CHAPTER xii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Alexander Scott's Hospital. [14th July 1949.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Alexander Scott's Hospital Order Confirmation Act 1949. Short title.

SCHEDULE

ALEXANDER SCOTT'S HOSPITAL

Provisional Order to extend the qualifications for the admission of inmates to Alexander Scott's Hospital and for other purposes.

31 Vict. c. i.

WHEREAS by Alexander Scott's Hospital Act 1868 (hereinafter referred to as "the Act of 1868") the trustees and managers of Alexander Scott's Hospital (hereinafter referred to as "the Trustees") were incorporated and further powers were conferred upon them in connection with the admission of inmates to the hospital and the administration of the trusts and trust properties and funds of the trust disposition and deed of settlement of Alexander Scott of Craibstone in the county of Aberdeen deceased dated the eighth day of June one thousand eight hundred and twenty-four and registered in the books of council and session the eighth day of July one thousand eight hundred and thirty-three (hereinafter referred to as "the trust disposition of 1824") which trusts are defined in the trust disposition of 1824 as being (inter alia) for the purpose of erecting establishing and endowing a hospital or receptacle for the maintenance aliment clothing and lodging of old men and old women in the town of Huntly having the description or qualifications set forth in the trust disposition of 1824 which hospital or receptacle was to be known styled and called by the title of Alexander Scott's Hospital (hereinafter referred to as "the hospital"):

And whereas the Act of 1868 (inter alia) extended the powers conferred upon the Trustees by the trust disposition of 1824 with respect to the admission of inmates to the hospital:

And whereas by Alexander Scott's Hospital Order 1905 the qualifications of persons whom the Trustees may admit as inmates to the hospital were further extended on the narrative of the provisions of the trust disposition and settlement of the late Alexander Morison of Bognie and Larghan dated the fifth day of April one thousand eight hundred and seventy-six and along with sundry codicils thereto recorded in the books of council and session the eighth day of January one thousand eight hundred and eighty whereby an additional wing to the hospital was erected and handed over to the Trustees together with the residue of the estate of the said Alexander Morison:

And whereas by Alexander Scott's Hospital Order 1931 the qualifications of persons whom the Trustees may admit as inmates to the hospital were still further extended:

And whereas by Alexander Scott's Hospital Order 1936 the qualifications of persons whom the Trustees may admit as inmates to the hospital were again further extended:

And whereas notwithstanding such extended qualifications the number of persons qualified for and admitted to the hospital is not sufficient to utilise fully the available accommodation of the hospital:

And whereas during recent years owing to the lack of inmates in the hospital there has been substantial surplus of ordinary revenue over expenditure:

And whereas the Trustees are satisfied that under the present regulations there are now few persons eligible for admission and that to meet the purposes of the trust it is necessary that the qualifications for admission to the hospital should be further extended as provided in this Order:

And whereas it is expedient that such other provisions as are contained in this Order should be made:

And whereas the purpose aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936: 26 Geo. 5. & 1 Edw. 8. c. 52.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

Short and collective titles.

1. This Order may be cited as Alexander Scott's Hospital Order 1949 and this Order and Alexander Scott's Hospital Act 1868 Alexander Scott's Hospital Order 1905 Alexander Scott's Hospital and the North of Scotland College of Agriculture Order 1914 and Alexander Scott's Hospital Order 1931 may be cited together as Alexander Scott's Hospital Acts 1868 to 1949.

Interpretation.

2. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

"The Act of 1868" means Alexander Scott's Hospital Act 1868;

"The Trustees" mean the trustees and managers of Alexander Scott's Hospital as incorporated by the Act of 1868;

"The trust disposition of 1824" means the trust disposition and deed of settlement of Alexander Scott of Craibstone dated the eighth day of June one thousand eight hundred and twenty-four and registered in the books of council and session the eighth day of July one thousand eight hundred and thirty-three;

"The trust disposition of 1876" means the trust disposition and settlement of Alexander Morison of Bognie and Larghan dated the fifth day of April one thousand eight hundred and seventy-six and with sundry codicils thereto recorded in the books of council and session the eighth day of January one thousand eight hundred and eighty;

"The hospital" means the hospital erected in pursuance of the trust disposition of 1824 and the additional wing erected in pursuance of the trust disposition of 1876 with any further additions that may be made thereto and the garden and policy grounds of every description attached thereto;

"The estate of Bognie" means the entailed lands and estate of Bognie and others in the parish of Forgue and county of Aberdeen as it existed when in the possession of the said Alexander Morison on the thirtieth day of December one thousand eight hundred and seventy-nine.

Extension of qualifications of persons eligible for admission to hospital.

3. The Trustees may only receive into the hospital and admit to the benefits thereof (*a*) persons possessing the general qualification applicable to classes first to eighth hereinafter described and the special qualification belonging to one of those classes and (*b*) persons

possessing the general qualification applicable to classes ninth to sixteenth hereinafter described and the special qualification belonging to one of those classes (namely):—

A.—GENERAL QUALIFICATION APPLICABLE TO CLASSES FIRST TO EIGHTH.

Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters free from disease at the time of admission and not having children surviving or having only adult children unable in the opinion of the Trustees to maintain them.

SPECIAL QUALIFICATIONS.

First class—Persons born in the burgh of Huntly being children or grand-children of feuars in that burgh.

Second class—Persons born elsewhere being children or grand-children of feuars in the burgh of Huntly.

Third class—Persons born in the burgh of Huntly and resident therein for five years immediately before the application for admission.

Fourth class—Persons who are or have been proprietors of a trade or business (including also in the case of a widow one whose husband was the proprietor of a trade or business) carried on for ten years in the burgh of Huntly and have been resident in that burgh for five years immediately before the application for admission.

Fifth class—Persons who are or have been agricultural tenants (including also in the case of a widow one whose husband was tenant) on the estate of Bognie who have held their land under lease for a period of not less than ten years direct from the proprietor for the time being of the estate of Bognie or the children of such tenants.

Sixth class—Persons who have resided in the burgh of Huntly for fifteen years consecutively immediately before the application for admission.

Seventh class—Persons who have resided in the parish of Huntly for fifteen years consecutively immediately before the application for admission.

Eighth class—Persons having the general qualification hereinbefore contained who have been born in any of the following parishes viz.:—Gartly Drumblade Forgue Cairnie Glass Rhynie Kennethmont and Clatt and who have resided anywhere in the area comprised by those parishes for fifteen years consecutively immediately before the application for admission.

B.—GENERAL QUALIFICATION APPLICABLE TO CLASSES NINTH TO SIXTEENTH.

The same general qualification as that applicable to classes first to eighth with the substitution of the words "not free from disease" for the words "free from disease."

SPECIAL QUALIFICATIONS.

Ninth class—The same qualification as that of the first class.
Tenth class—The same qualification as that of the second class.
Eleventh class—The same qualification as that of the third class.
Twelfth class—The same qualification as that of the fourth class.
Thirteenth class—The same qualification as that of the fifth class.
Fourteenth class—The same qualification as that of the sixth class.
Fifteenth class—The same qualification as that of the seventh class.
Sixteenth class—The same qualification as that of the eighth class:

Provided always that the Trustees shall be the sole and unchallengeable judges of the suitability of an applicant for admission to the hospital and that applicants for admission shall have priority according to the order of the classes above set forth and the Trustees shall not admit persons of any class while there are applicants for admission of any prior class not admitted who in the opinion of the Trustees are suitable for admission and provided also that the Trustees may if they think fit remove from the hospital any person ceasing to possess any qualification which entitled him to admission to the hospital or whose conduct is such that the Trustees consider it undesirable that such person should remain an inmate of the hospital and the person so removed shall thereupon lose all the benefits to which he may have become entitled by admission to the hospital.

Repeals.

4. Section 4 (Trustees sole judges of appellants' qualifications and may dismiss inmates on cause shown) of Alexander Scott's Hospital Order 1905 section 5 (Trustees may appoint members of managing committee of Huntly Jubilee Cottage Hospital) of Alexander Scott's Hospital Order 1931 and the Alexander Scott's Hospital Order Confirmation Act 1936 and the Order scheduled thereto are hereby repealed. 26 Geo. 5. & 1 Edw. 8. c. xxxii.

Costs of Order.

5. All costs charges and expenses of and incidental to the preparing for obtaining and confirmation of this Order and otherwise in relation thereto shall be paid by the Trustees.

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