CHAP. 39.

An Act to make provision for the better government and administration of Hospitals and other endowed institutions in Scotland. [26th July 1869.]

A.D. 1869.

WHEREAS there are numerous hospitals and endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers, and trustees thereof from time to time to apply for and obtain from Parliament power and authority whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Managers, &c. may resolve to apply for a provisional order.

1. It shall be lawful for the governors, managers, or trustees of any hospital or other endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such hospital or institution and the application of the revenues thereof, whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended, and that an application shall be made to the Secretary of State for a provisional order.

Managers, &c. may present petition to Secretary of State.

2. On the foresaid resolution being carried, it shall be lawful for the said governors, managers, or trustees to present a petition to the Secretary of State, setting out such resolution, and stating under distinct heads or articles all facts or circumstances pertinent to such petition, and stating also the provisions for the better government and administration of such hospital or institution and the application of the revenues thereof which they

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desire to have sanctioned, and the reasons for which the said provisions are considered necessary or expedient for the purposes mentioned in the foresaid resolution. And upon receipt of any such petition as aforesaid, the Secretary of State may, if he shall think fit, direct such petition to be published in the Edinburgh Gazette in two consecutive numbers thereof, and in one or more papers published in the county where such institution is situated, with a view to further inquiry.

Sheriff of the county may be appointed to inquire, and report to Secretary of State.

3. The Secretary of State may, if he shall think fit, by writing under his hand appoint the sheriff of the county in which such institution is situate, either by himself or in conjunction with any other person to be also so appointed, to inquire into the said petition, and report thereon to the Secretary of State, and for the purposes of such inquiry the sheriff so appointed by the Secretary of State shall have power, after such public notice as he may think sufficient, to examine witnesses, and to call for such information from, and to require the production of such documents by, the governors, managers, and trustees aforesaid as he may consider necessary, and to do all such matters and things as may seem to him expedient for the purposes of the inquiry.

Power to Secretary of State to issue provisional order.

4. It shall be lawful for the Secretary of State to issue a provisional order under his hand and seal of office in relation to the several things mentioned in the foresaid petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

Provisional order to be laid before Parliament.

5. The provisional order aforesaid shall not have any effect or operation unless and until the same has, on the application of the governing body, been laid before both Houses of Parliament; and it shall be lawful for the Secretary of State, and he is hereby required as soon as conveniently may be, to cause such provisional order to be laid before both Houses of Parliament; and after such provisional order has lain forty days before Parliament, then, unless within such forty days an address has been presented by one or other of the said Houses, such provisional order shall come into operation.

Expenses to be a charge on funds of hospital.

6. All costs, charges, and expenses incurred by the Secretary of State in relation to any such provisional order as aforesaid shall, to such extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the funds of the hospital or endowed institution applying for such provisional order, and shall be repaid to the said Commissioners of Her Majesty's Treasury,

together with interest thereon at the rate of five per cent. per annum until the same shall be paid.

Interpretation of terms.

7. In this Act the words "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State, and the word "sheriff" shall mean the sheriff of and acting in the county of which he is sheriff, and shall include sheriff substitute and also steward and steward substitute.

Short title, and duration of Act.

8. This Act may be cited for all purposes as the Endowed Institutions (Scotland) Act, and shall be in force until the thirty-first day of December one thousand eight hundred and seventy-one: Provided that it shall be lawful for Her Majesty in Council, if special cause be shown, to continue this Act in force with respect to any hospital or endowed institution until the thirty-first day of July one thousand eight hundred and seventy-two.

Saving powers of governors, &c. and others under special Acts, &c.

9. Nothing herein contained shall be held to limit any of the powers presently enjoyed by any of the said governors, managers, or trustees under any special Act of Parliament or charter, or by the foundation grant of such hospital or other endowed institution.

As to the words "endowed institution."

10. The words endowed institution in this Act shall extend to and include any mortifications or bequests of money in the hands of trustees for educational or charitable purposes.

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