

Ministry of Health Act, 1919.

[9 & 10 GEO. 5. CH. 21.]



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CHAPTER 21.

An Act to establish a Ministry of Health to exercise in England and Wales powers with respect to Health and Local Government, and confer upon the Chief Secretary certain powers with respect to Health in Ireland, and for purposes connected therewith. [3rd June 1919.] A.D. 1919.

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

1. For the purpose of promoting the health of the people throughout England and Wales, and for the purpose of the exercise of the powers transferred or conferred by this Act, it shall be lawful for His Majesty to appoint a Minister of Health (hereinafter called "the Minister"), who shall hold office during His Majesty's pleasure. Establishment of Minister.

2. It shall be the duty of the Minister, in the exercise and performance of any powers and duties transferred to or conferred upon him by or in pursuance of this Act, to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures conducive to the health of the people, including measures for the prevention and cure of diseases, the avoidance of fraud in connection with alleged remedies therefor, the treatment of physical and mental defects, the treatment and care of the blind, the initiation and direction of research, the collection, preparation, publication, and dissemination of information and statistics relating thereto, and the training of persons for health services. General powers and duties of Minister in relation to health.

3.—(1) There shall be transferred to the Minister— Transfer of powers and duties to and from Minister.

- (a) all the powers and duties of the Local Government Board;
- (b) all the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners;
- (c) all the powers of the Board of Education with respect to attending to the health of expectant mothers and

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nursing mothers and of children who have not attained the age of five years and are not in attendance at schools recognised by the Board of Education ;

(d) all the powers and duties of the Board of Education with respect to the medical inspection and treatment of children and young persons under paragraph (b) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, as amended and extended by the Education Act, 1918: Provided that, for the purpose of facilitating the effective exercise and performance of these powers and duties, the Minister may make arrangements with the Board of Education respecting the submission and approval of schemes of local education authorities and the payment of grants to local education authorities, so far as such schemes and payment relate to or are in respect of medical inspection and treatment; and the powers and duties of the Minister may under any such arrangements be exercised and performed by the Board on his behalf and with his authority under such conditions as he may think fit;

7 Edw. 7. c. 43.
8 & 9 Geo. 5.
c. 39.

(e) all the powers of the Privy Council and of the Lord President of the Council under the Midwives Acts, 1902 and 1918 ;

2 Edw. 7. c. 17.
8 & 9 Geo. 5.
c. 43.

(f) such powers of supervising the administration of Part I. of the Children Act, 1908 (which relates to infant life protection), as have heretofore been exercised by the Secretary of State :

8 Edw. 7. c. 67.

Provided that—

(i) the power conferred on the Insurance Commissioners by the proviso to subsection (2) of section sixteen of the National Insurance Act, 1911, of retaining and applying for the purposes of research such sums as are therein mentioned shall not be transferred to the Minister, but the duties heretofore performed by the Medical Research Committee shall after the date of the commencement of this Act be carried on by or under the direction of a Committee of the Privy Council appointed by His Majesty for that purpose, and any property held for the purposes of the former Committee shall after that date be transferred to and vested in such persons as the body by whom such duties as aforesaid are carried on may appoint, and be held by them for the purposes of that body ; and

1 & 2 Geo. 5.
c. 55.

(ii) in such matters of a judicial nature under the National Insurance (Health) Acts, 1911 to 1918, as may be prescribed under those Acts, the powers and duties of the Insurance Commissioners and the Welsh

Insurance Commissioners by this Act transferred to the Minister shall be exercised by the Minister through a special body or special bodies of persons constituted in such manner as may be so prescribed. A.D. 1919.

(2) It shall be lawful for His Majesty from time to time by Order in Council to transfer to the Minister—

- (a) all or any of the powers and duties of the Minister of Pensions with respect to the health of disabled officers and men after they have left the service ;
- (b) all or any of the powers and duties of the Secretary of State under the enactments relating to lunacy and mental deficiency ;
- (c) any other powers and duties in England and Wales of any Government department which appear to His Majesty to relate to matters affecting or incidental to the health of the people.

(3) It shall be lawful for His Majesty from time to time by Order in Council to transfer from the Minister to any other Government department any of the powers and duties of the Minister, whether relating to the relief of the poor or otherwise, which appear to His Majesty not to relate to matters affecting or incidental to the health of the people.

And it is hereby declared that it is the intention of this Act that, in the event of provision being made by Act of Parliament passed in the present or in any future session for the revision of the law relating to the relief of the poor and the distribution amongst other authorities of the powers exerciseable by boards of guardians, there shall be transferred from the Minister to other Government departments such of the powers and duties under the enactments relating to the relief of the poor then vested in the Minister (not being powers or duties relating or incidental to the health of the people) as appear to His Majesty to be such as could be more conveniently exercised and performed by such other departments.

(4) His Majesty may by Order in Council make such incidental, consequential, and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this section, including provisions for the transfer of any property, rights, and liabilities held, enjoyed, or incurred by any Government department in connection with any powers or duties transferred, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exerciseable by the Minister and his officers or by such other Government department and their officers, as the case may be, the powers and duties so transferred.

(5) In connection with the transfer of powers and duties to or from the Minister by or under this Act, the provisions set out in the First Schedule to this Act shall have effect.

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Consultative
councils.

4.—(1) It shall be lawful for His Majesty by Order in Council to establish consultative councils in England and Wales for giving, in accordance with the provisions of the Order, advice and assistance to the Minister in connection with such matters affecting or incidental to the health of the people as may be referred to in such Order.

(2) Every such council shall include women as well as men, and shall consist of persons having practical experience of the matters referred to the council.

Provisions as
to Wales.

5. The Minister shall, subject to the provisions of this Act, appoint such officers as he may think fit to constitute a Board of Health in Wales through whom he may exercise and perform in Wales in such manner as he may think fit any of his powers and duties; the Board and any officer who is a member thereof shall act under the directions, and comply with the instructions, of the Minister.

Staff and
remunera-
tion.

6.—(1) The Minister may appoint one parliamentary secretary and such secretaries, officers, and servants as the Minister may, subject to the consent of the Treasury as to number, determine, and in the making of such appointments shall give equal consideration to the suitability of persons of both sexes.

(2) There shall be paid out of moneys provided by Parliament to the Minister an annual salary not exceeding five thousand pounds, and to the secretaries, officers, and servants of the Ministry such salaries or remuneration as the Treasury may from time to time determine.

(3) The expenses of the Ministry, including payments to members of consultative councils and committees thereof, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament:

Provided that no payments shall be made to members of consultative councils and committees thereof other than the repayment of travelling expenses and payment of subsistence allowance and reasonable compensation for loss of remunerative time.

(4) There shall be transferred and attached to the Ministry the persons employed under the Local Government Board, the Insurance Commissioners and the Welsh Insurance Commissioners, and such of the persons employed under any other Government department in or about the execution of the powers and duties transferred by or under this Act to the Minister, as the Minister and Government department, with the sanction of the Treasury, may determine.

(5) The Minister may from time to time distribute the business of the Ministry amongst the several persons transferred or attached thereto in pursuance of this Act in such manner as he may think right, and those persons shall perform such duties in relation to that business as may be directed by the Minister:

Provided that such persons shall be in no worse position as respects the tenure of office, salary or superannuation allowances than they would have been if this Act had not been passed.

7.—(1) The Minister may sue and be sued by the name of the Minister of Health, and may for all purposes be described by that name. A.D. 1919.

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Seal, style,
and acts of
Minister.

(2) The Minister shall have an official seal, which shall be officially and judicially noticed, and shall be authenticated by the signature of the Minister, or of a secretary, or any person authorised by the Minister to act in that behalf.

(3) For the purpose of acquiring and holding land, the Minister for the time being shall be a corporation sole by the name of the Minister of Health, and all land vested in the Minister shall be held in trust for His Majesty for the purposes of the Ministry of Health.

(4) Upon and by virtue of the appointment of any person to be Minister, the benefit of all deeds, contracts, bonds, securities, or things in action vested in his predecessor at the time of his predecessor ceasing to hold office shall be transferred to and vested in and enure for the benefit of the person so appointed, in the same manner as if he had been contracted with instead of his predecessor, and if his name had been inserted in all such deeds, contracts, bonds, or securities instead of the name of his predecessor.

(5) Subsections (2) to (4) of section eleven and section twelve of the New Ministries and Secretaries Act, 1916, shall apply to the Minister and the Ministry of Health, and to the office of the Minister of Health and in like manner as they apply to the Ministers and Ministries mentioned in those sections. 6 & 7 Geo. 5.
c. 68.

8.—(1) Any Order in Council made under this Act may be revoked or varied by a subsequent Order. Provisions
as to Orders in
Council.

(2) Before any Order in Council under this Act (other than an Order appointing a day for the commencement of this Act or any provision thereof) is made, notice of the proposal to make the Order and of the place where copies of a draft of the Order can be obtained shall be published in the London Gazette, and in such other manner as the Minister thinks best adapted for insuring publicity, and a draft of the Order shall be laid before each House of Parliament for not less than thirty days on which such House is sitting.

(3) In the case of a draft of an Order providing for any transfer of powers or duties to or from the Minister under subsections (2) and (3) of section three of this Act, or for the establishment of any consultative council under section four thereof, the Order shall not be made until both Houses by resolution have approved the draft, nor, if any modifications are agreed to by both Houses, otherwise than as so modified, and in the case of a draft of any other Order which is required to be laid as aforesaid, if either House before the expiration of such thirty days presents an Address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

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Consequential
modifications
of Insurance
Acts.

9.—(1) The Irish Insurance Commissioners, in the carrying out of their powers and duties under the National Insurance (Health) Acts, 1911 to 1918, shall, except in such matters of a judicial character as may be prescribed under those Acts, act under the directions of the Chief Secretary, and further appointments of persons to be Irish Insurance Commissioners shall, subject to the consent of the Treasury as to number, be made by the Chief Secretary; but, save as aforesaid or as otherwise expressly provided in this Act, nothing in this Act shall affect any of the powers or duties of the Irish Insurance Commissioners.

(2) The National Health Insurance Joint Committee shall consist of the Minister of Health, who shall be chairman, the Secretary for Scotland, and the Chief Secretary for Ireland, together with one other person appointed by the Minister, being a person having special knowledge and experience of national health insurance in Wales; but, save as aforesaid, nothing in this Act shall affect the constitution of that Committee or the incorporation thereof:

Provided that—

- (a) regulations under section eighty-three of the National Insurance Act, 1911, shall be made by the Committee instead of by the Treasury, and subsection (4) of that section shall apply to regulations made by the Committee in like manner as it applies to regulations made by the Treasury, but nothing in this provision shall affect the validity of a regulation made by the Treasury under that subsection before the commencement of this Act with respect to the powers and procedure of the Committee, and any such regulation shall continue in force until altered or revoked by regulations made by the Committee in pursuance of this provision; and
- (b) regulations made by the Committee under the said section eighty-three as amended by this section shall provide for the appointment of deputies to act for the several members of the Committee at meetings of the Committee at which such members are unable to be present.

Application
to Ireland.

10.—(1) For the purpose of promoting the health of the people in Ireland and exercising the powers conferred on him by this Act, the Chief Secretary shall be the Minister of Health for Ireland, and it shall be his duty as such Minister to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures conducive to health, including measures for the prevention and cure of diseases, the avoidance of fraud in connection with alleged remedies therefor, the treatment of physical and mental defects, the treatment and care of the blind, the initiation and direction of research, the collection, preparation, publication, and dissemination of infor-

mation and statistics relating thereto, and the training of persons for health services. A.D. 1919.

(2) The provisions of this Act with respect to consultative councils shall apply to Ireland, with the substitution therein of the Lord Lieutenant for His Majesty, of Ireland for England and Wales, and of the Dublin Gazette for the London Gazette, and with the addition of the following provision :—

For the purpose of giving advice and assistance and making proposals to the Chief Secretary in connection with his powers and duties under this Act, a council shall be established (which shall be called the Irish Public Health Council) consisting of the following persons :—

(a) The Vice-President and the two other Commissioners of the Local Government Board for Ireland ;

(b) The chairman and such two others of the Irish Insurance Commissioners as may be nominated by the Chief Secretary ;

(c) The Registrar General of Births, Deaths, and Marriages in Ireland ;

(d) A registered medical practitioner, who shall act as chairman of the council under the direction of the Chief Secretary, and three other registered medical practitioners, one of whom shall be a woman and one of whom shall be a medical practitioner who is registered on the Medical Register in respect of a diploma in sanitary science, public health, or State medicine ;

(e) Six other persons having practical experience of matters relating or incidental to or affecting the health of the people.

(3) The Chief Secretary shall from time to time nominate the persons who are to be members of the Irish Public Health Council under paragraphs (d) and (e) of the preceding subsection, including the chairman.

(4) The expenses of the Chief Secretary and of the Irish Public Health Council under this Act, including a salary to the chairman of that council of such amount as may be determined by the Chief Secretary with the approval of the Treasury, and reasonable compensation to the other members of that council for loss of remunerative time, shall be paid in like manner as the expenses of the Ministry.

(5) Save as aforesaid or as otherwise expressly provided in this Act, the foregoing provisions of this Act shall not apply to Ireland.

11.—(1) This Act may be cited as the Ministry of Health Act, 1919, and shall come into operation upon such day or days as may be appointed by Order in Council, and different days may be appointed for different purposes and provisions of this Act :

Short title, commencement, and repeal, and interpretation.

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Provided that the latest day for the transfer of powers to the Minister under subsection (1) of section three of this Act shall not be later than one year after the passing of this Act :

Provided that the day appointed for the transfer of the powers of the Minister of Pensions shall not be earlier than one year or later than three years after the termination of the present war.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(3) For the purposes of this Act, Monmouthshire shall be deemed to form part of Wales.

(4) The expression "Government department" includes the Insurance Commissioners, the Welsh Insurance Commissioners, and any other public department and any Minister of the Crown acting as the head of a Government department.

SCHEDULES.

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FIRST SCHEDULE.

Section 3.

TRANSITORY PROVISIONS.

1. In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to or from the Minister from or to any other Government department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Minister or of the other Government department shall be substituted for the name of the other Government department or of the Minister, as the case may require.

2. Where anything has been commenced by or under the authority of any other Government department or the Minister before the transfer to the Minister or another Government department of any powers or duties by or under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Minister or the other Government department, as the case may be.

3. Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government department or the Minister is a party, and such proceeding has reference to the powers and duties transferred by or under this Act, the Minister or the other Government department shall be substituted in such proceeding for the other Government department or the Minister, as the case may be, and such proceeding shall not abate by reason of the substitution.

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SECOND SCHEDULE.

Section II.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
34 & 35 Vict. c. 70.	The Local Government Board Act, 1871.	Sections three, four, five and six.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Paragraph (b) of and the proviso to subsection (2) of section sixteen, subsections (1), (2), (3) and (4) of section fifty-seven, and section fifty-eight, except so far as those sections are applied to the Scottish Insurance Commissioners and the Irish Insurance Commissioners. In paragraph (1) of section eighty-one the words "shall be appointed by the Treasury, and" Subsection (1) of section eighty-two. In subsection (1) of section eight-three, the words "as soon as may be after the passing of this Act, in accordance with regulations made by the Treasury," and the words from "of the several bodies of Commissioners" to the end of the subsection.

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FOR

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