

New Zealand.



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1909, No. 11.

AN ACT to consolidate and amend the Law relating to Public Hospitals and Charitable Institutions, the Distribution of Charitable Aid, and the Establishment of Private Hospitals.

[24th December, 1909.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Hospitals and Charitable Institutions Act, 1909, and shall come into operation on the first day of April, nineteen hundred and ten; save that all elections, appointments, Orders in Council, notices, or regulations required or authorised by this Act may be held, made, or issued at any time after the passing thereof so far as may be necessary or expedient for the purpose of bringing this Act into operation on that date.

Short Title and commencement.

2. In this Act, unless a contrary intention appears,—

Interpretation.

“Board” means a Hospital and Charitable Aid Board constituted under this Act:

“Combined district” means any two or more contributory districts united in pursuance of section ten of this Act:

“Contributory district” means the district within the jurisdiction of a contributory local authority:

“Contributory local authority” means, with respect to any hospital district,—

(a.) The Council of any borough in that hospital district;

(b.) The Council of any county in that hospital district, other than a county in which the Counties Act, 1908, is suspended or is not in force;

(c.) The Board of any town district situated within that hospital district but not forming part of any county;

(d.) The Board of any road district or town district situated within that hospital district and within any county therein in which the Counties Act, 1908, is suspended:

“Financial year” means a period of twelve months ending on the expiration of the thirty-first day of March:

“Inspector-General” means the Inspector-General of Hospitals appointed under this Act:

“Institution” means an institution under the control of a Hospital and Charitable Aid Board under this Act, but does not include a separate institution as hereinafter defined:

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act:

“Old Board” means any Hospital Board, Charitable Aid Board, or Hospital and Charitable Aid Board under the Hospitals and Charitable Institutions Act, 1908, existing at the commencement of this Act:

“Relief” includes maintenance, and every other form of medical, surgical, or other assistance, or charitable aid, given by a Board in the execution of its powers to any person, whether he is or is not an inmate of an institution under the control of the Board :

“Separate institution” means an institution mentioned in the Second Schedule hereto.

PART I.

HOSPITAL AND CHARITABLE AID BOARDS.

Hospital Districts.

Constitution of hospital districts.

3. (1.) The hospital districts named in the First Schedule hereto are hereby constituted hospital districts for the purposes of this Act, and each of those districts shall comprise the counties and other areas referred to in the first column of that Schedule under the name of that district.

(2.) When at any time after the passing of this Act a new county is created the limits whereof are wholly within one hospital district, the new county shall be included within and form part of that hospital district.

(3.) When at any time after the passing of this Act a new county is created the limits whereof extend into two or more hospital districts, the new county shall be included within and shall form part of such one of those hospital districts as the Governor by Order in Council determines. Any such Order in Council may be made retrospective, so as to operate as from the date of the creation of the new county or from such later date as the Governor thinks fit. Any such Order in Council may be at any time revoked and another substituted therefor.

Hospital district to include boroughs.

4. (1.) Except when otherwise provided by this Act, a hospital district shall include every borough situated within the boundaries of any county included in the hospital district.

(2.) Except so far as otherwise provided by this Act, a hospital district shall include every borough contiguous to any county included in the hospital district, and for the purposes of this subsection a borough which is not itself contiguous to a county shall be deemed to be contiguous thereto if it is contiguous to another borough which is itself contiguous to that county.

Hospital district to include town districts.

5. A hospital district shall include every town district situated within the boundaries of any county included in the hospital district, whether the town district is part of the county or not.

Alteration of boundaries.

6. When at any time after the passing of this Act the boundaries of a county, borough, or town district included in any hospital district are altered, that alteration shall operate with respect to the hospital district, and the boundaries of the hospital district shall be deemed to be altered accordingly.

In certain cases Governor may assign any county, &c., to any hospital district.

7. If, on or at any time after the passing of this Act, there is any county, borough, or town district to which none of the foregoing provisions are applicable so as to include that county, borough, or town district in any hospital district, the Governor shall by Order in

Council assign that county, borough, or town district to such hospital district as he thinks fit, and it shall be included in that hospital district accordingly. Any such Order in Council may be made retrospective to such extent as is necessary to secure the inclusion of that county, borough, or town district at all times in a hospital district. Any such Order in Council may be at any time revoked and another substituted therefor.

Hospital and Charitable Aid Boards.

8. (1.) For every hospital district there shall be a Hospital and Charitable Aid Board constituted in manner hereinafter provided. Hospital and Charitable Aid Boards.

(2.) Every such Board shall be a body corporate by the name of "The [*Naming the hospital district, but omitting the words 'hospital district'*] Hospital and Charitable Aid Board," and shall have perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

(3.) Every such Board shall be deemed to come into existence as a body corporate on the commencement of this Act, whether the full or any number of the members thereof has been then elected or appointed or not.

9. (1.) Subject to the provisions of section ten of this Act, every Hospital and Charitable Aid Board shall consist of one or more representatives of each of the contributory districts within the hospital district. Constitution of Boards.

(2.) The number of representatives of each contributory district shall be such as is determined from time to time in each case by the Governor by Order in Council, having regard, in such manner as he thinks fit, both to the relative populations of those districts and also to the relative values of the rateable property in those districts.

(3.) The total number of the members of any such Board shall in no case be less than eight or more than twenty.

10. (1.) In any case in which, by reason of the number of contributory districts in any hospital district, or by reason of the smallness of the population of any such contributory district or of the value of the rateable property in that district, it is, in the opinion of the Governor in Council, impracticable or inexpedient to give full effect to the intent of the last preceding section, the Governor may by Order in Council combine into one or more combined districts any number of the contributory districts (whether of the same or of different kinds) in that hospital district for the purpose of the election of representatives on the Board of that hospital district. Governor may combine contributory districts for purposes of representation.

(2.) In any such case the Governor shall, by the same or by any other Order in Council, from time to time prescribe the number of members to be elected in common as the representative or representatives of any such combined district, having regard, in such manner as he thinks fit, to the relative populations and the relative values of the rateable property of that district, and of every other combined or separate district within the hospital district.

(3.) In any such case the Governor shall, by the same or any other Order in Council, from time to time select and appoint one of the contributory local authorities of the combined district to be the

principal contributory local authority of that combined district within the meaning and for the purposes of this Act.

(4.) For all the purposes of this Act other than the election or appointment of representatives, each of the contributory districts in a combined district shall be deemed to be a separate contributory district.

Alteration of representation by reason of creation, abolition, &c., of contributory districts.

11. (1.) The creation, abolition, merger, union, division, or other alteration of any contributory district within a hospital district shall not in itself have any operation so as to affect the then existing membership of the Hospital and Charitable Aid Board of that district.

(2.) The Governor may from time to time, whenever in his opinion it becomes necessary or expedient so to do by reason of any such creation, abolition, merger, union, division, or alteration of contributory districts, or by reason of any other circumstance, revoke or amend any provisions made by him with respect to the representation of the contributory districts in a hospital district, or with respect to the creation or representation of any combined district in a hospital district; and may by Order in Council make with respect to any of those matters any other provisions which he thinks fit and which are not inconsistent with this Act.

(3.) If by any such Order in Council representation is given to any contributory district or combined district which is not already represented on the Board, or increased representation is given to any contributory district or combined district which is already represented on the Board, the Governor shall, by the same or any other Order in Council, fix the date of the first election of the representatives or additional representatives (as the case may be) of that district, and make all other provisions which are deemed necessary for that election.

(4.) If by any Order in Council under this section representation on a Board is taken away from any contributory district or combined district, the representatives of that district shall retire from office on the day appointed in that behalf by the Order in Council.

(5.) If by any Order in Council under this section a reduction is made in the number of representatives to which any contributory district or combined district is entitled, a sufficient number of those representatives shall retire from office on the day appointed in that behalf by the Order in Council so that the representation of that district may conform to the Order in Council. The representatives so to retire from office shall, in default of agreement among all the representatives of the contributory district or combined district, be determined by lot in manner determined by the Board.

Election of representatives of contributory districts.

12. (1.) The representatives on a Hospital and Charitable Aid Board of any contributory district shall be elected by the electors of the contributory local authority of that district.

(2.) Every such elector shall have one vote only.

(3.) Every such election shall be held in the same manner, with all necessary modifications, as the elections of members of the local authority of the contributory district, and all the provisions of the Local Elections and Polls Act, 1908, and of all other Acts affecting the mode of election of members of that local authority

(including the penal provisions thereof, and the provisions relating to disputed elections), shall, so far as applicable, and so far as consistent with this Act, apply accordingly.

(4.) Where an election of representatives of a contributory district is held simultaneously with an election of members of the local authority of that district, the voting-papers provided for the former election shall be different in colour from those provided for the latter.

(5.) In the application of the Local Elections and Polls Act as aforesaid every reference therein to the local authority shall be construed as a reference to the contributory local authority of the contributory district.

(6.) The Returning Officer of the contributory local authority shall be the Returning Officer for the purpose of elections of representatives of that contributory district under this Act.

(7.) The reasonable cost of every such election, except the expenses of scrutineers and other expenses incurred by or on behalf of candidates, shall be borne and paid by the contributory local authority.

(8.) Every candidate at any such election shall at the time of nomination deposit the sum of three pounds with the Returning Officer, and if that candidate does not receive one-eighth of the votes received by the successful candidate, or, as the case may be, by the successful candidate receiving the fewest votes, the deposit shall be forfeited to the local authority, but otherwise, or if the candidate is elected without a poll, the deposit shall be returned to him.

13. (1.) The representatives on a Hospital and Charitable Aid Board of a combined district shall be elected by the electors of each of the contributory local authorities whose districts are included in the combined district.

Election of
representatives of
combined districts.

(2.) Every such elector shall have one vote only, even though he is an elector of more than one of the contributory local authorities of that district.

(3.) Every such election shall be held in manner provided by regulations made by the Governor in Council either generally or in respect of any specified combined district or districts.

(4.) By such regulations the Governor in Council may apply to any such election, with such modifications, exceptions, and additions as he thinks fit, the provisions of the Local Elections and Polls Act, 1908, and of any other Act affecting the election of members of any of the contributory local authorities of a combined district.

(5.) The reasonable cost of every such election, except the expenses of scrutineers and other expenses incurred by or on behalf of candidates, shall be borne and paid by the several contributory local authorities of the combined district in the same proportions in which they are first assessed for contribution to the Hospital and Charitable Aid Board after the date of the election.

14. The first election of the representatives of any contributory district or combined district shall be held on such day as the Governor by Order in Council appoints; and by the same or any subsequent Order in Council the Governor may make all such provisions as are deemed necessary for the purposes of that election.

Date of first
election of
representatives.

On failure of district to elect, Governor may appoint representatives.

15. If any contributory district or combined district fails at the first or any subsequent election to elect the required number of representatives, the Governor may, by warrant under his hand, appoint such qualified persons as he thinks fit to be the representatives of that district in lieu of those who ought to have been elected; and the persons so appointed shall hold office in all respects as if they had been duly elected in conformity with this Act.

Date of election of representatives.

16. (1.) On every day appointed for holding the ordinary general election of the members of any contributory local authority there shall be held at the same time an election of the representatives of the contributory district of that local authority on the Hospital and Charitable Aid Board.

(2.) On every day appointed for holding the ordinary general election of the members of the principal contributory local authority of a combined district there shall be held at the same time an election of the representatives of that combined district on the Hospital and Charitable Aid Board.

(3.) On the election under this section of representatives of any contributory district or combined district the former representatives thereof shall, unless re-elected, retire from office.

(4.) Nothing in this section shall apply in the case of any general election of the members of a Borough Council which is appointed to take place within two years after the commencement of this Act.

Representatives to hold office until election of successors.

17. Every representative of a contributory district or combined district shall, unless his office sooner becomes vacant, hold office until the election or appointment of his successor in accordance with this Act, but shall be capable of re-election or reappointment.

Date of coming into office of representatives.

18. Every representative of a contributory district or combined district who is elected or appointed between the passing of this Act and the commencement thereof shall come into office on the commencement of this Act, and every such representative who is elected or appointed after the commencement of this Act shall come into office on his election or appointment.

Qualifications of representatives.

19. (1.) No person other than an elector of a contributory local authority shall be capable of being elected or appointed as a representative of the district of that local authority, or of a combined district which includes the district of that local authority, on a Hospital and Charitable Aid Board.

(2.) The following persons shall be incapable of being elected or appointed as members of a Hospital and Charitable Aid Board:—

(a.) A minor:

(b.) A person of unsound mind:

(c.) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

(d.) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence or otherwise suffered the penalty imposed upon him:

(e.) A person who holds any office or place of profit under or in the gift of the Board, or who holds a paid office under any contributory local authority within the hospital district:

- (f.) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director nor the general manager) in any contract made by the Board, if the payment made or to be made in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts :

Provided, however, that an interest in any lease granted or agreed to be granted to or by the Board, or in any loan raised by the Board, whether on security or otherwise, shall not constitute a disqualification under this section.

(3.) Subject to the provisions of this section, any person, whether male or female, may be elected or appointed as a member of a Hospital and Charitable Aid Board.

20. (1.) The office of any member of a Hospital and Charitable Aid Board shall become vacant if he—

Vacation of office by member of Board.

- (a.) Dies ; or
 (b.) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board ; or
 (c.) Becomes bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or
 (d.) Becomes of unsound mind ; or
 (e.) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of "guilty" to any charge of an indictable offence, or is sentenced for any offence to imprisonment without the option of a fine by any Court ; or
 (f.) Is absent without leave from four consecutive meetings of the Board ; or
 (g.) Holds any office or place of profit under or in the gift of the Board ; or
 (h.) Is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director nor the general manager) in any contract made by the Board, if the payment made or to be made in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts :

Provided, however, that an interest in any lease granted or agreed to be granted to or by the Board, or in any loan raised by the Board, whether on security or otherwise, shall not constitute a cause of forfeiture of office under this section.

(2.) If any person does any act as a member of a Hospital and Charitable Aid Board after he has forfeited his office under this section he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3.) If any member of a Hospital and Charitable Aid Board becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds, and shall not be entitled to enforce that contract as against the Board, and all moneys paid to him by the Board in respect of that contract shall be recoverable by action at the suit of the Board as a debt due by him to the Board.

(4.) Every member of a Board who knowingly takes part in the making by that Board of any contract in which any other member of the Board is so concerned or interested as thereby to forfeit his office under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

On vacation of office, local authority or Governor to make appointment.

21. (1.) When a representative of any contributory district vacates his office on the Board through the operation of the last preceding section, the contributory local authority of that district shall forthwith appoint some qualified person in his place as a representative of that district.

(2.) When a representative of a combined district vacates his office on the Board through the operation of the last preceding section, the several contributory local authorities of that combined district shall forthwith by agreement among themselves jointly appoint some qualified person in his place as a representative of that district.

(3.) If no such appointment is made within two months after the happening of the vacancy, the Governor may by warrant under his hand make the required appointment.

(4.) The member so appointed shall hold office only for the unexpired portion of the term of office of his predecessor.

Acts of Board not affected by reason of manner of election, &c., of members.

22. The establishment of a Hospital and Charitable Aid Board and the validity or legality of acts done by such a Board shall not be affected by any error or defect in the election or appointment of any member of the Board, or by the fact that the full number of members has not been elected or appointed, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat.

Dissolution of Former Boards and Separate Institutions.

Dissolution of old Boards.

23. Each Hospital and Charitable Aid Board under this Act shall, on the commencement of this Act, be deemed to be the successor of every old Board the name or description of which is set under the name of the district of that Hospital and Charitable Aid Board in the second column of the First Schedule hereto, and every such old Board shall thereupon be dissolved.

Dissolution of separate institutions.

24. (1.) Each Hospital and Charitable Aid Board shall, on the commencement of this Act, be deemed to be the successor of the body corporate of every separate institution (within the meaning of the Hospitals and Charitable Institutions Act, 1908) situated within the district of that Board, and each of the said bodies corporate shall thereupon be dissolved.

Exceptions.

(2.) Nothing in this section shall apply to the separate institutions named or described in the Second Schedule hereto.

25. (1.) On the establishment of a Hospital and Charitable Aid Board under this Act all real and personal property of every description vested in any old Board or body corporate, of which the first-mentioned Board is the successor by virtue of this Act, shall vest in that Board, without conveyance or assignment, for the estate and interest of the old Board or body corporate therein, subject to all liabilities, charges, obligations, or trusts affecting that property.

Property of dissolved bodies to vest without conveyance in Hospital and Charitable Aid Boards.

(2.) On the establishment of a Hospital and Charitable Aid Board under this Act all the contracts, debts, and liabilities of any old Board or body corporate, of which the first-mentioned Board is the successor by virtue of this Act, shall become the contracts, debts, and liabilities respectively of that Board.

Hospital and Charitable Aid Boards to take over contracts, &c., of dissolved bodies.

(3.) For all purposes (except so far as otherwise expressly provided by this Act) a Hospital and Charitable Aid Board under this Act shall be deemed to be the same corporation as any old Board or other body corporate of which it is declared by this Act to be the successor.

(4.) Notwithstanding anything hereinbefore in this section contained, in any case where part of the district of any old Board becomes by virtue of this Act part of the district of any Board which is not the successor of that old Board under this Act, and there is situated in that part of that district at the commencement of this Act any institution under the Hospitals and Charitable Institutions Act, 1908 (including any hospital for infectious diseases under the Public Health Act, 1908), which is vested in that old Board, the following provisions shall apply:—

Special provisions in cases where part of district of old Board becomes part of district of a Board which is not the successor of that old Board.

- (a.) The said institution, and all land, buildings, and other property forming part thereof or exclusively used in connection therewith, shall, without conveyance or assignment, vest in the Board in whose district the institution is situated for the estate and interest of the old Board therein.
- (b.) All trust-moneys and other property held by the old Board in trust for the purposes of that institution exclusively shall, without conveyance or assignment, vest in the Board in whose district the institution is situated, subject to the same trusts.
- (c.) All existing debts or liabilities charged by mortgage or otherwise exclusively on any property so becoming vested in that Board, and all existing contracts, debts, or liabilities made or incurred by the old Board in respect of the institution exclusively, shall become the contracts, debts, and liabilities respectively of the Board in whose district the institution is situated.
- (d.) All officers and servants appointed by the old Board in respect of the institution exclusively shall become the officers and servants of the Board in whose district the institution is situated.
- (e.) All property, debts, liabilities, or contracts relating not exclusively to the said institution but also to any other institution which is vested by virtue of this Act in any

other Board shall be apportioned, in such manner and proportions and on such terms and conditions as the Minister determines, between the two Boards in which those institutions are severally vested, and in the meantime shall, without conveyance or assignment, be the property, debts, liabilities, or contracts of the Board which is the successor of the old Board.

(f.) It shall be the duty of every Board concerned in any such apportionment to carry the same into effect by the execution of all such conveyances and other instruments as may be required in that behalf, and no such conveyance or instrument shall be subject to any duty under the Stamp Duties Act, 1908.

(g.) If any question, whether of law or fact, arises between any two Boards as to the application of this subsection, or as to the mode of carrying the same into effect, the question shall be determined by the Minister and not otherwise, and his decision thereon shall, as between those two Boards, be final and conclusive, and it shall be the duty of those Boards to give effect to the same accordingly.

(5.) Where any land or any estate or interest in land becomes by virtue of this Act vested in a Hospital and Charitable Aid Board without conveyance or assignment, and an old Board or other body corporate is the registered proprietor of that land, estate, or interest under the Land Transfer Act, 1908, the District Land Registrar shall, at the request of the Hospital and Charitable Aid Board, and on being satisfied, by statutory declaration or otherwise, of the title of that Board, register that Board as the proprietor of the said land, estate, or interest in lieu of the said old Board or other body corporate.

Institutions under Control of Hospital and Charitable Aid Boards.

Institutions under control of Hospital and Charitable Aid Boards.

26. (1.) A Hospital and Charitable Aid Board shall have the control and management in accordance with this Act of the following institutions :—

(a.) Every institution or separate institution under the Hospitals and Charitable Institutions Act, 1908, which becomes vested in that Board by virtue of the last preceding section of this Act :

(b.) Every hospital for infectious diseases under the Public Health Act, 1908, which becomes vested in that Board by virtue of the said section :

(c.) Every institution which is established by that Board under the authority of this Act :

(d.) Every separate institution which after the commencement of this Act is transferred to that Board in pursuance of the provisions in that behalf hereinafter contained.

(2.) The provisions of this section and of the last preceding section shall be read subject to the special provisions contained in the Third Schedule hereto with respect to the institution therein referred to.

27. Every Hospital and Charitable Aid Board shall have the administration of charitable aid within the district of the Board in accordance with the provisions of this Act.

Boards to administer charitable aid.

Procedure of Hospital and Charitable Aid Boards.

28. (1.) The first meeting of a Board after the commencement of this Act shall be held at such time and place as the Minister by notice in the *Gazette* appoints.

Ordinary and special meetings of Boards.

(2.) Other meetings of the Board shall be held at such times and places as the Board from time to time appoints.

(3.) The Chairman of the Board, or any five members thereof, may at any time call a special meeting of the Board.

(4.) It shall be the duty of the Secretary or Chairman of the Board to call a special meeting of the Board at any time when requested so to do by a requisition in writing under the hands of any five members of the Board.

29. (1.) At the first meeting of a Board after the commencement of this Act, or so soon thereafter as may be, the Board shall elect one of its members to be the Chairman thereof.

Board to elect Chairman.

(2.) During the month of April, or as soon thereafter as may be, in each alternate year the Board shall elect one of its members to be the Chairman of the Board, the first of such biennial elections being made in the year nineteen hundred and twelve.

(3.) When the Chairman of a Board resigns his office by writing under his hand delivered to the Secretary or to any member of the Board, or ceases to be a member of the Board, his office as Chairman thereof shall become vacant, and the Board shall so soon as may be thereafter elect one of its members as the Chairman thereof.

(4.) Every person elected as Chairman of the Board shall hold office until the election of his successor, unless his office sooner becomes vacant.

30. (1.) At every meeting of a Board the Chairman, if present, shall preside.

Chairman to preside at meetings.

(2.) If the Chairman is absent from any meeting, or if there is for the time being no Chairman, the members present shall choose one of their number to act as chairman at that meeting, and the member so chosen shall have the same powers at that meeting as if he were the Chairman of the Board.

31. (1.) Every question before the Board shall be decided by the votes of a majority of the members present.

Conduct of meetings.

(2.) The Chairman shall have a deliberative vote, and in any case in which the votes are equal a casting-vote also.

(3.) No business shall be transacted at any meeting unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

(4.) A quorum shall consist of a majority of the members of the Board for the time being.

32. (1.) A Board may reimburse to every member the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the Board or of any committee thereof of which he is a member, or in making any official visit of inspection to any

Refund of travelling-expenses to members.

institution when appointed by the Board or any committee thereof to make that inspection.

(2.) Before any member is paid any money for travelling-expenses under this section he shall make a statutory declaration that he has not been paid and is not entitled to be paid any sum in respect of the same travelling-expenses by any other person or body corporate, and shall deliver that declaration to the Chairman or Secretary of the Board.

(3.) Any such declaration by any member other than the Chairman may be made before the Chairman of the Board.

Board may appoint officers and servants.

33. (1.) A Board may from time to time appoint a Secretary to the Board, a Treasurer to the Board, and such medical and other officers, matrons, nurses, attendants, and servants as it thinks required to assist in the management of any institution under the control of the Board or otherwise in the execution of this Act.

(2.) A Board may also from time to time appoint such district nurses as it thinks fit for the purpose of attending sick persons elsewhere than in an institution.

(3.) All persons so appointed shall be paid out of the revenues of the Board such salaries, wages, or other remuneration as the Board thinks fit.

Notice to be given to Minister of certain appointments.

34. No appointment of any medical officer (other than an honorary medical officer), or of a master, manager, or matron of any institution shall be made until the expiration of twenty-one days after the Minister has been notified of the intention to make such appointment, unless the Minister has previously approved of such appointment.

Contracts by Board.

35. (1.) Any contract which if made between private persons must be by deed shall, if made by a Hospital and Charitable Aid Board, be in writing under the seal of the Board.

(2.) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith may, if made by a Hospital and Charitable Aid Board, be in writing signed on behalf of the Board by some person duly authorised in that behalf.

(3.) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of a Hospital and Charitable Aid Board.

Use of common seal.

36. The common seal of a Hospital and Charitable Aid Board shall not be affixed to any document except at a meeting of the Board, and the execution of any document so sealed shall be attested by two members of the Board.

Proceedings of Board and of committees to be governed by regulations.

37. The proceedings of a Board and of every committee thereof shall be governed by such regulations, not inconsistent with this Act, as are made by the Board from time to time.

Finance.

Subsidies to Board in respect of moneys received.

38. (1.) During each financial year, unless the Minister of Finance is satisfied that the Board has sufficient funds to carry out the administration of this Act during the year, there shall be paid to every Hospital and Charitable Aid Board by the Minister of Finance, out of moneys appropriated by Parliament for that purpose,

such sums as the said Minister thinks sufficient, by way of subsidy, in respect of the moneys or other property received by the Board (whether for the general purposes of the Board or in trust for any special purpose other than the benefit of individual persons) during the same financial year.

(2.) The said subsidy shall not exceed—

(a.) Ten shillings for every pound of the value of all devises or bequests:

(b.) Twenty-four shillings for every pound of the value of all voluntary contributions or gifts of money, land, or other property, other than devises or bequests:

(c.) For every pound levied by the Board from contributory local authorities under the provisions hereinafter contained in that behalf,—

(i.) One pound in respect of capital expenditure:

(ii.) An amount determined in accordance with the Fourth Schedule hereto in respect of expenditure other than capital expenditure.

(3.) The subsidy shall not exceed five hundred pounds in respect of the estate of a single testator.

(4.) The subsidy payable to a Board shall be payable at such time or times and in such manner as the Minister of Finance determines.

(5.) Every claim made by a Board for any sum payable by way of subsidy shall be supported by a statutory declaration made by the Chairman of the Board verifying a statement of all material particulars.

39. (1.) All moneys paid as subsidy in respect of any pecuniary bequest shall be deemed to form part of that bequest, and shall be appropriated and expended in any manner in which the bequest may be lawfully appropriated and expended, and not otherwise.

Unless otherwise provided, subsidies in respect of bequest to be deemed part of and to be expended as bequest.

(2.) If the Minister is of opinion that the purposes of any bequest are such that it is inadvisable that the subsidy received in respect of that bequest should be expended in the same manner, he may at any time, whether before or after the subsidy has been paid, grant to the Board, by warrant under his hand, a complete or partial exemption from the obligations of this section in respect of that bequest.

40. (1.) Out of any moneys from time to time appropriated by Parliament for the purposes of this Act the Minister of Finance may in each year advance to a Hospital and Charitable Aid Board, in anticipation of its estimated revenue for that year, any sums not exceeding in any case a sum equal to one-half of the estimated amount of its revenues from all sources exclusive of subsidy.

Advances to Boards on account of subsidies.

(2.) All sums so advanced shall be deemed to have been paid on account of subsidy, and shall be deducted from all subsidies thereafter payable to the Board receiving the advance.

41. (1.) Every contributory local authority within a hospital district shall be liable to contribute towards the expenditure of the Hospital and Charitable Aid Board of that district in accordance with the provisions of this section.

Contributions by local authorities towards expenditure of Board.

(2.) The Board shall, during the month of April in every financial year, or as soon thereafter as may be, make an estimate

of the amount of its expenditure for all purposes during the same financial year.

(3.) The estimate may include the amount of any deficiency in the revenues of the Board, or of any old Board or body corporate whose liabilities have been transferred to the Board by virtue of this Act, during the preceding or any former year, and the amount of the deficiency so estimated shall be deemed to form part of the expenditure of the Board in the year in which the estimate is so made.

(4.) From the amount of expenditure so estimated there shall be deducted the estimated income of the Board during the same year from all sources other than contributions to be levied from contributory local authorities and subsidies payable out of the Consolidated Fund in respect of those contributions :

Provided that in respect of any particular item of expenditure no income shall be so deducted, except such income as it is lawful and reasonable for the Board to appropriate to that item of expenditure during the financial year.

(5.) In this section the term "expenditure" shall extend to and include capital expenditure as well as recurrent expenditure, and the term "income" shall extend to and include all moneys in the hands of the Board at the commencement of the financial year, and all capital moneys received by the Board during that year, as well as recurrent income.

(6.) The remainder of the estimated expenditure of the Board after making such deduction of estimated income as aforesaid shall (after deducting therefrom the estimated amount receivable from the Consolidated Fund by way of subsidy in respect of the contributions of local authorities) be apportioned by the Board among the contributory local authorities within the district of the Board in proportion to the capital value of the rateable property in each contributory district as determined by the Valuer-General under the Valuation of Land Act, 1908.

(7.) The amount so apportioned by the Board to any contributory local authority shall constitute a debt payable by the corporation of that authority to the Board, and due on the day appointed by the Board for the payment thereof, and may be recovered by the Board by action in any Court of competent jurisdiction.

Recovery of
contributions.

(8.) If any contributory local authority fails to pay the required contribution or any part thereof, the Minister of Finance, on the application of the Board, may deduct from the subsidies payable to that local authority under any Act or authority a sum equal to the amount of the contribution or to the part so remaining unpaid, and may pay the same to the Hospital and Charitable Aid Board in satisfaction or part satisfaction of the contribution so due by the contributory local authority.

(9.) Every contributory local authority liable to pay any contribution under this section may pay the same out of its ordinary funds, or may, if it thinks fit, in addition to its other rating-powers, raise the required amount by a rate to be made and levied for that purpose.

(10.) When the Board certifies to any contributory local authority that the whole or any part of any contribution so required from that local authority is required for the purpose of acquiring land as a site for any building, or for the erection of any building, or for making additions or alterations to any building, the local authority, if it thinks fit, instead of raising in manner aforesaid the amount so certified to be required for any such purpose, may by special order raise that amount or any part thereof by way of special loan under the Local Bodies' Loans Act, 1908, without taking the steps required by sections seven to thirteen of that Act.

In certain cases local authority may raise contribution under Local Bodies' Loans Act.

(11.) In the interval between the passing of this Act and the coming into operation thereof, no estimate or allocation of expenditure shall be made by any old Board under the provisions of section twenty-three of the Hospitals and Charitable Institutions Act, 1908.

42. If at any time during any financial year a Board is of opinion that the contributions required by it from the contributory local authorities under the last preceding section are insufficient to meet the expenditure of the Board during that year, the Board may in respect of the deficiency make a supplementary estimate and apportionment in the same manner as in the last preceding section, and all the provisions of that section shall apply accordingly, with the necessary modifications, to any supplementary contribution so required from local authorities.

In case of deficiency of contributions Board may make supplementary apportionment.

43. When any contributions required in any financial year from local authorities prove to be in excess of the necessities of the Board during that year, the Board may by resolution release those local authorities from the payment of any part of those contributions, but every such release shall be made uniformly and to the same degree to all the contributory local authorities in proportion to their respective contributions.

In case of excess of contributions Board may release from payment of excess.

44. (1.) When a contributory local authority considers that the estimated expenditure of a Hospital and Charitable Aid Board is excessive, or that the apportionment of that expenditure among the contributory local authorities is not in accordance with this Act, or that in any other respect the Board has failed to conform to the requirements of this Act with regard to the contributions of local authorities, the local authority may appeal against the decision of the Board to the Minister, by sending to him a copy of any resolution expressing the dissent of the local authority and the reasons for that dissent.

Appeal by local authority from apportionment of Board.

(2.) In any such case, if the Minister is of opinion that there is reasonable ground for further inquiry, he may direct an inquiry to be made by some fit person to be appointed as a Commissioner for this purpose by the Minister.

(3.) The Commissioner shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908 (other than powers as to costs), and shall report to the Minister his opinion as to the matter of the appeal.

Inquiry by Commissioner.

(4.) The Minister shall thereupon, after taking into consideration the report of the Commissioner, give such decision in the appeal as

he thinks fit, whether in accordance with that report or not, and shall give notice of his decision to the contributory local authority and to the Board, and the decision so given and notified shall be final and conclusive.

(5.) The costs of any such inquiry, as fixed by the Minister, shall be paid either by the local authority or by the Hospital and Charitable Aid Board, or partly by the local authority and partly by the Board, as the Minister determines, and all sums so directed to be paid shall constitute a debt recoverable in any Court of competent jurisdiction by the several persons to whom they are payable in accordance with the Minister's determination.

Amended
apportionment.

(6.) When and so far as any such appeal to the Minister is successful, the Board shall thereupon make an amended estimate or apportionment in accordance with the decision so given, or otherwise conform to that decision; and any amended estimate or apportionment so made shall for all purposes be deemed to be substituted for the estimate or apportionment appealed against, and shall take effect accordingly.

Special expenditure
may be distributed
over two or more
years.

45. When a Hospital and Charitable Aid Board proposes to expend or has expended any money in the purchase of land or the erection of buildings, or in making additions to buildings, it may, if it thinks it expedient so to do, in any estimate of annual expenditure and any apportionment of expenditure among contributory local authorities, distribute the amount so expended or proposed to be expended over two or more financial years, and the amount so allocated to any financial year shall be deemed to be expenditure incurred in that year, and contributions from local authorities may be required and recovered accordingly.

In certain cases
Valuer-General to
be deemed con-
tributory authority.

46. (1.) When and so long as in any part of a hospital district there is no contributory local authority, the Valuer-General shall be deemed to be the contributory local authority thereof, and that part of the district shall be deemed to be a contributory district accordingly.

(2.) The Governor may, if he thinks fit, having regard both to the population and to the rateable value of the property in any such part of a hospital district, by Order in Council, in the month of December in each year, appoint such number of members as he thinks fit, not exceeding three, as representatives of that part of the district on the Board.

(3.) For the purposes of this section the following parts of a hospital district shall be deemed to be parts in which there is no contributory local authority:—

(a.) Counties in which the Counties Act, 1908, is not in force or is suspended, except those parts of any such county which are road districts or town districts:

(b.) Places in which there is in fact no contributory local authority holding and exercising office for the time being.

(4.) The Valuer-General, on receiving from the Board an account of the amount of contribution required from any such contributory district, shall forthwith proceed to raise by means of rates on the capital value of all rateable property therein the amount of

that contribution, together with the amount of the estimated cost of making and collecting the rates.

(5.) For the purpose of making and collecting any such rate the valuation roll under the Valuation of Land Act, 1908, shall be deemed to be the valuation roll of the rateable property in that contributory district, and the Valuer-General shall be deemed to be a local authority within the meaning of the Rating Act, 1908, all the provisions whereof shall, with the necessary modifications, apply to the making, levying, collecting, and recovering of any such rate.

(6.) All rates so raised shall be paid to the Hospital and Charitable Aid Board less the amount of the expenses of making and collecting the same, and the amount of those expenses shall be paid into the Public Account and form part of the Consolidated Fund.

47. The last three subsections of the last preceding section shall also apply (if the Minister so directs by notice to the Valuer-General in any specified case) to any contributory district in which the local authority fails to levy such rate or to make such other provision as is necessary to enable it to pay any contribution due to the Hospital and Charitable Aid Board of the district.

Valuer-General, on direction of Minister, may levy rate if local authority fails to do so.

Property of Hospital and Charitable Aid Boards.

48. All moneys belonging to a Board shall, pending investment or application thereof in accordance with this Act, be paid into such bank as the Board from time to time determines, and shall be paid thereout only by cheques signed by the Treasurer of the Board and countersigned by any two of such members as are authorised from time to time by the Board to sign cheques on its behalf.

Pending investment, moneys to be paid into bank.

49. All moneys held in trust by a Board shall, pending the application thereof in accordance with the terms of the trust, be invested, at the discretion of the Board, either in manner directed or authorised by the trust, or (notwithstanding the terms of the trust) in securities issued by the Government of New Zealand or by any local authority under any Act, or on first mortgage of freehold land in New Zealand.

Investment of trust-moneys prior to application in terms of trust.

50. All money, land, and other property which vests in a Hospital and Charitable Aid Board as the successor of an old Board or of any body corporate in accordance with this Act shall remain subject to any trusts affecting that property at the time when it so vests, and shall at all times thereafter be appropriated and dealt with by the Board for the purposes of those trusts, and in accordance with the terms thereof, so far as those purposes and terms are consistent with this Act.

Property vesting in Board as successor of old Board to remain subject to existing trusts.

51. (1.) A Board may accept any money, land, or other property, by way of bequest, devise, or gift, in trust for the purposes of any existing or future institution under the control of the Board, or in trust for any purpose to which the Board can lawfully apply its own property.

Board may accept property in trust for certain purposes.

(2.) All money, land, and other property accepted by a Board in trust under the authority of this section, and all income derived therefrom, shall be appropriated and dealt with by the Board for the purposes of the trust and in accordance with the terms thereof, so far as those purposes and terms are consistent with this Act.

Application of trust-moneys.

52. When any money is received by a Board by way of bequest or gift in trust for the purposes of any institution, all such money shall, save so far as it is otherwise provided by the terms of the will or gift, be applied in such manner as the Board thinks fit in or towards the permanent improvement of the institution or the extension of the objects for which the institution is established, or shall be invested by the Board, and the income of such investments shall be appropriated and used for the purposes of that institution.

Board may appoint collectors of voluntary contributions.

53. (1.) A Board may appoint such persons as it thinks fit for the purpose of collecting voluntary contributions and donations from the public for the purpose of the establishment or maintenance of any institution, or for any other special purpose within the powers of the Board, or for the general purposes of the administration of this Act by the Board.

(2.) All money so collected by a Board shall be applied for the purposes for which it was collected, and for no other purpose.

Reserves vested in Boards.

54. (1.) Lands vested in the Crown and reserved or set apart before the commencement of this Act for the purposes of or as endowments for any old Board shall be deemed to be so reserved or set apart for the Hospital and Charitable Aid Board which is the successor of that old Board under this Act, and may be granted to that Board, anything in the Public Reserves and Domains Act, 1908, to the contrary notwithstanding.

(2.) Lands vested in the Crown and reserved or set apart after the commencement of this Act for the purposes of or as endowments for any Hospital and Charitable Aid Board, or any institution vested in that Board, may be granted to that Board, anything in the Public Reserves and Domains Act, 1908, to the contrary notwithstanding.

(3.) Lands vested in the Crown and reserved or set apart before the commencement of this Act for the purposes of or as endowments for any institution or separate institution under the Hospitals and Charitable Institutions Act, 1908, which is vested in a Hospital and Charitable Aid Board by or in pursuance of this Act shall be deemed to be reserved or set apart for that Board in respect of that institution, and may be granted to that Board, anything in the Public Reserves and Domains Act, 1908, to the contrary notwithstanding.

Board may sell or exchange land vested in it.

55. (1.) A Board may, with the consent of the Minister, sell or exchange any land vested in it other than land held in trust for any special purpose, and pay or receive any money by way of equality of exchange.

(2.) Nothing in this section shall authorise the sale or exchange of any land granted by the Crown or by any Act as an endowment to a Hospital and Charitable Aid Board under this Act, or to any old Board or body corporate of which a Hospital and Charitable Aid Board is the successor.

(3.) Land granted by the Crown or by any Act as a site for any institution, or to be otherwise occupied and used for the purposes of any institution, shall not be deemed to be an endowment within the meaning of this section.

56. (1.) A Hospital and Charitable Aid Board may grant leases of any lands vested in it. *Leases by Boards.*

(2.) All such leases shall be subject to the provisions of the Public Bodies' Leases Act, 1908, and every Hospital and Charitable Aid Board is hereby declared to be a leasing authority within the meaning of that Act.

(3.) The powers of leasing hereby conferred upon a Hospital and Charitable Aid Board shall extend to any reserve or endowment vested in the Board, and to land held by the Board upon any trust; but it shall not be lawful for the Board to grant a lease of any such reserve, endowment, or trust property for such terms or upon such conditions as are inconsistent with the due and proper use of the same for the purposes for which it is vested in the Board. No lease, or agreement for a lease, granted or made by a Board shall be invalid merely because it is inconsistent with the provisions of this subsection.

(4.) Notwithstanding the provisions of section three of the Public Bodies' Leases Act, 1908, the powers of leasing hereby conferred upon a Hospital and Charitable Aid Board may be validly exercised, notwithstanding any restriction or limitation of leasing-powers imposed by any other Act in force at the passing of this Act or by any trust to which the land is subject.

(5.) The powers of leasing hereby conferred upon a Board are in addition to and not in substitution for any powers of leasing conferred by any other Act or by any trust.

57. (1.) For the purpose of erecting buildings, or making additions, alterations, or repairs to buildings, or of purchasing land, or of paying off any loan which has been theretofore raised by the Board or for which the Board is liable, a Hospital and Charitable Aid Board may borrow money, whether by way of bank overdraft or in any other manner; and as security for any such loan the Board may, with the consent of the Minister, mortgage or charge any land vested in it, but no mortgage or charge of any land which a Board has no power to sell shall contain or imply any power of sale. *Board may borrow on security for building and other purposes.*

(2.) For the purpose of meeting ordinary recurrent expenditure the Board may borrow money by way of bank overdraft, but the amount of any such overdraft shall not at any time in any financial year exceed the total amount of the contributions payable to the Board by contributory local authorities during that year and then unpaid, together with the estimated amount receivable by the Board during that year by way of subsidy under section thirty-eight hereof and then unpaid.

58. The powers of selling, exchanging, mortgaging, or charging land which are conferred upon a Board by this Act shall, with the consent of the Minister, extend to land held in trust for any special purpose notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of. *Board may sell, &c., lands held in trust.*

59. Land required as a site for or otherwise for the purposes of any institution which is under the control of a Hospital and *Board may take land under Public Works Act.*

Charitable Aid Board, or which a Hospital and Charitable Aid Board, with the consent of the Minister, proposes to establish, may be taken by the Board under the Public Works Act, 1908, in the same manner as if the institution were a public work and the Board were a local authority within the meaning of that Act, and all the provisions of that Act shall, with the necessary modifications, apply accordingly.

Expenditure by Board of moneys under its control.

60. Subject to the obligations of any trust affecting any funds or property of a Hospital and Charitable Aid Board, the Board may apply any moneys in its hands, in such proportions and in such manner as it thinks fit, for any of the purposes following:—

- (a.) The maintenance of the institutions under the control of the Board:
- (b.) The establishment of new institutions in accordance with the provisions of this Act in that behalf:
- (c.) The acquisition of land, whether freehold or leasehold, required as a site for any institution or for use in connection therewith:
- (d.) The purchase, erection, or equipment of buildings required for the purposes of any institution:
- (e.) Making repairs, additions to, or alterations of buildings used for the purposes of any institution:
- (f.) The provision of charitable aid by way of grants of money, food, or other requisites to indigent, sick, or infirm persons who are not inmates of any institution:
- (g.) The provision of medicines, disinfectants, surgical requisites, and medical, surgical, and nursing attendance for sick or infirm persons who are not inmates of any institution:
- (h.) Making such provision as is deemed requisite for the isolation of persons who are suffering from any infectious disease or who have been in contact with persons suffering from any such disease:
- (i.) Payment of the salaries or wages of all persons appointed or employed by the Board in pursuance of this Act:
- (j.) Payment of all other expenses incurred in the lawful execution of any powers, duties, or functions imposed or conferred upon the Board by this Act or otherwise by law.

Establishment and Control of Institutions.

Board may establish certain new institutions.

61. (1.) A Hospital and Charitable Aid Board may at any time establish new institutions of any of the following kinds:—

- (a.) A hospital or other institution for the reception or relief of persons requiring medical or surgical treatment, or suffering from any disease, whether infectious or not:
- (b.) A charitable institution for the reception or relief of children, or of aged, infirm, incurable, or destitute persons:
- (c.) A maternity home:
- (d.) A convalescent home:
- (e.) A sanatorium for the reception or relief of persons suffering from consumption or other disease:
- (f.) An institution for the reception of habitual inebriates:

(g.) A reformatory institution for the reception of women or girls:

(h.) An institution established for any other purpose which the Governor by Order in Council declares to be a public charitable purpose within the provisions of this Act:

(i.) An institution established for any two or more of the above-mentioned purposes.

(2.) Any such institution may be established in any part of the hospital district of the Board by which it is established or in any place outside that district; but no institution shall be so established by any Board outside its own district unless the institution is reasonably required for the reception and relief of persons resident in that district.

(3.) No new institution shall be so established, or building erected, or structural addition or alteration costing more than two hundred and fifty pounds made to any building, unless previous notice in writing of the proposed establishment, erection, addition, or alteration has been sent to the Minister, and the consent in writing of the Minister has been previously given.

62. A Board may, with the previous consent in writing of the Minister, close any institution under its control.

Board may close any institution.

63. (1.) It shall be the duty of every Hospital and Charitable Aid Board to provide and at all times to maintain such hospitals and to make such other provisions as the Inspector-General from time to time considers requisite in any part of the hospital district—

Board to make adequate provision for persons suffering from disease.

(a.) For the reception, relief, care, treatment, isolation, and removal to any hospital or other place of persons who are suffering from infectious diseases or who have been in contact with persons suffering from any such disease; or

(b.) For the reception, relief, care, or treatment of persons suffering from injury or from any disease other than an infectious disease.

(2.) It shall be the duty of every Board, in pursuance of any directions given from time to time in that behalf by the Inspector-General, to receive into any hospital or other institution under the control of the Board, so far as adequate accommodation is therein available, any person suffering from any of the diseases for the relief of which that hospital or institution is established.

(3.) In this section the term "infectious disease" means any disease which is for the time being an infectious disease within the meaning of the Public Health Act, 1908.

(4.) No action for damages shall lie against a Board at the suit of any person in respect of any failure of that Board to conform to the requirements of this section.

(5.) The provisions of this section are subject to the provisions of subsection three of section sixty-one of this Act.

(6.) Nothing in this Act shall be so construed as to authorise or require a Board to establish or maintain any hospital for infectious diseases in any such place or manner as to create a nuisance.

Board may establish committee of management.

64. (1.) For the management of any institution under the control of a Board, or for the administration of any matter within the powers of a Board, the Board may, if and so long as it thinks fit, establish and maintain a committee.

(2.) Any such committee may include persons who are not members of the Board.

(3.) Every such committee shall, subject to the control of the Board, have the general management of the institution or the general administration of the matter in respect of which the committee is established.

(4.) All the acts and proceedings of the committee shall be reported to the Board, and shall not, except so far as the Board by regulations otherwise provides, have any operation or effect until approved at a meeting of the Board.

(5.) The proceedings and powers of every committee shall be governed and determined by regulations made from time to time by the Board.

(6.) Notwithstanding anything contained in this section or elsewhere in this Act, the provisions of the Fifth Schedule of this Act shall apply to the institution therein referred to.

Board may make by-laws in respect of institutions.

65. (1.) A Hospital and Charitable Aid Board, in respect of any institution under its control, may from time to time make under the seal of the Board by-laws, not inconsistent with this Act, as to any of the following matters:—

(a.) Regulating the admission or discharge of patients and other persons entitled to the benefits of the institution:

(b.) Maintaining order, discipline, decency, and cleanliness among the inmates of the institution:

(c.) Prescribing the duties of the officers, nurses, attendants, and servants of the institution:

(d.) Preventing trespass upon the premises of the institution or the grounds attached or belonging thereto:

(e.) Prohibiting the introduction of any specified articles into the institution:

(f.) Regulating the grant of relief by the institution to patients or other persons not being inmates of the institution:

(g.) Generally making provision for all matters affecting the management, care, control, and superintendence of the institution and the fulfilment of the purposes thereof:

(h.) Providing for a breach of any such by-law a fine not exceeding five pounds.

(2.) Every such fine shall be recoverable on summary conviction.

(3.) No such by-law shall come into force unless and until it has been approved by the Minister in writing under his hand.

(4.) Every such by-law may at any time be disallowed by the Governor by Order in Council, and shall thereupon cease to be in force in the same manner as if it had been then revoked.

(5.) Any by-law may relate either to a single institution or to two or more institutions or generally to all institutions under the control of the Board.

(6.) The production of any document purporting to contain a copy of any by-law and to be authenticated by the seal of a Hospital and Charitable Aid Board, or the production of a copy of the *Gazette* purporting to contain a copy of any by-law, shall, without further evidence of the authenticity of the seal or of any other matter, be sufficient evidence, until the contrary is proved, of the existence, validity, and provisions of the by-law, and of the approval of the Minister, and of the date of the coming of the by-law into force.

Proof of by-laws.

(7.) All by-laws in force with respect to any institution at the commencement of this Act shall, so far as they are consistent with this Act, remain in force with respect to that institution, and may be revoked, varied, proved, and enforced in the same manner as if they had been made by the Board in which the institution is vested.

66. (1.) Two or more Hospital and Charitable Aid Boards may, by agreement between them, combine to establish and maintain any institution of any kind which a single Board may lawfully establish under this Act. Boards which have so combined to establish and maintain any institution are hereinafter referred to as "contributory Boards."

Boards may combine to establish and maintain institution.

(2.) The institution, and all land, buildings, and other property acquired or used for the purposes thereof, shall be vested in such one of the contributory Boards as is agreed upon by them; and for all the purposes of this Act, except so far as in this section expressly provided, the institution shall be deemed to be an institution under the control of that Board, and subject to the provisions of this Act accordingly.

(3.) For every such institution there shall be a joint committee of the contributory Boards. The constitution and procedure of the joint committee shall be such as is agreed upon by the contributory Boards, or in default of any such agreement, or so far as any such agreement does not extend, such as is determined from time to time by the Governor by Order in Council.

Management of such institution.

(4.) There shall be vested in the joint committee, with respect to the institution, such of the powers of the Board in which the institution is vested as may be agreed upon by the contributory Boards, or in default of agreement, or so far as any such agreement does not extend, then as may be determined from time to time by the Governor by Order in Council; and all powers so vested in the joint committee may be exercised by it on behalf of the Board in which the institution is vested, subject, however, to any conditions or restrictions imposed by any such agreement or Order in Council as aforesaid.

(5.) The Board in which the institution is vested shall not exercise any of its powers in respect of that institution except on the recommendation or with the consent of the joint committee.

(6.) All expenses and liabilities incurred in acquiring, establishing, or maintaining the institution (including the reasonable travelling-expenses actually incurred by members of the joint committee) shall be those of the Board in which the institution is vested; and all contracts made, rights acquired, and liabilities incurred by the

joint committee shall be deemed to be made, acquired, and incurred by that Board:

Provided that, for the purposes of sections nineteen and twenty of this Act (relating to disqualifications and forfeiture of office), every contract made in respect of the institution by any contributory Board or by the joint committee shall be deemed to be a contract made by each of the contributory Boards.

Contribution
towards expenses.

(7.) The other contributory Board or Boards shall contribute towards the expenses and liabilities so incurred by the Board in which the institution is vested in such proportion and to such extent as is agreed upon by the contributory Boards, or in default of any such agreement, or so far as such agreement does not extend, then as the Governor by Order in Council from time to time directs.

(8.) All moneys expended or contributed and all liabilities incurred under the provisions of this section by any Board in acquiring, establishing, or maintaining the institution shall be deemed for all purposes to be expenses and liabilities incurred by the Board in exercise of its powers and functions under this Act, and shall be chargeable against and recoverable from local authorities in the same manner as any other expenditure of the Board under this Act.

Variation or
cancellation
of agreement.

(9.) An agreement under this section may at any time be varied or determined by subsequent agreement of the parties, or may at a time after the expiration of ten years from the making thereof, or after the expiration of any shorter period fixed by the agreement in that behalf, be cancelled by any party thereto by giving to the other party or parties twelve months' notice in writing.

(10.) On any such agreement being cancelled or determined the institution, and all land, buildings, and other property used for the purposes thereof, shall be disposed of in such manner and upon such terms and conditions as the contributory Boards agree upon, or in default of any agreement, or so far as any such agreement does not extend, then as the Governor by Order in Council directs.

(11.) On the agreement being cancelled or determined the amount of all existing liabilities incurred in respect of the institution by the Board in which it is vested shall be apportioned between the contributory Boards in manner agreed upon, or, in default of agreement, as the Governor by Order in Council directs.

(12.) It shall be the duty of the contributory Boards to carry into effect every such disposition of property or apportionment of liabilities as is agreed upon or directed in pursuance of the two last preceding subsections by the execution of all such conveyances or other instruments as may be required in that behalf.

Teachers and
students of a
medical school
entitled to access
to institutions
under the control
of a Board.

67. With respect to any school of medicine or surgery which is under the control of the University of New Zealand, or which is under the control of any college attached or affiliated to that University, the following provisions shall apply:—

(a.) The Board of the hospital district in which that school of medicine or surgery is situated may enter into an agreement with the governing body of the school for the appointment by the Board of any of the professors or lecturers of that school as honorary members of the medical or surgical staff of any institution under the

control of the Board, and as to the terms and conditions on which the students of that school shall for the purposes thereof be allowed access to the said institution. Any such agreement may be at any time determined by either of the parties thereto.

- (b.) In default of any such agreement the Minister may from time to time, if he thinks it expedient so to do, having regard to the representations of the Board and of the governing body of the school, appoint any professors or lecturers of the school as honorary members of the medical or surgical staff of the institution; and any appointment so made by the Minister may be at any time revoked by him.
- (c.) So long as any such appointment remains unrevoked the person so appointed shall, so long as he remains a professor or lecturer of that school, be entitled to act as an honorary member of the medical or surgical staff of that institution in the same manner as if he had been so appointed by the Board, and he shall at all times be allowed free access to that institution for the purposes of the said school, subject only to such conditions and restrictions as the Minister from time to time imposes.
- (d.) So long as a professor or lecturer of that school so appointed by the Minister remains an honorary member of the staff of any such institution all students of that school shall, under the personal superintendence of that professor or lecturer, and for the purposes of that school, be allowed free access to that institution, subject only to such conditions and restrictions as the Minister from time to time imposes.

Accounts.

68. (1.) Every Hospital and Charitable Aid Board shall, before the month of May in every year, cause its accounts for the preceding financial year to be balanced, and a true statement and account to be prepared, in the form prescribed by regulations, of all contracts entered into and of all moneys received or expended during that financial year, and of all the assets and liabilities of the Board at the end of that financial year.

Board to prepare annual balance and statement.

(2.) The account and statement so to be prepared by a Hospital and Charitable Aid Board in the year nineteen hundred and ten shall be a statement and account of the contracts, moneys, assets, and liabilities of every old Board or body corporate of which the first-mentioned Board is the successor under this Act, for the year ending on the thirty-first day of March last preceding.

(3.) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1908, in respect of public moneys.

(4.) A true copy of every such annual statement of account shall, forthwith after the audit thereof, be sent by the Board to the Minister.

Accounts to be kept
by Board.

69. (1.) Every Hospital and Charitable Aid Board shall cause books to be provided and kept, and true and regular accounts to be entered therein, in the form prescribed by regulations, of all sums received and paid by the Board, and of the several purposes for which those sums were received and paid.

(2.) A separate account shall be kept in respect of every trust fund or trust property under the control of a Board.

(3.) The said books of account shall at all reasonable times be open to the inspection of any member of the Board.

Cost of Relief granted by Boards.

Cost of relief
granted by Board to
constitute a debt,
and to be
recoverable by
action.

70. (1.) The cost of the relief granted by or at the expense of a Hospital and Charitable Aid Board to any person shall constitute a debt due by that person to the Board, and may be recovered by action in any Court of competent jurisdiction.

(2.) The cost of the relief granted by or at the expense of a Board to a married woman or a minor shall, without excluding the liability of the person so relieved, constitute a debt due to the Board by the husband of the married woman or the father of the minor, as the case may be, and may be recovered by action in any Court of competent jurisdiction.

(3.) The cost so recoverable shall be the sum (if any) agreed upon between the Board and the person so liable, and in the absence of any such agreement shall be such sum as the Court in which any action for the recovery thereof is brought thinks reasonable, having regard to the means of the defendant and the circumstances of the case.

(4.) A Hospital and Charitable Aid Board may contract for the payment to it, by any other Hospital and Charitable Aid Board, separate institution, body corporate, registered friendly society, registered branch of a friendly society, or other society or person, of the cost of any relief to be afforded by the first-mentioned Board to any person; and the amount so agreed to be paid, or a reasonable sum if no specific amount is so agreed upon, shall be a debt recoverable in any Court of competent jurisdiction.

Board may contract
with other body to
afford relief.

71. (1.) When a Hospital and Charitable Aid Board may lawfully grant any kind of relief to any person, it shall be lawful for that Board to contract for the granting of such relief to that person by the Crown in any sanatorium or other institution under its control, or by any other Hospital and Charitable Aid Board or by any separate institution, body corporate, society, or person, and for the payment of the cost of that relief by the first-mentioned Board into the Public Account or to the Board, separate institution, body corporate, society, or person so granting the relief, as the case may be.

Cost thereof to
be recoverable.

(2.) The sum so payable by a Hospital and Charitable Aid Board shall be recoverable as a debt in any Court of competent jurisdiction, and may be paid out of any moneys which might have been lawfully expended by the Board in affording the said relief.

Provisions as to
relief by Board of
persons not resident
for at least one year
in district of that
Board.

72. (1.) When a person receives relief from or at the expense of a Hospital and Charitable Aid Board at any time before he has resided in the district of that Board for one year immediately prior to the grant of that relief, the Board may recover the cost of the

relief so granted to that person as a debt due by the Board in whose district he last resided for a period of two years at any time prior to the granting of that relief, whether he was still resident in that district or not at the time when the relief was granted.

(2.) A Board shall not be liable under this section for the cost of any relief which is granted to a person who has not at any time during the five years immediately preceding the grant of the relief resided in the district of that Board.

(3.) When a Board pays or is liable to pay any money to any other Board under the provisions of this section in respect of the relief of any person, all sums payable in respect of that relief by the person relieved or by any other person shall be recoverable from the person so liable either by the Board by whom the relief was granted or by the Board which has paid or is liable to pay the cost thereof under the provisions of this section.

(4.) For the purposes of this section the cost of relief shall be the sum agreed upon between the Boards concerned, or, in default of any such agreement, such sum as the Court in which the cost is sued for in pursuance of this section considers reasonable.

(5.) When any person is continuously in receipt of relief for any period, such relief shall be deemed to be granted from day to day during that period, and the dates of the granting thereof shall be determined accordingly.

(6.) In estimating for the purposes of subsection one of this section the period of the residence of any person in a hospital district no account shall be taken of any period or periods during which that person, while so resident, has been continuously in receipt of relief from the Board of that or any other district or from any separate institution situated in that or any other district, or has been continuously confined in any industrial school, lunatic asylum, or prison situated in that district, or has otherwise been lawfully in confinement in that district.

(7.) In estimating for the purposes of this section the period of the residence of any person in a hospital district, his residence before the commencement of this Act in any place which by virtue of this Act is included within a hospital district shall be deemed to have been residence within that hospital district, and relief granted to him before the commencement of this Act by any old Board or body corporate of which a Hospital and Charitable Aid Board is the successor under this Act shall be deemed to have been granted by that Hospital and Charitable Aid Board.

Inspection of Institutions.

73. (1.) The Governor may appoint an Inspector-General of Hospitals, and such Assistant Inspectors as the Governor thinks necessary for the administration of this Act.

Appointment and
duties of Inspector-
General and of
Assistant Inspectors.

(2.) The Inspector-General shall have the general administration of this Act under the direction of the Minister.

(3.) The Assistant Inspectors shall, under the control of the Inspector-General, perform such official duties as they are severally required to perform by this Act or by the direction of the Inspector-General.

(4.) If at any time the office of Inspector-General is temporarily vacant, or the Inspector-General is unable from illness, absence from New Zealand, or other cause to execute the duties of his office, the Minister may, by warrant under his hand, authorise any Assistant Inspector to exercise the functions of the Inspector-General during such inability. No such warrant and no act done thereunder shall be questioned in any proceedings on the ground that the occasion for the issue of the warrant had not arisen or that such inability had ceased.

Inspection of institutions.

74. (1.) The Inspector-General or any Assistant Inspector may, without previous notice, visit and inspect any institution at any time he thinks fit.

(2.) It shall be the duty of every officer or servant employed in or in respect of any institution to give to the Inspector-General or Assistant Inspector so visiting the institution all information required by the Inspector-General or Assistant Inspector with respect to the institution and to the management thereof, and to all matters in connection therewith.

(3.) Every person who obstructs the Inspector-General or an Assistant Inspector in his visitation of an institution, or who fails or refuses to give any such information as aforesaid, or who gives untrue or misleading information on the matters aforesaid, shall be liable on summary conviction to a fine not exceeding fifty pounds.

Inspector-General may call meetings of Board or attend thereat.

75. (1.) The Inspector-General may at any time call a special meeting of any Hospital and Charitable Aid Board, or require the Chairman or Secretary of any such Board to call such a meeting thereof, and it shall be the duty of the Chairman or Secretary to call a meeting accordingly.

(2.) The Inspector-General shall be entitled to be present at any meeting of a Board or of any committee of a Board, and to speak at any such meeting, but shall not take any other part in the proceedings thereof.

Annual reports.

76. (1.) Every Assistant Inspector shall, on or before the first day of May in each year, send a report to the Inspector-General on the condition of the several institutions visited by him within the preceding financial year.

(2.) The Inspector-General shall, before the month of July in each year, prepare and deliver to the Minister an annual report for the last preceding financial year, giving such particulars as to the administration of this Act as he thinks fit or as the Minister requires.

(3.) The Minister shall lay the report of the Inspector-General before Parliament within twenty-one days after the receipt thereof if Parliament is then in session, and if not, then within twenty-one days after the commencement of the next ensuing session.

Provisions to apply if Board fails to perform its duty or otherwise makes default.

77. (1.) If at any time it appears to the Governor in Council that a Hospital and Charitable Aid Board has failed or refused to perform any duty imposed upon it by this Act, or has unreasonably failed or refused to exercise any power conferred upon it by this Act, or has done or intends to do any illegal act in the execution of its functions, it shall be lawful for the Governor in Council to do either or both of the following things :—

- (a.) To direct the Minister of Finance to withhold the whole or any part of the subsidy payable to the Board for the current or the next succeeding financial year :
- (b.) To direct or authorise the Inspector-General to do or cause to be done on behalf and at the cost of the Board any act which the Board ought to do or has unreasonably in manner aforesaid refused or failed to do.

(2.) When any money payable to a Board by way of subsidy has been so withheld, the Board shall forfeit its right to receive that money until and unless the Governor by Order in Council authorises the payment thereof.

(3.) Any member, officer, or servant of a Board who obstructs the Inspector-General or any person authorised by him in that behalf in the execution of any act which the Inspector-General is directed or authorised to do under this section shall be liable on summary conviction, on the information of the Inspector-General, to a fine not exceeding fifty pounds.

(4.) All expenses incurred by the Inspector-General in doing or causing to be done any act on behalf of a Board under the authority of this section shall constitute a debt due by that Board to the Crown.

(5.) If and so long as the Inspector-General is authorised under this section to do any act on behalf of a Board, all the powers and authorities vested in the Board by this Act in respect of the act so authorised may be exercised by the Inspector-General as if those powers and authorities had been lawfully delegated to him by the Board.

(6.) Nothing in this section shall be so construed as to exclude or affect any other remedy available against a Board, or the members thereof, or any other person in respect of any illegal act or omission done or intended to be done by the Board, or the members thereof, or any other person.

Miscellaneous.

78. A Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract, or in respect of any debt or money payable to the Board, whether before or after action brought for the recovery thereof.

Board may compound with person in default in respect of breach of contract, &c.

79. All receipts given by or on behalf of a Board, and all declarations required or authorised by this Act, shall be exempt from stamp duty.

Exemptions from stamp duty.

80. Notwithstanding anything in this Act, the provisions contained in the Sixth Schedule hereto shall apply to the Town of Rotorua.

Special provisions with respect to Rotorua.

81. (1.) Where by reason of any alteration of the boundaries of a hospital district any institution which is vested in one Board becomes situated in the district of another Board, the Governor may by Order in Council, if he thinks fit, on the application of the Board of either of those districts, vest the institution in the Board of the district in which it has so become situated.

On alteration of boundaries of hospital districts, institutions may be transferred to Board in whose district they become situated.

(2.) When any such Order in Council has been made, the following provisions shall apply as from the date of the Order in Council or as from such later date as is specified in the Order in Council as the date of the coming into operation thereof:—

- (a.) The institution, and all land, buildings, and other property forming part thereof or exclusively used in connection therewith, shall, without conveyance or assignment, vest in the Board in whose district the institution so becomes situated (hereinafter called the new Board) for the estate and interest of the Board in whose district the institution was formerly situated (hereinafter called the former Board):
- (b.) The institution shall be under the control and management of the new Board in accordance with this Act:
- (c.) All moneys and other property held by the former Board in trust for the purposes of that institution exclusively shall, without conveyance or assignment, vest in the new Board, subject to the same trusts:
- (d.) All existing debts and liabilities charged by mortgage or otherwise exclusively on any property so becoming vested in the new Board, and all existing contracts, debts, and liabilities made or incurred by the former Board in respect of that institution exclusively, shall become the contracts, debts, and liabilities of the new Board:
- (e.) All officers and servants appointed by the former Board in respect of that institution exclusively shall become the officers and servants of the new Board:
- (f.) All property, debts, liabilities, or contracts relating not exclusively to that institution but also to any other institution which remains vested in the former Board shall be apportioned, in such manner and proportions and on such terms and conditions as the Minister determines, between the new Board and the former Board, and in the meantime shall remain the property, debts, liabilities, and contracts of the former Board:
- (g.) It shall be the duty of the said Boards to carry the apportionment into effect by the execution of all such conveyances and other instruments as may be required in that behalf, and no such conveyance or instrument shall be subject to any duty under the Stamp Duties Act, 1908:
- (h.) If any question, whether of law or fact, arises between the said Boards as to the application of this section, or as to the mode of carrying the same into effect, the question shall be determined by the Minister, and not otherwise, and his decision thereon shall be final and conclusive as between the Boards, and it shall be the duty of the Boards to give effect to the same accordingly.

Union of hospital districts.

82. (1.) In pursuance of resolutions passed by the Boards of any two or more hospital districts which constitute a single continuous area, the Governor may, by Order in Council made

within twelve months after the passing of the earliest of those resolutions, abolish as from a date to be specified in the Order those hospital districts, and constitute as from the same date a new hospital district, under a name to be specified in the Order, and comprising the whole of the area included in the hospital districts so abolished.

(2.) No such resolution as is referred to in the last preceding subsection shall be passed by a Board at any meeting thereof unless notice of the intention to propose that resolution at that meeting has been given at a previous meeting of the Board held not less than fourteen days before the day of the meeting at which the resolution is passed.

(3.) A copy of any such resolution under the hand of the Chairman of the Board and transmitted to the Minister shall be conclusive proof that the resolution was duly passed in accordance with this Act.

(4.) All the provisions of this Act as to hospital districts constituted by this Act shall, so far as applicable and with all necessary modifications, apply to a hospital district so constituted by an Order in Council under this section.

(5.) The Board of any hospital district so constituted shall come into existence as a body corporate on the day on which the Order in Council comes into force, and shall be deemed to be the successor of the Boards of the hospital districts so abolished; and those Boards shall thereupon be dissolved, and all the provisions of this Act shall, so far as applicable and with all necessary modifications, apply accordingly in the same manner as if every Board so dissolved was an "old Board" within the meaning of this Act.

(6.) By the Order in Council by which any such hospital district is constituted, or by any subsequent Order in Council, the Governor may exercise in respect of that district and the Board thereof all the powers vested in him by this Act with respect to the representation of contributory districts and the constitution and election of Boards, in the same manner with all necessary modifications as if that hospital district and the Board thereof had been constituted by this Act.

(7.) The election or appointment of the members of the Board of any hospital district so constituted may, if the Governor thinks fit, take place at any time after the making of the Order in Council by which that district is constituted, whether before or after the day specified in that Order as the date of the constitution of the new hospital district; but any persons so elected or appointed before the date of the constitution of the new district shall come into office on that date, and not sooner.

83. (1.) On the recommendation of the Inspector-General of Hospitals, and with the consent of the local authorities concerned, the Governor may by Order in Council, upon such terms and conditions as he thinks fit, combine for such of the purposes of the Public Health Act, 1908, as are mentioned in the Order the districts of any two or more local authorities situate within a hospital district, and declare that for those purposes the Hospital and Charitable Aid Board of the district shall be deemed to be the local authority within the combined districts.

Board may be declared a local authority for the purposes of the Public Health Act, 1908.

(2.) All costs and expenses incurred by a Hospital and Charitable Aid Board as such local authority in the exercise or performance of any power or duty under this section shall be recoverable by the Board as a debt due by the local authority of the county, borough, road district, or town district within which the said costs and expenses were incurred.

(3.) The amount for which any such local authority is liable in respect of such costs and expenses shall be from time to time determined by the Hospital and Charitable Aid Board, and such determination shall, subject to the right of appeal to the Minister as hereinafter mentioned, be final.

(4.) If any local authority mentioned in subsection two hereof is dissatisfied with the determination of the Hospital and Charitable Aid Board, it may, in the manner provided by section forty-four hereof in the case of appeals by contributory local authorities, appeal to the Minister, and the provisions of that section shall extend and apply to all such appeals.

(5.) Section seven of the Public Health Act, 1908, is hereby repealed.

Agreements under Public Health Act as to infectious diseases hospitals to cease to operate.

84. (1.) On the commencement of this Act every agreement between local authorities, or order of a Magistrate, as to the apportionment of the cost of the maintenance of a hospital for infectious diseases under the Public Health Act, 1908, or any former Act relating to such hospitals, shall, so far as it relates to the maintenance of that hospital, cease to be in force, and all expenditure thereafter incurred in respect of such maintenance shall be subject to the provisions of this Act.

(2.) Every agreement so made as aforesaid with respect to the establishment or initial equipment of any such hospital, and in force at the commencement of this Act, shall continue in force so far as it relates to such establishment or equipment, and shall be enforceable against the local authorities which are parties thereto by the Board of the district in which the hospital is or is proposed to be established.

Cost of maintenance in industrial school of certain indigent children to be paid by Board.

85. (1.) The cost of maintaining at an industrial school any child who becomes or has become an inmate thereof under paragraph (a) of section seventeen of the Industrial Schools Act, 1908, or under paragraph (1) of section sixteen of the Industrial Schools Act, 1882, by reason of having no means of subsistence, or of the indigent circumstances of its parents, shall, to the amount of eight shillings a week, be defrayed out of moneys available for charitable aid by the Hospital and Charitable Aid Board of the hospital district in which the order for sending the child to the industrial school is or has been made.

(2.) Every such order made at any place before the commencement of this Act shall be deemed to have been made in the hospital district in which by virtue of this Act that place is situated.

(3.) All moneys payable by a Board under this section shall constitute a debt accruing due from week to week and recoverable in any Court of competent jurisdiction by the manager for the time being of the industrial school in which the child is or has been maintained.

(4.) A Board which pays any money under this section in respect of the maintenance of a child in an industrial school shall have the same powers of proceeding against all persons liable to contribute to the maintenance of that child as the manager of the school has under sections thirty-two to thirty-six of the Industrial Schools Act, 1908, and those sections shall be read and construed with the necessary modifications and shall apply accordingly for this purpose.

(5.) For the purposes of section seventy-two of this Act all moneys payable by a Board under this section in respect of any child shall be deemed to be relief granted by the Board to that child as and when those moneys become payable, and the provisions of the said section seventy-two shall apply accordingly.

86. (1.) A Hospital and Charitable Aid Board may, with respect to any institution under its control, appoint some fit person, to be approved by the Minister, to be the manager of that institution for the purposes of this section, and may from time to time remove any such manager and appoint, with the approval of the Minister, some other fit person in his stead.

Guardianship of
minors who are
inmates of
institutions.

(2.) Where any minor is maintained in any such institution as an inmate thereof, a Magistrate may, on application made by or on behalf of the Board, make an order that the manager of the institution shall *ex officio* be the guardian of that minor.

(3.) No such order shall be made without the consent of the surviving parents (if any) of the minor :

Provided that if any parent is absent from New Zealand, or if his residence is unknown, or if he is, in the opinion of the Magistrate, unfit to have the custody of the minor, the consent of that parent shall not be required.

(4.) So long as any such order remains in force the manager for the time being of the institution shall be, by virtue of his office, the guardian of the minor, and shall as such guardian have all the powers and authorities over the person of the minor which the guardian of the person of a minor appointed by the Supreme Court would have, and shall have in respect of the minor all the powers and authorities that the manager of any school under the Industrial Schools Act, 1908, has over any inmate of the school as the guardian of that inmate.

(5.) While any such order is in force the surviving parents (if any) of the minor shall wholly cease to have any legal control or guardianship over him.

(6.) Every order so made shall, unless sooner revoked, continue in force until the minor attains the age of twenty-one years.

(7.) A Magistrate may, on the application of any person, rescind or vary an order made under this section, whether by himself or any other Magistrate, and may transfer the guardianship of the minor from the manager of any institution to the manager of any other institution under the control of the same or any other Board.

(8.) The Supreme Court may, on the application of either parent of a minor, at any time while an order is in force under this section, and whether the order has been made with or without the consent of that parent, rescind that order. Every such application shall be made by way of motion on notice to the Board having

control of the institution in which the minor is or has been an inmate, and the Supreme Court may make, as between that Board and the applicant, such order as to the costs of the application as the Court thinks fit.

(9.) Every order in force at the commencement of this Act under section one hundred and three of the Hospitals and Charitable Institutions Act, 1908, shall be deemed to have been made under this section, and shall continue in force accordingly.

(10.) Every person holding office at the commencement of this Act as the manager of an institution under the said section one hundred and three shall be deemed to have been appointed under this section.

PART II.

SEPARATE INSTITUTIONS.

Corporations of certain separate institutions to continue to exist.

87. (1.) The institutions named or described in the Second Schedule hereto (being separate institutions under the Hospitals and Charitable Institutions Act, 1908), and the corporations thereof, shall continue to exist, but shall become subject to the provisions of this Part of this Act.

(2.) The said institutions are in this Act referred to as separate institutions.

(3.) The name of the corporation of any separate institution shall be the name by which the institution is referred to in the Second Schedule hereto, and by that name the corporation shall have perpetual succession and a common seal, with power to hold land, to sue and be sued, and to do and suffer all that bodies corporate may do and suffer.

(4.) Every such corporation shall for all purposes, save so far as expressly provided by this Act, be deemed to be the same corporation as that which exists in respect of the institution at the commencement of this Act under the Hospitals and Charitable Institutions Act, 1908.

Corporation of separate institution to consist of contributors thereto.

88. (1.) The corporation of any separate institution shall consist of the contributors for the time being to that institution as defined by this Act.

(2.) The contributors to any separate institution are, during any financial year, —

(a.) All persons who have during that year, or during the last preceding financial year, and whether before or after the commencement of this Act, contributed the sum of five shillings or more to the funds of that institution :

(b.) All persons who have been elected as life contributors to that institution under the provisions of this Act :

(c.) All persons who before the commencement of this Act have been appointed or elected to be life governors, life directors, life subscribers, or life contributors to that institution.

(3.) No person shall be entitled to vote as a contributor at any meeting of contributors unless he is of the age of eighteen years, and has been a contributor for a period of not less than three months next before the day of the meeting.

(4.) The Trustees of any separate institution may elect as a life contributor to the institution any person who gives to the funds of the institution a donation in one sum of not less than twenty pounds.

89. A separate institution shall be governed by a Board of Trustees consisting of nine persons, who shall be elected by the contributors to the institution.

Board of Trustees of separate institution.

90. The Trustees of a separate institution who are in office at the commencement of this Act shall, unless their offices sooner become vacant under this Act, continue in office and may exercise the powers vested in Trustees by this Act until their successors come into office in accordance with this Act.

Existing Trustees to continue in office until election of successors.

91. All Trustees of a separate institution elected under this Act shall come into office on their election, and shall continue in office until the election of their successors, unless they sooner vacate their offices in accordance with this Act.

Term of office of new Trustees.

92. (1.) The first meeting of the contributors to a separate institution after the commencement of this Act shall be held at such time and place as the Minister by notice in the *Gazette* appoints.

First meeting of contributors, and election of Trustees.

(2.) At that meeting, or at any adjournment thereof, all the Trustees then in office shall retire, and the Trustees of the institution shall be elected under this Act.

93. (1.) An annual meeting of the contributors to any separate institution shall be held on the first Tuesday in April in each year after the year nineteen hundred and ten, at a time and place to be determined by the Trustees and notified by advertisement in some newspaper circulating in the district where the institution is situated.

Annual meeting of contributors.

(2.) At each such annual meeting or at any adjournment thereof every Trustee who has been appointed under the provisions of section ninety-eight of this Act to fill a casual vacancy shall retire, and some person shall be elected as a Trustee in his place, but the Trustee so retiring shall be capable of being so elected. At the same time every existing vacancy in the Board of Trustees shall be filled by the election of a Trustee.

(3.) At every such annual meeting or at any adjournment thereof, if the number of Trustees to be elected under the last preceding subsection is less than three, a sufficient number of Trustees to create three vacancies in the Board of Trustees shall go out of office, and their places shall be filled by election, but the Trustees so retiring may be re-elected.

Election of Trustees to fill vacancies.

(4.) The Trustees so to go out of office shall be those who have been the longest in office without re-election; but where two or more have been in office for the same length of time, then those of them who are to go out of office shall be determined by lot in such manner as the Trustees determine.

94. If at the first meeting of contributors under this Act, or at any annual or general meeting of contributors, at least ten of the contributors qualified to vote do not assemble and proceed to business within one hour after the time fixed for the meeting, no retirement or election of Trustees shall take place, nor shall any business be done at that time; but in such case the meeting shall stand adjourned to the same place and the same hour of the same day in the following week, of which adjourned meeting notice shall

Adjournment of meetings of contributors if quorum not present.

be given by the Trustees in some newspaper circulating in the district where the institution is situated, and at the adjourned meeting four contributors entitled to vote shall constitute a quorum.

Questions to be decided by vote of majority.

95. (1.) Every question submitted to any meeting of contributors shall be decided by a majority of the votes of contributors then present and entitled to vote.

(2.) Every such contributor shall have one vote.

Trustees may call general meeting.

96. A general meeting of contributors may, by a resolution of the Trustees, be called at any time by notice to the contributors given by advertisement in some newspaper circulating in the district in which the institution is situated.

Chairman to be elected by contributors, and to preside at meetings of Trustees.

97. (1.) At the first meeting of the contributors under this Act, or at any adjournment thereof, and thereafter at every annual meeting of contributors or adjournment thereof, the contributors present and entitled to vote shall, after electing Trustees as aforesaid, elect one of the Trustees to be Chairman of the institution, and the person so elected shall, unless he sooner vacates his office, hold office until the election of his successor.

(2.) The Chairman shall preside at all meetings of the Trustees or of the contributors at which he is present.

(3.) If the Chairman is absent from any meeting, or if there is no Chairman, the contributors present and entitled to vote, in the case of a meeting of contributors, or the Trustees present in the case of a meeting of Trustees, shall elect some contributor or Trustee (as the case may be) to preside at that meeting, and the person so elected shall have the same powers at that meeting as the Chairman would have had if he had been present.

(4.) At every meeting, whether of Trustees or of contributors, the Chairman shall have a deliberative vote, and in case the votes are equal he shall have a casting-vote also.

(5.) If the Chairman resigns or forfeits his office, or dies, the remaining Trustees shall appoint one of their number to be Chairman until the election of a Chairman at the next annual meeting of contributors or an adjournment thereof.

Appointment of Trustees to fill casual vacancies.

98. (1.) If any Trustee dies, or resigns or forfeits his office, the continuing Trustees, if three or more in number, shall fill the vacancy so created in the Board by appointing as Trustee some contributor to the institution.

(2.) If there are less than three continuing Trustees, or if they fail to make any such appointment within two months after the happening of the vacancy, the Governor may by warrant under his hand appoint a contributor to the vacant office.

(3.) Every Trustee appointed under this section shall hold office until the election of his successor at the next annual meeting of the contributors or at an adjournment thereof.

Meetings of Trustees.

99. (1.) Meetings of the Trustees of a separate institution shall be held at such times and places as the Trustees from time to time determine.

(2.) The Chairman of the institution or any five of the Trustees may at any time call a special meeting of the Trustees.

(3.) It shall be the duty of the Chairman or of the Secretary to call a special meeting of the Trustees at any time when requested

so to do by a requisition in writing under the hands of any five Trustees.

100. (1.) The Trustees of a separate institution may at any time after the commencement of this Act, by resolution approved by a general meeting of the contributors, decide to transfer the institution to the Hospital and Charitable Aid Board of the hospital district within which the institution is situated.

Separate institution may by Order in Council be transferred to Hospital and Charitable Aid Board.

(2.) The Governor may thereupon, if he thinks fit, declare by Order in Council that the institution is transferred to that Board accordingly.

(3.) On the making of any such Order in Council the institution shall cease, as from the day specified in that behalf in the Order, to be a separate institution under this Act, and shall as from that day become vested in and under the control of the Hospital and Charitable Aid Board so named in the Order, and be subject in all respects to the provisions of Part I of this Act, in the same manner and with the same consequences as in the case of those institutions which by virtue of Part I of this Act cease to be separate institutions under the Hospitals and Charitable Institutions Act, 1908, and as from that day the corporation of the separate institution shall be dissolved, and the said Board shall be deemed to be the successor thereof under this Act.

101. (1.) The Trustees of a separate institution shall at all times keep a book (to be called the Contributors Book) in which shall be entered the names and addresses of all contributors and the amounts from time to time contributed by each, together with the dates of those contributions.

Contributors Book.

(2.) The Contributors Book shall at all reasonable times be open to the inspection of any contributor, and all entries therein shall be sufficient *prima facie* evidence of the matters so recorded.

102. The provisions of Part I of this Act shall, to the extent indicated in the Seventh Schedule hereto, apply, with the necessary modifications, to a separate institution and to the Trustees and corporation thereof respectively; and in those provisions all references to an institution shall be read as references to a separate institution, and all references to a Hospital and Charitable Aid Board or to the members thereof shall be read as references to the Trustees or to the corporation of a separate institution, as may in the particular case be appropriate.

Certain provisions of Part I to be applicable to separate institutions.

103. (1.) The Trustees of a separate institution may from time to time make, under the seal of the corporation of the separate institution, by-laws for any of the following purposes and matters, in addition to the purposes and matters mentioned in section sixty-five of this Act:—

By-laws may be made by Trustees.

- (a.) Defining, enlarging, restricting, or altering the purposes for which the institution is established:
- (b.) Altering the name of the institution or of the body corporate thereof:
- (c.) Regulating, consistently with this Act, the conduct of any election under this Part of this Act, or determining the validity of disputed elections:
- (d.) Regulating, consistently with this Act, the conduct of the business of meetings of Trustees or contributors:

(e.) Determining and regulating, consistently with this Act, the constitution of the institution and the fulfilment of the purposes thereof.

(2.) All the provisions of section sixty-five of this Act shall apply to by-laws made under this section.

Special provisions as to Jubilee Institute for the Blind.

104. The provisions of this Part of this Act shall be subject to the provisions contained in the Eighth Schedule hereto with respect to the separate institution therein referred to.

PART III.

PRIVATE HOSPITALS.

Interpretation.

105. In this Part of this Act, unless a contrary intention appears,—

“House” means any house, building, tent, or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person, and situated on the same piece of land, they shall be deemed to constitute a single house within the meaning of this Act:

“License” means a license issued under this Act for the keeping of a private hospital:

“Licensee” means any person licensed to keep a private hospital under this Act:

“Licensed hospital” means a private hospital in respect of which a license is in force under this Act:

“Licensed maternity hospital” means a private hospital in respect of which a license is in force under this Act for the reception and care of patients in or in respect of childbirth:

“Licensed medical and surgical hospital” means a private hospital in respect of which a license is in force under this Act for the reception of any class of patients other than those last mentioned:

“Medical treatment” includes surgical treatment, and the care of or attendance on any woman in or in respect of childbirth, and the nursing of any sick person, and any treatment of a medical or surgical nature, whether by a registered medical practitioner or not:

“Patient” means any person received and lodged in any house to the intent that he may there receive medical treatment in consideration of payment made or to be made by him or by any other person to any other person:

“Private hospital” means any house in which two or more patients are received and lodged at the same time, other than—

(a.) An institution under the control of a Hospital and Charitable Aid Board:

(b.) A separate institution within the meaning of this Act:

(c.) A hospital or other establishment wholly or mainly supported by the State:

(*d.*) An institution in respect of which a license under the Lunatics Act, 1908, is in force for the reception of persons of unsound mind :

(*e.*) An institution in which habitual inebriates or any other persons are detained under the authority of any Act, unless any other patient is received and lodged therein other than a patient so detained.

106. (1.) No house shall be used as a private hospital except under the authority of a license issued by the Minister under this Act. License to conduct private hospital.

(2.) If any house is used as a private hospital in breach of this section, the occupier thereof and all persons concerned in the management of the hospital are severally liable to a fine not exceeding five pounds for every day during which such use has continued.

107. (1.) All licenses in force at the commencement of this Act under Part II of the Hospitals and Charitable Institutions Act, 1908, shall, until revoked, continue in force as if granted under this Act. Existing licenses to continue in force.

(2.) All persons who at the commencement of this Act are the managers of private hospitals under Part II of the Hospitals and Charitable Institutions Act, 1908, shall be deemed to have been appointed under this Act. Saving of appointments, regulations, &c.

(3.) All regulations in force at the commencement of this Act with respect to private hospitals under Part II of the Hospitals and Charitable Institutions Act, 1908, shall, so far as they are consistent with this Act, continue in force and apply to licensed hospitals under this Part of this Act as if made under the authority of this Act.

108. (1.) Every application for a license to keep a private hospital shall be made in writing to the Minister, and shall contain the following particulars :— Application for license.

(*a.*) The full name, place of abode, and occupation of the applicant :

(*b.*) A statement of the estate or interest of the applicant in the house in respect of which the license is desired :

(*c.*) A statement of the number of patients proposed to be received in the hospital :

(*d.*) A description of the situation of the hospital :

(*e.*) A plan of the hospital on a scale of not less than an eighth of an inch to the foot :

(*f.*) A statement of the length, breadth, and height of every room and apartment in the hospital :

(*g.*) A statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or manager of the hospital or by persons other than patients :

(*h.*) A statement of the sanitary arrangements of the hospital :

(*i.*) A statement as to the kinds of patients proposed to be received into the hospital.

(2.) Every such application shall be verified by the statutory declaration of the applicant.

(3.) Every such application shall be accompanied by a fee of ten shillings.

Approval of premises by Inspector-General before license granted.

109. (1.) No license shall be granted unless the house in respect of which the license is applied for is approved by the Inspector-General as suitable for the purposes indicated in the application.

(2.) No license shall be granted unless the Minister is satisfied as to the character and fitness of the applicant.

(3.) Subject to the express provisions of this Act, the grant or refusal of a license shall in all cases be in the absolute discretion of the Minister.

Kinds of licensed hospitals.

110. (1.) Every licensed hospital shall, according to the tenor of the license issued in respect thereof, be either—

(a.) A licensed maternity hospital; or

(b.) A licensed medical and surgical hospital; or

(c.) A hospital licensed both as a maternity and as a medical and surgical hospital.

(2.) Every license shall state the maximum number of patients who may be received and lodged in the hospital at any one time.

(3.) Any license may, if the Minister thinks fit, be limited to the reception of any particular class or classes of patients.

Annual fee by licensee.

111. A licensee shall, in the month of December in each year, pay to the Crown a fee of ten shillings in respect of the continuance of his license.

License to continue in force notwithstanding death of one of joint licensees.

112. When a license has been granted to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors.

Transfer of license upon application of licensee.

113. On the application in writing signed by the licensee of any private hospital and by any person to whom he desires that his license shall be transferred, the Minister may, if he thinks fit, by indorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him.

Transfer or revocation of license upon death of licensee.

114. (1.) If the licensee or the sole surviving licensee of a private hospital dies, the Minister may, if he thinks fit, by indorsement on the license or otherwise in writing, transfer the license to any person nominated in that behalf by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him.

(2.) In the meantime, unless and until the license is revoked under this section or under section one hundred and sixteen of this Act, the hospital shall be deemed to continue to be a licensed hospital under this Act, and the manager and other officers thereof shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

(3.) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee, the Minister may thereupon, by writing under his hand published in the *Gazette*, revoke the license without notice, and the hospital shall thereupon cease to be a licensed hospital.

115. Every license shall continue in force until revoked in accordance with this Act.

License in force until revoked.

116. (1.) Every license may at any time be revoked by the Minister on any of the following grounds:—

Revocation of license.

- (a.) That the licensee has made default for three months in paying the annual license fee hereinbefore referred to:
- (b.) That the licensee or manager of the hospital has been convicted of an offence against this Act or of any offence punishable by imprisonment:
- (c.) That in the opinion of the Inspector-General the premises of the hospital are insanitary, or the hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

(2.) Before a license is revoked on any of the grounds mentioned in this section the Minister shall give notice to the licensee or manager of the ground on which it is proposed so to revoke the license, and shall afford to the licensee or manager a reasonable opportunity of showing cause why the license should not be so revoked.

(3.) Any such notice may be given to the licensee or manager either personally or by leaving it at the licensed hospital, and any such revocation of a license shall be effected by a notice under the hand of the Minister and published in the *Gazette*.

(4.) The decision of the Minister as to the revocation of a license shall be final and conclusive, and shall not be questioned in any Court or in any proceedings.

117. (1.) No structural alteration or addition shall be made to any licensed hospital until a sufficient plan and description of the proposed alteration or addition have been given to the Inspector-General and approved by him.

Inspector-General to approve plans of structural alterations to licensed premises.

(2.) If any alteration or addition is made in breach of this section, the licensee shall be liable to a fine not exceeding twenty pounds.

118. (1.) For every licensed hospital there shall at all times be a manager resident on the premises of the hospital, who may be either the licensee himself, if qualified under this section, or some qualified person appointed and employed by the licensee.

Manager of licensed hospital.

(2.) The manager shall be either—

- (a.) A registered medical practitioner in any case; or
- (b.) A registered midwife in the case of a licensed maternity hospital; or
- (c.) A registered nurse in the case of a licensed medical and surgical hospital; or
- (d.) A registered nurse who is also a registered midwife, or who has as an assistant a registered midwife resident on the premises of the hospital, in the case of a hospital which is licensed both as a maternity hospital and as a medical and surgical hospital.

(3.) No person other than a licensee shall be appointed as the manager of a licensed hospital until the name and qualifications of that person have been notified to the Inspector-General and he has approved of the appointment.

Acting-manager.

(4.) During the temporary absence, illness, or incapacity of the manager of a licensed hospital the licensee thereof may, without notice to the Inspector-General, appoint as acting-manager thereof any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for all the purposes of this Act to be the manager of the hospital. But no such acting-manager shall so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

(5.) If at any time a licensed hospital is used as such while there is no manager thereof in accordance with this section, or while the manager is not resident on the premises of the hospital, the licensee thereof shall be liable to a fine not exceeding five pounds for every day during which it is so used.

(6.) The Minister may, in any case in which by reason of the special circumstances thereof he thinks fit so to do, and on such terms and conditions as he thinks fit, by warrant under his hand, exempt any licensed hospital from the requirements of subsection two of this section. Any exemption so granted by the Minister may be at any time withdrawn by him by notice under his hand and delivered to the licensee of the hospital.

Register of Patients.

119. (1.) In every licensed hospital there shall be kept a book (to be called the Register of Patients) in which the licensee shall enter or cause to be entered the following particulars:—

- (a.) The name, age, and usual place of abode of every patient, and the date of his reception into the hospital:
- (b.) The name of the medical practitioner (if any) attending each patient:
- (c.) The date at which each patient leaves the hospital, or, in the event of the death of a patient in the hospital, the date of his death:
- (d.) Such other particulars as may be prescribed.

(2.) The particulars required to be entered in the Register of Patients shall be entered therein as soon as practicable after the occurrence of the act or event to which the entry relates.

(3.) Every person who knowingly makes in the Register of Patients an untrue entry is liable to a fine not exceeding fifty pounds.

(4.) Every licensee who fails to make or cause to be made any entry in the Register of Patients in accordance with this Act is liable to a fine not exceeding ten pounds.

Visitation and inspection of licensed hospitals.

120. All the provisions of Part I of this Act relating to the visitation and inspection of institutions shall, so far as applicable, apply to the visitation and inspection of licensed hospitals under this Part of this Act in the same manner as if such hospitals were institutions under the control of a Hospital and Charitable Aid Board.

Inspector-General may enter unlicensed premises if he believes the same to be used as a private hospital.

121. If the Inspector-General has reason to believe or suspect that any house is used as a private hospital without any license being in force with respect thereto in accordance with this Act, he may at any time and from time to time by himself, or by any person authorised by him in that behalf, enter and

inspect that house and every part thereof, and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is liable to a fine not exceeding fifty pounds.

122. (1.) A licensed hospital shall not be used for any purpose other than the purposes in respect of which the license is granted, and purposes reasonably incidental thereto.

Licensed hospitals to be used only for authorised purposes.

(2.) If any licensed hospital is used in any manner contrary to the provisions of this section the licensee and manager thereof shall be severally liable to a fine not exceeding five pounds for every day or part of a day during which it is so used.

123. If at any time a licensed hospital is used for the reception of a greater number of patients than is permitted by the license, or for the reception of any patient of a kind not authorised by the license, the licensee and the manager of the hospital shall be severally liable to a fine not exceeding five pounds for every day or part of a day during which it is so used.

Reception in licensed hospital of more than authorised number of patients.

124. (1.) The manager of a licensed hospital shall be deemed to be the occupier of the house for the purpose of giving notice under section twenty-five of the Public Health Act, 1908, of any patient found or suspected to be sick of an infectious disease, and if the manager fails to give notice in accordance with that section he shall be liable to a fine not exceeding fifty pounds in lieu of that imposed by that section.

Manager of hospital deemed the occupier for certain purposes.

(2.) The manager of a licensed hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under the Births and Deaths Registration Act, 1908, of the death of any person or of the birth of any child in the hospital.

125. (1.) In any prosecution for an offence against this Part of this Act the burden of proving that any person residing in any house and there receiving medical treatment is not a patient within the meaning of this Act shall lie upon the defendant.

Burden of proof in prosecutions to be on defendant.

(2.) In any prosecution for an offence against this Part of this Act the burden of proving that a license is in force in respect of any private hospital, and of proving the terms of that license, and of proving that any person apparently having the charge, control, or management of the hospital is not the manager thereof within the meaning of this Act, shall lie upon the defendant.

126. All fees received under this Part of this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Fees.

PART IV.

SUPPLEMENTARY.

127. The Governor may from time to time by Order in Council make all such regulations, consistent with this Act, as are contemplated or provided for by this Act, or as he thinks necessary or expedient for carrying into full effect the provisions thereof.

Regulations.

128. In hospitals of over one hundred beds the hours of employment of uncertificated nurses shall not exceed fifty-six in any one week.

Hours of employment for nurses.

Validation of irregular proceedings by Order in Council.

129. Where by misadventure, accident, or mistake, whether of law or fact, anything is at any time done after the time or is not done within the time required by this Act, or is otherwise irregularly done in matter of form, the Governor may by Order in Council make provision for any such case, or may extend the time within which anything is required to be done, or may validate anything so done after the time required, or so irregularly done in matter of form, so that the true intent and purpose of this Act may have effect, but no such Order in Council shall affect any judicial proceedings theretofore instituted or any judgment, decree, or other decision thereupon made or given by any Court.

Orders in Council to be submitted to Parliament.

130. All Orders in Council made under the authority of this Act shall be gazetted, and shall be laid before Parliament within twenty-one days after the gazetting thereof if Parliament is then in session, and if not, then within twenty-one days after the commencement of the next ensuing session.

Repeals.

131. The Acts mentioned in the Ninth Schedule hereto are hereby repealed to the extent therein specified.

Temporary provision continuing members in office until commencement of Act.

132. (1.) The members of every old Board and the Trustees of every separate institution under the Hospitals and Charitable Institutions Act, 1908, who are in office at the passing of this Act shall continue to hold office until the commencement of this Act, notwithstanding any provision as to their periodical retirement contained in any Act hereby repealed; and no election or appointment of members of any such Board or of Trustees of any such separate institution shall be made in the interval between the passing of this Act and the commencement thereof, except for the purpose of filling any casual vacancy.

(2.) This section shall come into operation on the passing of this Act.

References to Hospital and Charitable Aid Boards, &c., in other Acts.

133. Wherever in any Act in force at the commencement of this Act reference is made to a Hospital Board, or to a Charitable Aid Board, or to a Hospital and Charitable Aid Board, every such reference shall be construed as a reference to a Hospital and Charitable Aid Board under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Sections 3, 23.

Areas included in Hospital Districts (those Areas being Counties unless otherwise specified in this Schedule).	Old Boards superseded.
1. BAY OF ISLANDS HOSPITAL DISTRICT.	
Mongonui, Whangaroa, Bay of Islands, Hokianga.	The North of Auckland Hospital and Charitable Aid Board.
2. MARSDEN-KAIPARA HOSPITAL DISTRICT.	
Whangarei, Hobson, Otamatea.	...
3. AUCKLAND HOSPITAL DISTRICT.	
Rodney, Waitemata, Eden, Manukau.	The Auckland Hospital and Charitable Aid Board.
4. WAIKATO HOSPITAL DISTRICT.	
Waikato, Waipa, Piako, Raglan, Waitomo, Ohura, Kawhia, Awakino, Taupo East, Taupo West, Matamata, Rotorua.	The District of Waikato Hospital and Charitable Aid Board.
5. THAMES HOSPITAL DISTRICT.	
Thames, Ohinemuri, but not including Waihi Borough.	The Thames District Hospital Board, the Thames and Coromandel United Charitable Aid Board.
6. WAIHI HOSPITAL DISTRICT.	
Waihi Borough.	The Waihi Hospital and Charitable Aid Board.
7. COROMANDEL HOSPITAL DISTRICT.	
Coromandel.	The Coromandel Hospital Board.
8. BAY OF PLENTY HOSPITAL DISTRICT.	
Whakatane, Opotiki, Tauranga.	The Bay of Plenty Hospital and Charitable Aid Board.
9. COOK HOSPITAL DISTRICT.	
Cook, Waikohu.	The Cook Hospital and Charitable Aid Board.
10. WAIAPU HOSPITAL DISTRICT.	
Waiapu.	The Waiapu Hospital and Charitable Aid Board.
11. HAWKE'S BAY HOSPITAL DISTRICT.	
Wairoa, Hawke's Bay.	The Hawke's Bay Hospital Board, the Hawke's Bay United District Charitable Aid Board.

FIRST SCHEDULE—*continued.*

Areas included in Hospital Districts (those Areas being Counties unless otherwise specified in this Schedule).

Old Boards superseded.

12. WAIPAWA HOSPITAL DISTRICT.

Waipawa, Patangata, Weber, Woodville, Dannevirke, Waipukurau. | The Waipawa District Hospital Board.

13. TARANAKI HOSPITAL DISTRICT.

Clifton, Taranaki, Egmont. | The Taranaki Hospital and Charitable Aid Board.

14. STRATFORD HOSPITAL DISTRICT.

Stratford, Whangamomona. | The Stratford District Hospital and Charitable Aid Board.

15. HAWERA HOSPITAL DISTRICT.

Hawera, Waimate West, Eltham. | The Hawera District Hospital and Charitable Aid Board.

16. PATEA HOSPITAL DISTRICT.

Patea. | The Patea District Hospital Board.

17. WANGANUI HOSPITAL DISTRICT.

Wanganui, Waimarino, Waitotara, Rangitikei. | The Wanganui Hospital Board, the Patea and Wanganui Charitable Aid Board.

18. PALMERSTON NORTH HOSPITAL DISTRICT.

Kiwitea, Pohangina, Oroua, Manawatu, Kairanga. | The District of Palmerston North Hospital and Charitable Aid Board.

19. WELLINGTON HOSPITAL DISTRICT.

Horowhenua, Hutt, Makara. | The Wellington Hospital Board, the Wellington and Wairarapa Charitable Aid Board.

20. WAIRARAPA HOSPITAL DISTRICT.

Pahiatua, Akitio, Castlepoint, Eketahuna, Mauriceville, Masterton, Wairarapa South, Featherston. | The Wairarapa District Hospital Board.

21. WAIRAU HOSPITAL DISTRICT.

Marlborough, but not including the Borough of Picton or Picton Road District. | The Wairau Hospital and Charitable Aid Board.

22. PICTON HOSPITAL DISTRICT.

Sounds, Picton Borough, and Picton Road District. | The Picton Hospital and Charitable Aid Board.

23. NELSON HOSPITAL DISTRICT.

Waimea, Collingwood, Takaka, Murchison. | The Nelson Hospital and Charitable Aid Board.

FIRST SCHEDULE—*continued.*

Areas included in Hospital Districts (those Areas being Counties unless otherwise specified in this Schedule).	Old Boards superseded.
24. WESTLAND HOSPITAL DISTRICT.	
Westland.	The Westland Hospital and Charitable Aid Board.
25. BULLER HOSPITAL DISTRICT.	
Buller.	The Buller Hospital and Charitable Aid Board.
26. INANGAHUA HOSPITAL DISTRICT.	
Inangahua.	The Inangahua District Hospital and Charitable Aid Board.
27. GREY HOSPITAL DISTRICT.	
Grey.	The Grey District Hospital and Charitable Aid Board.
28. NORTH CANTERBURY HOSPITAL DISTRICT.	
Kaikoura, Amuri, Cheviot, Ashley, Akaroa, Mount Herbert, Selwyn, Waimairi, Wairewa, Tawera, Waipara.	The North Canterbury Hospital Board.
29. ASHBURTON HOSPITAL DISTRICT.	
Ashburton.	The Ashburton Hospital Board, the Ashburton and North Canterbury United Charitable Aid Board.
30. SOUTH CANTERBURY HOSPITAL DISTRICT.	
Geraldine, Mackenzie, Levels, Waimate.	The South Canterbury Hospital and Charitable Aid Board.
31. WAITAKI HOSPITAL DISTRICT.	
Waitaki.	The Waitaki Hospital and Charitable Aid Board.
32. OTAGO HOSPITAL DISTRICT.	
Waihemo, Waikouaiti, Taieri, Peninsula, Bruce, Tuapeka, Clutha.	The Tuapeka Hospital Board, the Otago Hospital Board, the Central Otago, Tuapeka, and Otago Charitable Aid Board.
33. VINCENT HOSPITAL DISTRICT.	
Vincent.	The District of Vincent Hospital Board.
34. MANIOTOTO HOSPITAL DISTRICT.	
Maniototo.	The Maniototo Hospital and Charitable Aid Board.
35. SOUTHLAND HOSPITAL DISTRICT.	
Lake, Southland, Stewart Island.	The Southland Hospital and Charitable Aid Board.
36. WALLACE AND FIORD HOSPITAL DISTRICT.	
Wallace, Fiord.	The Wallace Hospital and Charitable Aid Board.

Sections 24, 87.

SECOND SCHEDULE.

SEPARATE INSTITUTIONS.

<p>THE Mercury Bay Hospital. The Oamaru Hospital. The Wellington Convalescent Home. The Jubilee Institute for the Blind, Auckland. The Reefton Ladies' Benevolent Society.</p>	<p>The St. Andrew's Orphanage, Nelson. The Wellington Society for Relief of the Aged Needy. The Wellington Ladies' Christian Association. The Charleston Hospital.</p>
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Section 26.

THIRD SCHEDULE.

SPECIAL PROVISIONS RELATING TO THE TUARANGI OLD MEN'S HOME.

NOTWITHSTANDING anything contained in section twenty-five or section twenty-six of this Act, the following provisions shall be applicable to the Tuarangi Old Men's Home (hereinafter referred to as "the said institution"), situated at Hampstead, within the Ashburton Hospital District:—

(1.) The said institution, and all land, buildings, and other property forming part thereof or exclusively used in connection therewith, shall, without conveyance or assignment, vest in the North Canterbury Hospital and Charitable Aid Board, and shall be under the control of that Board.

(2.) All trust-moneys and other property held on trust for the purposes of the said institution exclusively by the old Board in which the said institution is vested at the commencement of this Act shall, without conveyance or assignment, vest in the North Canterbury Hospital and Charitable Aid Board on the like trusts.

(3.) All debts or liabilities charged by mortgage or otherwise exclusively on any property so becoming vested in the North Canterbury Hospital and Charitable Aid Board, and all contracts, debts, or liabilities made or incurred by the said old Board in respect of the said institution exclusively, shall become the contracts, debts, and liabilities of the North Canterbury Hospital and Charitable Aid Board.

(4.) All officers and servants appointed by the said old Board in respect of the said institution exclusively shall become the officers and servants of the North Canterbury Hospital and Charitable Aid Board.

(5.) All property, debts, liabilities, or contracts relating not exclusively to the said institution but also to any institution which is vested by virtue of this Act in the Ashburton Hospital and Charitable Aid Board shall be apportioned, in such manner and proportions and on such terms and conditions as the Minister determines, between the North Canterbury Hospital and Charitable Aid Board and the Ashburton Hospital and Charitable Aid Board, and in the meantime shall, without conveyance or assignment, be the property, debts, liabilities, and contracts of the Ashburton Hospital and Charitable Aid Board.

(6.) It shall be the duty of those Boards to carry the apportionment into effect by the execution of all such conveyances and other instruments as may be required in that behalf, and no such conveyance or instrument shall be subject to any duty under the Stamp Duties Act, 1908.

(7.) The residents of the Ashburton Hospital District shall be entitled to participate in the benefits accruing to the said institution from the Moule and Trigger bequests in the same manner as the residents of the North Canterbury Hospital District in the proportion that the population and the value of the rateable property of the Ashburton Hospital District bear to the population and the value of the rateable property of the two districts combined.

(8.) No claim shall be made by the North Canterbury Hospital and Charitable Aid Board under section seventy-two of this Act against the Ashburton Hospital and Charitable Aid Board in respect of the cost of relief granted in the said institution to residents in the district of the last-mentioned Board, except as far as the cost of such relief exceeds that proportion of the said benefits to which residents of that district are entitled under the foregoing provisions.

(9.) If any question, whether of law or fact, arises between the North Canterbury Hospital and Charitable Aid Board and the Ashburton Hospital and Charitable Aid Board as to the application of the provisions of this Schedule, or as to the mode of

carrying the same into effect, the question shall be determined by the Minister and not otherwise, and his decision thereon shall as between those two Boards be final and conclusive, and it shall be the duty of those Boards to give effect to the same accordingly.

FOURTH SCHEDULE.

Section 38.

RATES OF SUBSIDY FOR EACH POUND OF CONTRIBUTIONS LEVIED FROM CONTRIBUTORY LOCAL AUTHORITIES.

First Column. Rateable Value per Head of the Population.	Second Column. Rate of Levy per Head of the Population.											
	Under 2s.	Under 2s. 6d., but not under 2s.	Under 3s., but not under 2s. 6d.	Under 3s. 6d., but not under 3s.	Under 4s., but not under 3s. 6d.	Not under 4s.						
							s. d.	s. d.	s. d.	s. d.	s. d.	
Under £100	24	3	24	0	23	9	23	3	22	3	20	3
Under £150, but not under £100 ...	23	3	23	0	22	9	22	3	21	3	19	3
Under £200, but not under £150 ...	22	3	22	0	21	9	21	3	20	3	18	3
Under £250, but not under £200 ...	21	3	21	0	20	9	20	3	19	3	17	3
Under £300, but not under £250 ...	20	3	20	0	19	9	19	3	18	3	16	3
Under £350, but not under £300 ...	19	3	19	0	18	9	18	3	17	3	15	3
Under £400, but not under £350 ...	18	3	18	0	17	9	17	3	16	3	14	3
Under £450, but not under £400 ...	17	3	17	0	16	9	16	3	15	3	13	3
Not under £450	16	3	16	0	15	9	15	3	14	3	12	3

(1.) In this Schedule the expression "rateable value per head of the population" means the total capital value of the rateable property in the hospital district divided by the number of the population of that district.

(2.) In this Schedule the expression "rate of levy per head of the population" means the total amount levied in the hospital district from all the contributory local authorities thereof divided by the number of the population of that district.

(3.) For the purposes of this Schedule the number of the population of a hospital district shall be deemed and taken to be the number thereof as certified by the Registrar-General as being approximately correct as on the 1st day of April in the financial year in which the levy is made by the Hospital and Charitable Aid Board.

(4.) For the purposes of this Schedule the total capital value of the rateable property in the hospital district shall be deemed and taken to be the amount certified by the Valuer-General as being approximately correct as on the 1st day of April in the financial year in which the levy is made by the Hospital and Charitable Aid Board.

(5.) The rate of subsidy which any Hospital and Charitable Aid Board may receive shall be such one of the rates set out in the second column of this Schedule as is appropriate, in accordance with this Schedule, to the rateable value per head of the population of that district, taken together with the rate of levy per head of that population; so that if the said rateable value per head of the population is under £100 and the rate of levy per head of the population is under 2s., the said rate of subsidy is 24s. 3d. for every pound, and so on in all other cases.

FIFTH SCHEDULE.

Section 64.

SPECIAL PROVISIONS RELATING TO THE WAIMATE HOSPITAL.

(1.) THE Board of the South Canterbury Hospital District shall keep open for the treatment as heretofore of inpatients and outpatients the now existing hospital at Waimate, and shall at all times efficiently maintain the same to the satisfaction of the Inspector-General.

(2.) There shall at all times be a local committee of management for the said hospital, consisting of nine members, two of whom shall be appointed by the South Canterbury Hospital and Charitable Aid Board, five of whom shall be elected by the electors of the County of Waimate, and two of whom shall be elected by the electors of the Borough of Waimate.

(3.) The mode of election and the tenure of office of the persons so to be elected shall be determined by regulations made from time to time by the Governor in Council.

(4.) The cost of any such election shall be paid and borne by the Council of the county or borough, as the case may be, by whose electors the election is made.

(5.) Subject to the provisions of this Schedule, the provisions of section sixty-four of this Act shall apply to the said committee of management.

Section 80.

SIXTH SCHEDULE.

SPECIAL PROVISIONS RELATING TO THE TOWN OF ROTORUA.

(1.) THE Town of Rotorua, as described in the Rotorua Town Act, 1907, shall form part of the Waikato Hospital District, and shall be a contributory district thereof.

(2.) The Department of Tourist and Health Resorts as incorporated by that Act shall be deemed to be the contributory local authority of that contributory district.

(3.) One or more representatives of that contributory district shall be appointed to the Waikato Hospital and Charitable Aid Board by the Governor, and shall hold office during the Governor's pleasure.

(4.) The said incorporated Department shall, for the purpose of providing funds for the payment of contributions payable to the Waikato Hospital and Charitable Aid Board under this Act, have the same power of making, levying, and collecting rates in the Town of Rotorua as if the town were a borough and the Department were the Council thereof, and all such contributions shall be paid out of rates so levied, and not otherwise.

(5.) For the purposes of this Schedule the Governor in Council may by regulations from time to time modify the provisions of the Municipal Corporations Act, 1908, and the Rating Act, 1908, in their application to the said town and Department, so far as the Governor thinks necessary, in order to render effectual the intent of this Schedule.

(6.) The Governor in Council may also from time to time make regulations determining the persons by whom and the manner in which the powers hereby vested in the said Department may be exercised.

Section 102.

SEVENTH SCHEDULE.

PROVISIONS OF PART I OF THIS ACT APPLICABLE TO SEPARATE INSTITUTIONS.

SECTION 19, except subsection (1) thereof.	Sections 51 to 53.
Section 20.	Sections 55 to 58.
Section 22.	Section 65.
Sections 31 to 36.	Sections 68 to 71.
Sections 38 to 40.	Sections 74 to 79.
Sections 48 and 49.	Section 86.

Section 104.

EIGHTH SCHEDULE.

SPECIAL PROVISIONS RELATING TO THE JUBILEE INSTITUTE FOR THE BLIND, AUCKLAND.

IN their application to the separate institution known as the Jubilee Institute for the Blind, Auckland, the provisions of Part II of this Act shall be modified by and shall be subject to the following provisions of this Schedule :—

(1.) Four of the Trustees of the institution shall be appointed by the Governor, and the remaining five Trustees shall be elected by the contributors.

(2.) Every Trustee appointed by the Governor shall hold office for the term of three years, and thereafter until the appointment of his successor, but the Governor may at any time remove any Trustee so appointed by him.

(3.) When the office of any Trustee so appointed becomes vacant by death, resignation, forfeiture, or removal from office, or when any Trustee has held office for the aforesaid term of three years, a new Trustee shall be appointed in his place by the Governor, but any Trustee may be reappointed from time to time.

(4.) All Trustees appointed by the Governor under the Jubilee Institute for the Blind Act, 1906, and in office at the commencement of this Act, shall be deemed to have been appointed under this Act, and shall continue to hold office accordingly for the remainder of the term for which they were appointed, unless their offices sooner become vacant by death, resignation, forfeiture, or removal from office.

(5.) All elective Trustees who are in office at the commencement of this Act under the Jubilee Institute for the Blind Act, 1906, shall, unless their offices sooner become vacant under this Act, continue in office and may exercise the powers vested in Trustees by this Act until their successors come into office in accordance with this Act.

(6.) The first meeting of the contributors to the institution shall be held in accordance with section ninety-two of this Act; and at that meeting or at any adjournment thereof all the Trustees then in office (other than Trustees appointed by the Governor) shall retire, and five Trustees shall be elected in their place.

(7.) Subsection three of section ninety-three of this Act shall in its application to the said institution be read as if the word "two" was substituted for the word "three" wherever it occurs in that subsection.

(8.) The Trustees of the said institution shall admit to and maintain in that institution every blind child between the ages of seven and sixteen years that the Minister of Education directs to be sent to the institution, and there shall be paid by the said Minister to the Trustees for the maintenance and education of every such child such sum not exceeding twenty-six pounds per annum as may be agreed upon between the said Minister and the Trustees.

(9.) All sums so paid to the institution by the Minister of Education shall be paid out of moneys appropriated by Parliament, and shall be in addition to and not in substitution for any moneys payable to the institution by way of subsidy under the provisions of this Act.

(10.) A copy of every annual account prepared by the Trustees in pursuance of section sixty-eight of this Act shall, so soon as audited, be sent by the Trustees to the Minister of Education.

(11.) The institution shall be open at all reasonable times to inspection by the Inspector-General of Schools, or by any other person authorised by the Minister of Education to make any such inspection; and any such inspection may include the examination of pupils of the institution in the subjects in which they are receiving instruction.

NINTH SCHEDULE.

Section 131.

ENACTMENTS REPEALED.

1906, No. 14.—The Jubilee Institute for the Blind Act, 1906.

1908, No. 31.—The Counties Act, 1908: Section 199.

1908, No. 77.—The Hospitals and Charitable Institutions Act, 1908.

1908, No. 154.—The Public Contracts and Local Bodies' Contractors Act, 1908: In section 2 the words "and also the Boards and Trustees constituted under 'The Hospitals and Charitable Institutions Act, 1908.'"

1908, No. 155.—The Public Health Act, 1908: Sections 37 to 45 and section 110.

1908, No. 31, Local.—The Murchison County Act, 1908: Section 4