subsections (6), (7) and (9) for the words " visiting committee " wherever they occur, there shall be substituted the words " Hospital Management Committee "; in subsection (9) for the words " Board of Control ", in the first place where they occur, there shall be substituted the words " Minister of Health "; and in subsection (17) for the words " Board of Control " there shall be substituted the words " Minister of Health " and for the words " Board think " there shall be substituted the words " Minister thinks ".

In section eleven, in subsection (1) for the word "four" there shall be substituted the word "five"; and in subsection (3) after the word "two" there shall be inserted the words "or, if there are five senior commissioners other than the chairman, three";

In section seventeen, in proviso (i), for the words "rate-aided person" there shall be substituted the words "patient other than a private patient".

In section twenty-one, in subsection (1) for the words "maintained by a local authority" there shall be substituted the words "vested in the Minister of Health and designated by him".

In the Third Schedule, in paragraph 2 the words "subsection (3) of section twenty-seven of the principal Act (which prescribes the mental hospitals into which rate-aided patients may be received)" shall be omitted; the words "sixty-nine" shall be omitted; for the words "that Act", where they first occur, there shall be substituted the words "the principal Act", and for the words from "Part X" to the word "maintenance" there shall be substituted the words "section two hundred and eighty-five of that Act (which relates to the payment of medical fees and other expenses)", and in paragraph 5 for the words "maintained by local authorities not being mental hospitals" there shall be substituted the words "vested in the Minister of Health and designated by him for the purposes of this Act," and for the words "from section two hundred and seventy-five" to the end of the paragraph there shall be substituted the words "subsection (5) of section two hundred and seventy-five of the principal Act (which relates to temporary absence) and section two hundred and seventy-seven of that Act (which relates to the duties of the chaplain)."

PART II.

REPEALS OF ENACTMENTS RELATING TO PERSONS OF UNSOUND MIND
AND MENTAL DEFECTIVES.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 14	The Criminal Lunatics Act, 1838.	The whole Act.
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	Section 23.
47 & 48 Vict. c. 64.	The Criminal Lunatics Act, 1884.	Subsection (1) of section 8, and paragraphs (2), (4) and (5) of section 9.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	Sections 13, 18, 23 to 27, subsection (1) of section 37, subsection (5) of section 40, sections 52 and 54, sections 60, 65, 69, paragraph (b) of subsection (1) of section 76, subsection (2) of section 80, sections 81, 132, 169 to 176, 189, 190, 201, 202, subsection (4) of section 206, sections 238 to 257, 260 to 274, subsections (1) to (4) and (6) of section 275, sections 276, 278, 283, 284, subsection (2) of section 285 and sections 286 to 314.

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—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 65.	The Lunacy Act, 1891.	Subsection (2) of section 2, sections 3 to 6, 11, 13 to 18 and 22.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	Sections 13, 14, subsection (3) of section 15, paragraph (c) of section 20, paragraph (e) of subsection (1) of section 25, sections 27, 28 and 29, paragraph (c) of section 30, sections 33 to 35, 37 to 39, subsection (4) of section 44, proviso (c) to subsection (2) of section 49, sections 66, 70 and subsection (2) of section 71.
17 & 18 Geo 5 c. 33.	The Mental Deficiency Act, 1927.	Subsection (2) of section 6, and sections 8 and 10.
20 & 21 Geo. 5 c. 23.	The Mental Treatment Act, 1930	Sections 6 to 10, 12, subsection (1) of section 14, proviso (ii) to section 17, sections 18, 19, subsections (1) and (2) of section 20, subsection (2) of section 21 and the Second Schedule.

Section 76.

TENTH SCHEDULE.

CONSEQUENTIAL AMENDMENTS AND REPEALS.

PART I.

AMENDMENTS.

The Poor Law Act, 1930.

20 & 21 Geo. 5. c. 17.

In section one hundred and three, in subsection (4), after the word "situate," there shall be inserted the words "or in a hospital vested in the Minister."

The Road Traffic Acts, 1930 and 1934.

20 & 21 Geo 5. Subsection (2) of section thirty-six of the Road Traffic Act, 1930, and section sixteen of the Road Traffic Act, 1934, shall have effect as if any requirement therein for the payment of money to a hospital were construed, in the case of a hospital vested in the Minister, as requiring the payment to be made to the Regional Hospital Board for the area where the hospital is situated or, in the case of a teaching hospital, to the Board of Governors of the hospital; and section seventeen of the last-mentioned Act shall have effect accordingly

The Yarmouth Naval Hospital Act, 1931.

21 & 22 Geo. 5. c. 15.

In section six for the words from the beginning to "that pay or pension" there shall be substituted the words "The pay or pension payable to any person detained in Yarmouth Hospital in pursuance of the provisions of section one of this Act".

10TH SCH.
—cont.*The Children and Young Persons Act, 1933.*

23 & 24 Geo. 5. c. 12

In section ninety-two, for the words "Board of Control" there shall be substituted the words "Minister of Health".

The Pharmacy and Poisons Act, 1933

23 & 24 Geo. 5. c. 25.

In section nineteen, in proviso (a) to subsection (3), for the words "Acts relating to national health insurance" there shall be substituted the words "National Health Service Act, 1946".

The Voluntary Hospitals (Paying Patients) Act, 1936.

26 Geo. 5 & 1 Edw. 8. c. 17.

In section one, in the definition of "voluntary hospital" after the word "rates" there shall be inserted the words "or which is vested in the Minister of Health".

The Public Health Act, 1936

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

The following provisions, that is to say, sections one hundred and sixty-nine, one hundred and seventy, two hundred and forty-four two hundred and fifty-four and three hundred and five shall have effect as if local health authorities were among the authorities specified therein; sections one hundred and forty-three, one hundred and seventy-two, one hundred and seventy-nine and one hundred and ninety-six shall, in their application to any council which is a local health authority, be construed as applying to that council in their capacity of local health authority; and section two hundred and sixty-seven and any provision in Part XII shall, in its application to any such council, be construed as applying to that council in their capacity of local health authority as well as in other capacities.

Where the local authority for the purposes of the Public Health Act, 1936, is not the local health authority, it shall be the duty of the medical officer of health of the said local authority for any part of the area of the local health authority who receives a certificate or notice under section one hundred and forty-four, section one hundred and forty-six, or section two hundred and forty-two of the said Act to send a copy thereof within twelve hours after its receipt to the local health authority; and where a copy of any such certificate has been sent to the local health authority under this paragraph, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the authority by the local health authority.

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—cont.

In section one hundred and sixty-nine for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", the words "or institution" in the second and third places where they occur and the words "and maintained therein at the cost of the authority" shall be omitted

In section one hundred and seventy in subsection (1) the words from "at the cost" to the end of the subsection shall be omitted

In section one hundred and seventy-two in subsection (1) for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", and the words "or institution" in the second place where they occur shall be omitted; in subsection (5) sub-paragraph (i) and the words "pay the whole or such part, if any, as they think fit of the said cost and" shall be omitted and in subsection (7) the words "or institution" shall be omitted

In section one hundred and ninety-nine for the words "Board of Control" there shall be substituted the word "Minister"

In section two hundred and three in subsection (1) the words "the council who are" shall be omitted.

In section two hundred and eighteen, after the words "place of safety" there shall be inserted the words "other than a hospital vested in the Minister"

In subsection (1) of section two hundred and nineteen in paragraph (c) thereof for the words "Board of Control" there shall be substituted the word "Minister"

In section two hundred and forty-four for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors" and the words "or institution" in the second and third places where they occur and the words "and maintained therein at their cost" shall be omitted.

In section three hundred and seven the words "hospital accommodation" shall be omitted.

The Public Health (London) Act, 1936

26 Geo. 5. and 1 Edw. 8. c. 50

The following provisions, that is to say, subsection (8) of section one hundred and ninety-two, subsection (2) of section two hundred and two, section two hundred and twenty-four (except so far as it relates to the exercise of powers under the Poor Law Act, 1930) and section two hundred and ninety-eight shall, in their application to

the London County Council, be construed as applying to that council in their capacity of local health authority; and section two hundred and ninety-nine shall, in its application to the London County Council, be construed as applying to that council in their capacity of local health authority as well as in other capacities.

10TH SEM
—cont

In section one hundred and ninety-two the proviso to subsection (1) shall be omitted.

In section two hundred and one in subsection (1) for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", the words "at the expense of the sanitary authority for the district in which the said person is found" shall be omitted and at the end of the subsection there shall be inserted the words "which is vested in the Minister," in subsection (2) after the words "sanitary authority," there shall be inserted the words "or the local health authority" and in subsection (3) for the words "to which the authority are entitled to remove patients" there shall be substituted the words "vested in the Minister, with the consent of the Hospital Management Committee or Board of Governors thereof".

In subsection (1) of section two hundred and two after the word "hospital" in the first place where it occurs there shall be inserted the words "vested in the Minister" and the words "at the expense of the county council" shall be omitted.

In subsection (2) of section two hundred and twenty-four after the word "place" there shall be inserted the words "other than a hospital vested in the Minister" and after the words "order was made" there shall be inserted the words "and the expenses incurred in the removal of any person as aforesaid to a hospital vested in the Minister shall be borne by the local health authority;" and in subsection (4) after the words "sanitary authority" there shall be inserted the words "or the local health authority."

In section two hundred and fifty-five for references to a welfare authority or every welfare authority there shall be substituted references to the local health authority, and for references to the district of a welfare authority and to the medical officer of health for such a district there shall be substituted references to the area of the local health authority and the medical officer of that authority, respectively.

Throughout Part XIII, for references to the local authority or a local authority or every local authority there shall be substituted references to the local health authority and for references to the district of a local authority there shall be substituted references to the area of the local health authority.

In subsection (3) of section two hundred and fifty-seven, paragraph (a) shall be omitted

In section two hundred and sixty-eight, in subsection (1) the words from "and," for the purpose of enforcing the provisions of this Part of this Act," to the end of the subsection, and in subsection (2) the words "or the county council," shall be omitted.

10TH SCH.
—cont.

In section two hundred and seventy-one for the words " Board of Control " there shall be substituted the word " Minister ".

In section three hundred and four, in the definition of " nursing home " for the words " Board of Control " there shall be substituted the word " Minister ".

The Shops (Sunday Trading Restriction) Act, 1936.

26 Geo. 5 and 1 Edw. 8. c. 53.

In proviso (v) to subsection (1) of section eleven and in paragraph 1 of the First Schedule, for the words " insurance committee within the meaning of the National Health Insurance Act, 1936," and the words " insurance committee under the National Health Insurance Act, 1936," respectively, there shall be substituted the words " Executive Council ".

The Food and Drugs Act, 1938.

1 & 2 Geo. 6. c. 56.

In section seventeen in subsection (1), at the end of the subsection there shall be inserted the words " and, where the local authority is not the local health authority, the district medical officer of health shall send a copy of the certificate within twelve hours after its receipt to the local health authority " and at the end of subsection (4) there shall be added the following subsection:—

" (5) Where a copy of a certificate has been sent to the local health authority under this section, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the local authority by the local health authority ".

The Adoption of Children (Regulation) Act, 1939

2 & 3 Geo. 6. c. 27

In section seven, in paragraph (c) of subsection (8) for the words " Board of Control " there shall be substituted the words " Minister of Health " and in section sixteen, in subsection (3), for the words " London County Council " there shall be substituted the words " local health authority " and for the words " that Council " there shall be substituted the words " that authority ".

The Education Act, 1944.

7 & 8 Geo. 6. c. 31.

In section fifty-seven, for references to the local authority for the purposes of the Mental Deficiency Act, 1913, there shall be substituted references to the local health authority.

PART II.

REPEALS

Session and Chapter.	Short Title	Extent of Repeal
12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	In section 3, the words "or under the statutes for the removal of rate-aided persons of unsound mind to mental hospitals".
23 & 24 Vict. c. 75.	The Criminal Lunatic Asylums Act, 1860.	In sections 2 and 3 the word "county" wherever it occurs.
30 & 31 Vict. c. 84.	The Vaccination Act, 1867.	The whole Act.
34 & 35 Vict. c. 70.	The Local Government Board Act, 1871.	So much of Part II of the Schedule as relates to the Vaccination Act, 1867
34 & 35 Vict. c. 98.	The Vaccination Act, 1871.	The whole Act.
37 & 38 Vict. c. 75.	The Vaccination Act, 1874.	The whole Act.
61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.
7 Edw 7. c. 31.	The Vaccination Act, 1907.	The whole Act.
5 & 6 Geo 5 c. 64.	The Notification of Births (Extension) Act, 1915.	The whole Act.
8 & 9 Geo. 5. c. 43.	The Midwives Act, 1918.	Subsection (4) of section 14.
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	The whole Act.
16 & 17 Geo. 5. c. 32.	The Midwives Act, 1926.	Subsection (3) of section 2.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section 2; paragraphs (d) and (f) of subsection (1) and subsection (3) of section 5; subsection (5) of section 14; sections 62, 93 and 101; subsections (2) and (3) of section 102; subsection (2) of section 128; paragraph 4 of the Third Schedule, paragraph 11, sub-paragraphs (a) and (b) of paragraph 12, sub-paragraphs (a) and (b) of paragraph 13, sub-paragraph (b) of paragraph 24 and paragraph 25 of the Tenth Schedule.

10TH SCH.
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Session and Chapter	Short Title	Extent of Repeal
20 & 21 Geo 5 c 17	The Poor Law Act, 1930	Section 8; in subsection (1) of section 19, the words "or, being a person of unsound mind, is removed to any institution for persons of unsound mind"; in subsection (1) of section 22 the words "surgical or medical appliances"; in section 40 the words from "whether maintained" to the end of the section; in subsection (3) of section 52 the words from "separate infirmary" to "disease" and the words "or idiots"; paragraph (a) of section 58; in paragraph (a) of section 67 the words "sick or"; in section 80 the words "medical or otherwise"; in subsection (1) of section 123 the words "sick, insane or" and sections 126 to 131.
21 & 22 Geo 5 c 15	The Yarmouth Naval Hospital Act, 1931	In paragraph (ii) of subsection (5) of section 2, the words "or the master of the workhouse" and in section 7 the words "by deductions of pay or pensions or"
23 & 24 Geo 5 c 38	The Summary Jurisdiction (Appeals) Act, 1933	In subsection (2) of section 1 the words "under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890 or" and in subsection (2) of section 9 the words "under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, and"
24 & 25 Geo 5 c 29	The Unemployment Assistance Act, 1934	In subsection (2) of section 53 the words "to medical needs or" and "to mental or bodily health or"; in subsection (1) of section 54 the definitions of "Medical needs" and "Medical or surgical" and in Part I of the Eighth Schedule, in proviso (ii) to paragraph 1 the words "apply to the granting of relief in respect of the medical needs of any person or," and in paragraph 3 the words "not being relief in respect of medical needs," in both places where they occur.

Session and Chapter	Short Title.	Extent of Repeal
26 Geo. 5 and 1 Edw. 8 c 40.	The Midwives Act, 1936.	Section 1, subsections (1) and (2) of section 2, sections 3 and 4, and the First Schedule.
26 Geo. 5 and 1 Edw. 8 c 49.	The Public Health Act, 1936	Sections 171, 173 to 178, 180 to 186, 197, 200, 201 and 202; subsection (4) of section 203 and section 204.
26 Geo. 5 and 1 Edw. 8 c 50.	The Public Health (London) Act, 1936	Sections 13 219 to 223, 225 to 233, and 250 to 254; subsection (5) of section 255, and section 256
26 Geo. 5. and 1 Edw. 8. c 51	The Housing Act, 1936	In section 97, the words "or mental hospitals board" and "or board;" subsection (2) of section 120; in subsection (2) of section 123 the words "or a mental hospital board" and in section 188 the definition of "Mental hospitals board"
1 & 2 Geo. 6 c 11	The Blind Persons Act, 1938	In subsection (2) of section 2 the word "either," in the second place where it occurs, and the words "or medical assistance."
2 & 3 Geo. 6 c 13.	The Cancer Act, 1939	Sections 1, 2 and 6 and subsections (2) and (3) of section 8.
2 & 3 Geo. 6 c 40.	The London Government Act, 1939.	Sections 62 and 193 and paragraph (e) of subsection (2) of section 195.
3 & 4 Geo. 6 c 13	The Old Age and Widows' Pensions Act, 1940	In Part II of the Eighth Schedule to the Unemployment Assistance Act, 1934, as applied with modifications by the Second Schedule to the Old Age and Widows' Pensions Act, 1940, in paragraph 1 the words "apply to the granting of relief in respect of the medical needs of any person or," and in paragraph 2 the words "not being relief in respect of medical needs," in both places where they occur.
7 & 8 Geo. 6 c 31.	The Education Act, 1944.	In section 116 the words "in pursuance of section twenty-five of the Lunacy Act, 1890, or"

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9 & 10 GEO. 6.

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