



CHAPTER 49

An Act to establish a Public Health Laboratory Service Board for the exercise of functions with respect to the administration of the bacteriological service provided by the Minister of Health under section seventeen of the National Health Service Act, 1946.

[29th July, 1960]

BE it enacted by the Queen'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.—(1) For the purpose of exercising such functions with respect to the administration of the public health laboratory service as the Minister may determine there shall be constituted, in accordance with the Schedule to this Act, a board by the name of the Public Health Laboratory Service Board (in this Act referred to as the Board).

The Public
Health
Laboratory
Service
Board.

(2) The Board may appoint such officers and servants, on such terms as to remuneration and conditions of service, as the Board may, with the approval of the Minister, determine.

(3) The Board may pay to its members and to the members of any committee appointed by the Board such travelling and other allowances, including compensation for loss of remunerative time, as the Board may, with the approval of the Minister and the Treasury, determine.

(4) The Board shall exercise their functions in accordance with any direction which the Minister may give to them but shall in the exercise of those functions be deemed for all purposes to act as principal.

Transfer and
compensation
of officers
and servants.

2.—(1) Any officer or servant of the Medical Research Council who, immediately before the commencement of this Act, was employed for the purposes of any laboratory provided as part of the public health laboratory service, or was employed as the medical director of that service, shall, if his employment as such an officer or servant would have continued but for this section, be transferred to and become an officer or servant of the Board at the commencement of this Act, and his employment immediately after the transfer shall be on the same terms as to remuneration and conditions of service as immediately before the transfer.

(2) The Minister may by regulations provide for the payment by the Minister, out of moneys provided by Parliament, of compensation, subject to such exceptions or conditions as may be prescribed in the regulations, to persons who immediately before the commencement of this Act were employed as officers or servants of the Medical Research Council and who suffer loss of employment or diminution of emoluments which is attributable to the passing of this Act.

(3) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfer of
property.

3.—(1) There shall be transferred to and vest in the Minister by virtue of this Act all property, whether real or personal, which immediately before the commencement of this Act was vested in the Medical Research Council and used by them solely for the purposes of the public health laboratory service, and all rights acquired and liabilities incurred by the Council solely for those purposes, other than rights and liabilities arising out of any contract of employment.

(2) The Minister may by regulations provide—

- (a) for the apportionment, as between the Minister and the Medical Research Council, of interests in property used partly for the purposes of the said service and partly for other purposes and, in the case of a leasehold interest, for the severance thereof, and for vesting in the Minister and the Medical Research Council the appropriate interests, and for the apportionment of rent payable in respect of any such severed lease;
- (b) for the apportionment between the Minister and the Medical Research Council of any rights acquired and liabilities incurred partly for the purposes of the said service and partly for other purposes; and
- (c) for the determination, in default of agreement, of any question arising as to any such apportionment.

(3) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where any proceedings affecting any property, rights or liabilities transferred by this section are pending at the commencement of this Act, the Minister may be substituted for the Medical Research Council as a party to the proceedings.

4.—(1) The Minister shall pay to the Board, out of moneys provided by Parliament, such sums as may be necessary to defray the expenditure of the Board incurred with the approval of the Minister. ^{Financial provisions.}

(2) Any sums received by the Board (otherwise than under subsection (1) of this section or in the exercise of their power under paragraph 2 of the Schedule to this Act) shall be paid into the Exchequer.

(3) The Board shall keep proper accounts and other records in such form as the Minister may, with the approval of the Treasury, determine.

(4) The Board shall prepare and transmit to the Minister in respect of each financial year statements of account in such form as the Minister may, with the approval of the Treasury, determine, and the Minister shall transmit them on or before the thirtieth day of November following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his report thereon before each House of Parliament.

5.—(1) This Act may be cited as the Public Health Laboratory Service Act, 1960. ^{Short title, etc.}

(2) In this Act “the Minister” means the Minister of Health and “the public health laboratory service” means the bacteriological service provided under section seventeen of the National Health Service Act, 1946.

(3) This Act shall come into force on such day as the Minister may by order made by statutory instrument appoint.

(4) This Act does not extend to Scotland or to Northern Ireland.

9 & 10 Geo. 6.
c. 81.

Section 1.

SCHEDULE

CONSTITUTION OF PUBLIC HEALTH LABORATORY
SERVICE BOARD

1. The Board shall be a body corporate with perpetual succession and a common seal.
2. The Board may accept, hold and administer property on trust for any purposes relating to the public health laboratory service or otherwise connected with bacteriological research.
3. The 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) not less than two persons appointed after consultation with the Medical Research Council; and
 - (b) not less than two persons with experience as bacteriologists, appointed after consultation with such organisations as the Minister thinks appropriate; and
 - (c) not less than two persons holding office as medical officer of health of a local authority; and
 - (d) not less than one person appointed after consultation with such organisations as appear to the Minister to represent the hospital service; and
 - (e) not less than one fully registered medical practitioner engaged in general medical practice, appointed after consultation with such organisations as the Minister may recognise as representative of practitioners so engaged.
4. Subject to paragraph 5 of this Schedule members shall be appointed for a term of three years.
5. Of the members first appointed one-third (as nearly as may be) shall be appointed for a term of one year and one-third (as nearly as may be) for a term of two years; and any member appointed to fill a casual vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.
6. A member may at any time resign his office.
7. A person who is or has been a member of the Board shall be eligible for re-appointment as a member.
8. The Board may elect a deputy chairman and may appoint one or more committees consisting wholly or partly of members of the Board and may delegate to any such committee any of the Board's functions.
9. The proceedings of the Board or any committee appointed by the Board shall not be invalidated by any vacancy in the membership of the Board or committee, or by any defect in the appointment or qualification of any member thereof.
10. The Board and, subject to any directions of the Board, any committee appointed by them, may regulate their own procedure and fix a quorum for any of their proceedings.