CHAPTER xlii.

An Act to amalgamate the Royal London Ophthalmic Hospital the Royal Westminster Ophthalmic Hospital and the Central London Ophthalmic Hospital to make provision with respect to the property and funds of the said hospitals to incorporate the governing body of the amalgamated hospitals and for other purposes.

[26th July 1946.]

WHEREAS the Royal London Ophthalmic Hospital (formerly known as the London Eye Infirmary and now commonly called Moorfields) was founded in eighteen hundred and four for affording gratuitous relief to the poor of every country and denomination suffering from diseases of or injury to the eye:

And whereas a royal charter was granted to the president and governors of the Royal London Ophthalmic Hospital on the seventeenth day of December in the fifty-fourth year of the reign of Her late Majesty Queen Victoria and its government is regulated by the said charter and by byelaws regulations and rules:

And whereas the Royal Westminster Ophthalmic Hospital (formerly known as the Royal Westminster Infirmary for Diseases of the Eye) was founded in eighteen hundred and sixteen for the cure and relief of necessitous persons afflicted with disease or injury of the eye:

And whereas a royal charter was granted to the said Royal Westminster Ophthalmic Hospital on the eighteenth day of July in the fourteenth year of the reign of His late Majesty King George the Fifth and its government is regulated by the said charter and byelaws regulations and rules:

And whereas the Central London Ophthalmic Hospital was founded in eighteen hundred and forty-three and its government and management and the conduct of its property and affairs and the qualification of its governors and its council of management are regulated by certain revised rules adopted by its governors on the nineteenth day of March nineteen hundred and thirty-six:

And whereas with the object of affording a better service for the treatment of persons suffering from disease of or injury to the eye with increased efficiency and greater economy it is expedient that the said hospitals should be amalgamated and that the governing body of the amalgamated hospitals should be incorporated and have powers conferred on them as in this Act provided:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as Moorfields Westminster and Central Eye Hospital Act 1946.

Interpretation.

2. In this Act unless the context otherwise requires—

"The Hospital" means Moorfields Westminster and Central Eye Hospital incorporated by this Act;

"The existing hospitals" means and includes—

(*a*) The president and governors of the Royal London Ophthalmic Hospital;

(*b*) The Royal Westminster Ophthalmic Hospital; and

(*c*) The Central London Ophthalmic Hospital;

and the lands buildings and premises respectively connected therewith;

"The court" means the court of governors of the Hospital constituted as provided by this Act;

"The board" means the board of management of the Hospital constituted and appointed as provided by this Act;

"The byelaws" means the byelaws for the time being in force by virtue of the provisions of this Act;

"The appointed day" means the first day of January one thousand nine hundred and forty-seven.

Incorporation of Hospital.

3. As on and from the appointed day the persons who are for the time being the president vice-presidents life governors and governors under this Act or the byelaws shall be and become one body corporate by the name of " Moorfields Westminster and Central Eye Hospital " for such objects and purposes as in this Act appear and by that name shall have perpetual succession and a common seal and may by and in the same name sue and be sued and do all things incidental or appertaining to a body corporate.

Objects and general powers of Hospital.

4. The objects and general powers of the Hospital shall be—

(i) to continue the work hitherto carried on at the existing hospitals in accordance with the trusts upon which their respective properties and funds are held and any objects ancillary thereto and the carrying on of all such work in the buildings of the existing hospitals or in new buildings and either on one site or otherwise;

(ii) To provide acquire carry on manage and assist hospitals convalescent homes dispensaries and other institutions and organisations for the relief of persons suffering from injuries abnormalities or diseases of the eye and to provide medical surgical and nursing services;

(iii) To render charitable assistance to persons suffering from injuries abnormalities or diseases of the eye;

(iv) To give support to the development and work of the Institute of Ophthalmology one of the federated institutes of the University of London for post-graduate education and research;

(v) To conduct and carry out research into the nature causes effects symptoms treatment and cure of injuries abnormalities or diseases of the eye independently or in conjunction with the Institute of Ophthalmology aforesaid;

(vi) To carry out physical chemical bacteriological and other examinations tests analyses and experiments;

(vii) To provide facilities for the teaching and training of medical students either alone or in co-operation with any other body;

(viii) To amalgamate with any other hospital or hospitals;

(ix) To establish any branch hospital or convalescent home or kindred institution;

(x) To organise provide and maintain a private nursing staff and to supply nurses to be sent out to cases in private houses or institutions or elsewhere and to

carry on the business of a private nursing home but so that the objects and property of the Hospital do not in any way suffer from the exercise of this power;

(xi) To employ and remunerate such officers nurses and servants upon such terms and conditions as may be thought fit;

(xii) To provide and carry on hostels houses and other residential premises and social and recreational premises and facilities for the use of officers nurses servants students or other persons connected with the hospital including patients and their visiting parents guardians or relatives;

(xiii) To grant pensions gratuities bonuses honoraria compensations or allowances to and establish and carry on or contribute to pension sickness accident welfare or other funds for the benefit of officers nurses or servants in the employment of the Hospital or formerly in the employment of the Hospital or of the existing hospitals and the dependants of such persons;

(xiv) Subject to the trusts expressed or implied upon which the property and funds of the existing hospitals are held to maintain such part or parts of the buildings of the existing hospitals vested in the Hospital by this Act and such and so many beds therein as the Hospital may from time to time determine for the reception and treatment of patients who are able and willing to pay fees;

(xv) To undertake the management of any hospital or blocks or wards in a hospital instituted and equipped for paying patients and provide in such hospital medical surgical or other treatment and maintenance for such patients and accept payment for such management and service upon special terms or agreement as the Hospital shall think fit but so that the objects and property of the Hospital do not in any way suffer from the exercise of this power;

(xvi) To enter into any agreement or arrangement upon such terms and conditions as the Hospital may think fit with any other hospital or any national or local authority or institution association or body (whether incorporated or not) for co-operating with or assisting or being assisted by such hospital or authority institution or body in any manner and for any purpose which is consonant with the objects of the Hospital;

(xvii) To grant privileges with respect to the use of beds or other accommodation facilities or property of or provided by the Hospital to or for the use of subscribers donors officers nurses servants or other persons or to institutions local authorities or other bodies;

(xviii) To raise or borrow money for the purposes of the Hospital and secure the same and any interest thereon upon any property of the Hospital;

(xix) To accept and receive legacies bequests gifts grants annuities collections allowances and other benefits and undertake and perform any services or conditions attached to the receipt thereof;

(xx) To make appeals publish literature advertise hold bazaars entertainments and performances and conduct such other lawful activities as in the opinion of the Hospital may be desirable with a view to raising funds for the Hospital or making known its existence purposes or work;

(xxi) To appoint any person or persons (whether incorporated or not) to accept and hold in trust for the Hospital any property belonging to the Hospital or in which it is interested and to execute and do all such deeds acts and things as may be requisite in relation to any such trust and to provide for the remuneration of such trustee or trustees;

(xxii) To do all such other things as are incidental or the Hospital may think conducive to the attainment of the above objects or any of them.

Transfer of property.

5.—(1) All the real and personal property including things in action and all rights and privileges which immediately before the appointed day belonged to or were held by or in trust for or in connection with the existing hospitals or any charity or object subsidiary or ancillary to the existing hospitals (other than property held by the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds) shall by virtue of this Act and without any conveyance transfer or other instrument be transferred to and vested in the Hospital.

(2) Any property which immediately before the appointed day shall be held by the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds for or in connection with the existing hospitals shall be held by the said trustees for or in connection with the Hospital.

(3) The production of a copy of this Act together with a statutory declaration by the respective secretaries of the existing hospitals and by the person or corporation in whose name any registered land or any stock transferred by virtue of this Act is standing describing for the purpose of identification the land or stock so transferred shall be sufficient authority to the Chief Land Registrar of His Majesty's Land Registry to enter the name of the Hospital as proprietor of the said land or to any company in whose books any such stock is standing to transfer the stock into the name of the Hospital and to pay any dividends interest or bonuses thereon to the Hospital.

(4) In this section—

"company" includes the Bank of England and any corporation or person keeping books in which any stock is registered or inscribed;

"stock" includes any share fund annuity or other security.

Power to hold and acquire lands.

6. The Hospital may hold without licence in mortmain all the land which has been acquired by the existing hospitals whether by will gift purchase or otherwise and has not been disposed of by them and the Hospital may purchase or acquire or take on lease or may accept a gift of and may hold without licence in mortmain any land which in their opinion it is desirable that they should acquire or hold:

Provided that the Hospital shall not purchase land unless the land is required for actual occupation immediate or future for the purposes of the Hospital and not as an investment.

Power to sell mortgage &c. lands &c.

7.—(1) The Hospital may from time to time sell mortgage charge let surrender exchange or otherwise dispose of the land or any personal estate and property (including moneys secured on mortgage of or charged upon any land) or any part thereof by this Act vested in the Hospital or which shall hereafter be vested in the Hospital or any easements rights or privileges to be exercised or enjoyed in over upon or under the same or any part thereof and may do and execute all such acts deeds matters and things as may be necessary for effectuating and completing any such sale mortgage charge letting surrender exchange or disposition.

(2) Nothing in this section shall prejudice or affect any jurisdiction of the High Court or of the Charity Commissioners over the Hospital and its endowments.

Powers of investment.

8.—(1) Any part of the capital or the income of the Hospital which is not required for the time being for the purposes of the Hospital may be invested until so required in any investments from time to time authorised by law for the investment of trust funds.

(2) Notwithstanding anything contained in the Mortmain and Charitable Uses Act 1891 the Hospital may retain any investment or other property real or personal held by the Hospital or which may from time to time be devised given or bequeathed to the Hospital though not being investments or property authorised to be acquired under this Act or may disclaim any such investment or property and may accept and retain or refuse any new shares stock debentures or debenture stock in any company which may be offered to the Hospital in respect of any investments retained as aforesaid. 54 & 55 Vict. c. 73.

Application of property of Hospital.

9.—(1) All property and funds of the existing hospitals which prior to the appointed day shall be held for the general purposes of the existing hospitals or any of them may be applied by the Hospital in furtherance of any of the objects of the Hospital.

(2) In the case of property or funds which prior to the appointed day shall be held by or on behalf of the existing hospitals or any of them in trust to apply the income thereof for the general purposes of the existing hospitals or any of them or for the endowment of a ward bed or cot in the existing hospitals the income thereof may be applied by the Hospital in furtherance of any of the objects of the Hospital:

Provided that the Hospital shall be bound to maintain the wards beds or cots named after the benefactors of the existing hospitals.

(3) Save as aforesaid any property or fund which prior to the appointed day shall be held by or on behalf of the existing hospitals or any of them for any special purpose shall continue after the appointed day to be used by the Hospital for such special purpose:

Provided that the Hospital shall not be bound to use such property or fund for such special purpose in connection only with the part of the Hospital representing the existing hospitals in connection with which such property or fund would have been used for such special purpose if this Act had not been passed but may use such property or fund for such special purpose in connection with such part or branch of the Hospital as the board may from time to time think fit.

Dissolution of existing hospitals.

10. As from the appointed day without prejudice to anything previously done or suffered the respective charters of the president and governors of the Royal London Ophthalmic Hospital and of the Royal Westminster Ophthalmic Hospital shall be revoked the organisation of the Central London Ophthalmic Hospital shall be dissolved the powers of the trustees governors council of management committees and officers of the Central London Ophthalmic Hospital shall terminate and its rules shall cease to have effect.

Bequests &c. to existing hospitals.

11. Any devise bequest or gift contained in the will or in a codicil to the will of any person dying before or after the appointed day or in a deed whether executed before or after the appointed day in favour of or directed to be administered by or in connection with any of the existing hospitals or a charity or object subsidiary or ancillary to any of the existing hospitals shall not fail by reason of anything in this Act but shall as from the appointed day take effect in favour of or be administered by or in connection with the Hospital.

Receipt for bequests &c. to existing hospitals.

12. In any case where by the will or a codicil to the will of any person having died before or dying after the appointed day or by any deed whether executed before or after the appointed day any bequest or gift has been or shall be made in favour of or directed to be administered by or in connection with any of the existing hospitals or a charity or object subsidiary or ancillary to any of the existing hospitals and the legal personal representatives of such person or any trustees in whom such bequest or gift is vested are unable for any reason to obtain the receipt for such bequest or gift of any person whose receipt is an effectual discharge for the same the receipt of the treasurer (or if joint treasurers be appointed any one of such joint treasurers) or the general secretary of the Hospital shall be an effectual discharge to such legal personal representatives or trustees as aforesaid (as the case may be) and shall exonerate them from being concerned to see to the application of such bequest or gift and from being answerable for the misapplication or non-application thereof.

Transfer of liabilities.

13. At the appointed day all debts liabilities contracts and obligations properly incurred or entered into by or on behalf of the existing hospitals or any of them shall by virtue of this Act be transferred and attached to the Hospital and shall thereafter be discharged and satisfied by the Hospital The Hospital shall indemnify the governors board of management trustees officers nurses and servants of the existing hospitals and their respective representatives from all such debts and obligations and from all expenses and costs in respect thereof.

Court of governors.

14. The Hospital shall be governed by the court and the persons from time to time being the president vice-presidents life governors and governors of the Hospital shall together constitute the court and there shall be from time to time meetings of the court to be convened and to be held at such times for such purposes and in such manner as is provided in the byelaws.

President.

15.—(1) The first president of the Hospital shall be elected by the court on the recommendation of the board as soon as conveniently may be after the appointed day.

(2) On the occurrence of any vacancy in the office of president after the election of the first president of the Hospital the court shall at a meeting to be held as soon as conveniently thereafter and in any case within twelve months thereafter elect some person to fill such vacancy for such period as the court may determine.

(3) The president for the time being shall be an ex-officio member of the board and of all committees thereof but a vacancy in the office of president shall not affect the existence or title of the Hospital or the powers of the court or of the board or of any committee.

Vice-presidents.

16.—(1) Any person who immediately before the appointed day was a vice-president of any of the existing hospitals shall be a vice-president of the hospital.

(2) The court shall have power on the recommendation of the board from time to time to elect any person as vice-president of the Hospital who in the opinion of the court has rendered or may render signal service to the Hospital.

Chairman and deputy chairman of board.

17. The court shall have power on the recommendation of the board from time to time to elect any two persons to be the chairman and the deputy chairman respectively of the board The chairman shall preside over all meetings of the board or in his absence the deputy chairman shall preside or in the absence of both of them at any meeting the board shall have power to elect from the members of the board who are present a chairman to preside at such meeting In the event of the death or retirement of the chairman or vice-chairman the board shall have power to fill the vacancy until the next annual court.

Honorary treasurer.

18. The court shall have power on the recommendation of the board from time to time to elect any person or any two persons to be honorary treasurer or honorary joint treasurers of the Hospital.

Life governors.

19.—(1) Any person who immediately before the appointed day was a life governor of any of the existing hospitals shall be a life governor of the Hospital.

(2) The court shall have power from time to time by resolution to elect as life governor any person who in accordance with the byelaws is eligible for that office.

(3) Every life governor shall subject to the provisions of this Act and the byelaws continue in office during his life or until his resignation.

Governors.

20.—(1) Every person who immediately before the appointed day was a governor of any of the existing hospitals shall be a governor of the Hospital from the appointed day

until the expiration of one year after the payment of the last subscription made by him before the appointed day.

(2) Every person who subscribes the sum of one guinea per annum or upwards to the funds of the Hospital and indicates his intention to be an annual subscriber of one guinea or upwards to those funds shall be a governor of the Hospital and shall be entitled to hold that office and to vote at meetings of the court for a period of one year after payment to the Hospital of his annual subscription.

Resignation of members of Hospital.

21. If it shall be resolved by a meeting of the court that the interests of the Hospital require the resignation of any president vice-president chairman deputy chairman life governor or governor and if it shall be further resolved that such president vice-president chairman deputy chairman life governor or governor be called upon to resign such president vice-president chairman deputy chairman life governor or governor shall thereupon and thenceforth ipso facto be held to have resigned for all purposes of this Act.

No resolution calling upon any president vice-president chairman deputy chairman life governor or governor to resign shall be of effect unless it be passed by a majority of not less than three-fourths of such members of the court as being entitled so to do vote at a meeting of the Court of which not less than fourteen days' notice by post specifying the intention to propose the resolution shall have been given.

Board of management.

22. Subject to the provisions of this Act the management of the Hospital its property and affairs shall be entrusted to the board which shall be constituted as provided by the byelaws.

Committees.

23. The board shall annually appoint a finance committee and a house committee or house committees and may appoint such other committees as they shall think fit and subject to the byelaws may delegate to such committees such powers and duties as they deem expedient.

Officers.

24. Subject to the provisions of the byelaws the board may from time to time appoint as it may deem expedient any person to be a member of the honorary medical and surgical staff and any other officer or servant of the Hospital and may subject to the terms of any contract revoke or vary any such appointment as it may think fit:

Provided that no person who immediately before the appointed day held any office honorary or salaried in the existing hospitals shall be deprived of such office as a consequence of the amalgamation and incorporation of the existing hospitals unless in the opinion of the board the continuance in office of such officer would be prejudicial to the welfare of the patients or the interests of the Hospital.

Existing honorary medical officers.

25. Subject to the provisions of this Act members of the honorary medical and surgical staff holding any honorary appointment at the existing hospitals or any of them immediately before the appointed day shall retain such appointments as officers of the Hospital as provided in the byelaws.

Byelaws.

26.—(1) The board shall have power from time to time to make alter and revoke byelaws with respect to the management of the Hospital its undertaking property and affairs the court the board and the officers servants employees and patients.

(2) The byelaws made by the board in pursuance of this Act and any alteration or revocation thereof shall not be repugnant or contrary to the provisions of this Act.

(3) No byelaw shall be revoked or altered and no new byelaw shall take effect until submitted to and approved by the board at a meeting of which not less than seven days' previous notice in writing has been given to every member of the board that such revocation alteration or new byelaw will be taken into consideration thereat.

First byelaws.

27. The first byelaws shall be those set forth in the schedule to this Act and shall continue in force until altered or revoked in accordance with the provisions of this Act Such byelaws shall supersede any byelaws rules or other regulations relating to the existing hospitals in force at the appointed day.

Proof of byelaws.

28. A printed copy of the byelaws purporting to be certified by the general secretary of the Hospital to be the byelaws of the Hospital for the time being in force shall be admissible in all proceedings as prima facie evidence thereof without further proof.

Saving for emergency powers of Treasury. 2 & 3 Geo. 6. c. 62. 9 Geo. 6. c. 10. 9 & 10 Geo. 6. c. 58.

29. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactments including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an Order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act without such consent.

Costs of Act.

30. All costs charges and expenses preliminary to and of and incidental to preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Hospital out of the funds of the Hospital.

The SCHEDULE referred to in the foregoing Act.

FIRST BYELAWS OF THE HOSPITAL.

MEETINGS OF THE COURT OF GOVERNORS.

1. A meeting of the court shall be held in every calendar year not later than in the month of May (unless special circumstances shall arise which in the opinion of the board shall render it necessary or desirable that the meeting shall be held in a later month) for the purpose of receiving and considering the balance sheet and accounts of the Hospital and the report of the board and of electing the honorary and other officers of the Hospital whose election is reserved for a meeting of the court Such meetings shall be called annual courts and all other meetings of the court shall be called special courts.

2. Special courts shall be convened in the following and in no other way The board may whenever they think fit convene a special court and they shall on a requisition signed by not less than nine governors forthwith convene a special court and the following provisions shall have effect:—

(i) The requisition must state the objects of the meeting and must be sent or delivered to the general secretary of the Hospital and may consist of several documents in like form;

(ii) If the board do not within twenty-one days from the date of the receipt of the requisition proceed duly to convene a special court the persons who have signed the requisition may themselves convene a special court but any court so convened shall not be held after the expiration of three months from the said date;

(iii) A special court convened under this byelaw by the persons who have signed the requisition shall be convened in the same manner as nearly as possible as that in which special courts are to be convened by the board.

3. Except as otherwise provided all annual and special courts shall be convened by advertisement published in The Times and in such other daily newspaper or newspapers as the board may determine at least fourteen days previous to the date of the annual or special court or by a notice delivered or sent through the post at least seven days before the date of the meeting to every member of the court at his last known place of address and such advertisement or notice shall specify the place day and hour of the meeting and in case of special business the general nature of such business proposed to be transacted at the meeting No business (other than ordinary business) of which notice shall not have been given shall be transacted at any annual or special court but the accidental omission to give any such notice to any member of the court or the non-receipt of such notice by any such member shall not invalidate the proceedings at any annual or special court.

4. All business transacted at an annual court other than business which under these byelaws ought to be transacted at an annual court and all business transacted at a special court shall be deemed special.

5. In order to constitute an annual or special court there shall be present at least ten members of the court If within fifteen minutes after the time appointed for holding the annual or special court there shall not be ten members present such meeting if convened in pursuance of a requisition shall be dissolved In any other case the meeting shall stand adjourned until the same day in the next week at the same time and place when the members present and entitled to vote whatever their number shall form a quorum and shall have power to decide upon all matters which could properly have been disposed of at the meeting at which the adjournment took place.

6. At every annual or special court the president or failing him the chairman or failing the chairman the deputy chairman of the board or their respective deputies or if there be no one of them present then some one of the members of the court elected by the meeting shall act as chairman.

7. The chairman may with the consent of the meeting adjourn any annual or special court from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

8. Subject as hereinafter mentioned each member of the court shall have one vote and no more at an annual or special court.

9. With the exception of resolutions required by the Act incorporating the Hospital or by any byelaw for the time being in force to be passed by a particular majority all matters arising at any annual or special court shall be decided by a majority of votes of the members present and in case of an equality of votes the chairman of the meeting shall have a second or casting vote At any annual or special court a declaration by the chairman that a resolution has been passed or lost and an entry to that effect in the minute book of the Hospital shall be conclusive evidence of the fact and in the case of a resolution requiring any particular majority that it was passed by the majority required without proof of the number or proportion of the votes recorded in favour of or against such resolution.

HONORARY TREASURER OF HONORARY JOINT TREASURERS.

10. Every honorary treasurer shall retire annually at the annual court but shall be eligible for re-election The board shall have power to fill any casual vacancy in the office of honorary treasurer or honorary joint treasurers and any person or persons elected to fill such a casual vacancy shall hold office until the next succeeding annual court The board shall also have power to appoint a deputy treasurer.

LIFE GOVERNORS.

11. The court shall have power from time to time by resolution to elect as life governor—

(*a*) any donor of ten guineas or upwards at one time to the funds of the Hospital;

(*b*) any person who within a period of two years immediately preceding the passing of the resolution electing him shall have contributed to the funds of the Hospital a total of not less than fifty guineas by donations of a less amount;

(*c*) any person nominated by any person bequeathing not less than fifty pounds to the Hospital;

(*d*) every executor or trustee or the first named of any executors or trustees (if more than one) who shall have paid or allocated to or for the benefit of the Hospital out of the estate of his or their testator or out of his or their trust funds the sum of fifty pounds or upwards;

(*e*) any person who shall be duly nominated in writing by any corporation body or firm which has been or shall be a donor of twenty guineas or upwards at one time to the funds of the Hospital Provided that not more than one person at a time shall be a life governor on the nomination of any particular corporation body or firm; or

(*f*) any person who in the opinion of the court has rendered valuable or distinctive services to the Hospital or who for other reasons should in the opinion of the court be elected a life governor.

BOARD OF MANAGEMENT.

12. The following shall constitute the board:—

(i) The president of the Hospital;

(ii) The honorary treasurer (if any) or if there be more than one the honorary joint treasurers of the Hospital;

(iii) Not more than nine members of the honorary medical and surgical staff who shall be nominated annually by the medical committee;

(iv) Such number of governors as may be elected by the court on the recommendation of the board being not less than ten nor more than thirty.

13. The first members of the board pursuant to paragraphs (iii) and (iv) of the last preceding byelaw shall be as follows:—

Members of Honorary Medical and Surgical Staff each of whom shall be deemed to have been nominated by the Medical Committee.

J. D. Magor Cardell Esq. F.R.C.S.
R. C. Davenport Esq. F.R.C.S.
P. G. Doyne Esq. F.R.C.S.
A. J. B. Goldsmith Esq. F.R.C.S.
M. L. Hine Esq. F.R.C.S.
F. W. Law Esq. F.R.C.S.
P. McG. Moffatt Esq. F.R.C.S.
A. S. Philps Esq. F.R.C.S.
Frederick Ridley Esq. F.R.C.S.

Governors each of whom shall be deemed to have been elected pursuant to paragraph (iv) of the last preceding byelaw.

N. E. Behrens Esq.
Humphrey E. Bowman Esq. C.M.G. C.B.E.
Mrs. J. D. Magor Cardell.
E. P. Carter Esq. O.B.E.
T. Harold Clouston Esq. O.B.E.
Sir Richard Cruise G.C.V.O. F.R.C.S.
Dryden Donkin Esq.

Sir Stewart Duke-Elder K.C.V.O. F.R.C.S.
The Reverend J. S. Farrer.
H. E. Field Esq.
The Hon. Arthur Gore.
Major G. B. Hill O.B.E.
Percy Horsfall Esq.
Francis W. Lascelles Esq. C.B. M.C.
A. Harold Levy Esq. M.D. F.R.C.S.
Mrs. A. H. Levy.
Lady Lister.
Lieut.-Colonel the Rt. Hon. Lord Luke.
Major T. D. Luling.
Theodore W. Luling Esq.
W. H. McMullen Esq. O.B.E. F.R.C.S.
The Rt. Hon. Viscount Mersey C.M.G. C.B.E.
Sir Harold Morris M.B.E. K.C.
Fearnley Owen Esq. *Elt.*
The Hon. Jasper N. Ridley O.B.E. T.D.
The Rt. Hon. the Earl of Rothes.
F. A. Williamson-Noble Esq. F.R.C.S.
J. Wood Esq.

14. One-third of the governors nominated by the court to be members of the board or if their number is not a multiple of three then the number nearest to but not exceeding one-third shall retire from that office at the annual court in each year The governors so to retire in each year pursuant to this byelaw shall be those who have been longest in office since their last election but as between governors who became members of the board on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot A retiring member shall be eligible for re-election.

15. The board may act notwithstanding any vacancies in their body but if the board be less than eleven in number (excluding the president) the members of the board shall forthwith appoint an additional member or members to make up such number or convene a special court for the purpose of making such appointment.

16. (*a*) No governor other than a retiring member of the board shall be elected as a member of the board at any annual court unless he shall have been nominated by notice signed by at least one governor and sent or delivered to the general secretary of the Hospital at least seven days before the date fixed for holding such annual court together with a notice in writing signed by the person so nominated of his willingness to be elected.

(*b*) The names addresses and descriptions of the governors nominated as well as those due to retire shall be specified in the notice convening the annual court.

17. The board shall have power at any time and from time to time to appoint any person as a member of the board either to fill a casual vacancy or as an addition to the board but so that the total number of members of the board shall not at any time exceed thirty (exclusive of the president any honorary treasurer or honorary joint treasurers

and members nominated by the medical committee) and that any person so appointed shall hold office only until the next annual court and shall then be eligible for re-election.

18. No salaried officer of the Hospital shall be qualified to act as a member of the board.

19. If any member of the board shall—

(*a*) become bankrupt or make any composition with or assignment for the benefit of his creditors;

(*b*) become of unsound mind;

(*c*) signify by writing to the chairman of the board his desire to cease to be a member;

(*d*) be absent from all meetings of the board for more than six months consecutively without the permission of the board and the board resolve that he be thereby disqualified; or

(*e*) be required in writing by all his co-members of the Board to resign;

such member of the board shall as from the happening of any of the events hereinbefore specified become disqualified from being and be deemed to have ceased to be a member of the board Provided that no acts or proceedings of the board or of any committee shall be invalidated by reason of such disqualified person having joined therein or been party thereto.

20. The board may meet for the dispatch of business adjourn and otherwise regulate their meetings as they think fit and may determine the quorum necessary for the transaction of business Until otherwise fixed the quorum shall be five members.

21. The board shall before each annual court recommend for election or re-election by the court a chairman and vice-chairman for the ensuing year.

22. At meetings of the board each member shall have one vote Questions arising at any meeting of the board shall be decided by a majority of votes and in case of an equality of votes the chairman shall have a second or casting vote.

23. The board shall as soon as conveniently may be after each annual court appoint at least five of its members to act as a finance committee The duties of the finance committee shall be to direct and supervise the finances and accounts of the Hospital and to report to the board thereon and to perform such other duties as the board may from time to time prescribe.

24. The board shall as soon as conveniently may be after each annual court appoint a house committee or house committees each with a membership of at least five Such committee or committees shall give special attention to the nursing sanitary and domestic arrangements of all hospital buildings belonging to the Hospital and discharge all other duties which may be delegated to them by the board.

25. The board shall have power at any time and from time to time to appoint any committee or committees whether consisting of members of their body or not as they think fit and may delegate any of their powers to any such committee or committees.

26. Any committee appointed by the board shall in the exercise of the powers so delegated conform to any regulations that may from time to time be imposed upon it by the board.

27. The chairman and vice-chairman of the board and any honorary treasurer or honorary joint treasurers of the Hospital shall be ex-officio members of all committees except the medical committee.

28. The board shall appoint a general secretary at such salary and upon such other terms and conditions as the board may think fit The general secretary shall perform such duties as are prescribed by the byelaws and such other duties as the board may determine The board may from time to time by resolution appoint a temporary substitute for the general secretary who shall be deemed to be the general secretary during the term of his appointment Any vacancy in the office of general secretary shall be filled by the board as soon as conveniently may be after the occurrence thereof.

29. The board shall appoint on the recommendation of the medical committee such resident medical officers as the board may consider necessary at such salary or salaries and upon such other terms and conditions as the board may think fit.

30. The board shall appoint such matron or matrons of the Hospital at such salary or salaries and upon such other terms and conditions as the board may think fit The duties of a matron shall include the supervision of the nursing and female domestic staff and such other duties as are prescribed by the byelaws or as the board may determine.

CONSULTING PHYSICIANS AND SURGEONS.

31. The following persons who are honorary consulting physicians and surgeons to the existing hospitals shall be the consulting physicians and surgeons to the Hospital:—

CONSULTING PHYSICIANS.

C. O. Hawthorne Esq. M.D. F.R.C.P.
Gordon M. Holmes Esq. C.M.G. C.B.E. F.R.S. M.D. F.R.C.P.
T. Grainger Stewart Esq. M.D. Ch.B. F.R.C.P.
James Taylor Esq. C.B.E. M.D. F.R.C.P.

CONSULTING SURGEONS.

Elmore Brewerton Esq. F.R.C.S.
Adrian Caddy Esq. V.D. F.R.C.S.
Sir Richard Cruise G.C.V.O. F.R.C.S.
Sir Stewart Duke-Elder K.C.V.O. F.R.C.S.
H. P. Gibb Esq. F.R.C.S.
C. B. Goulden Esq O.B.E. F.R.C.S.
R. Affleck Greeves Esq. F.R.C.S.
A. C. Hudson Esq. F.R.C.S.
F. A. Juler Esq. F.R.C.S.
Sir Arnold Lawson K.B.E. F.R.C.S.

A. Harold Levy Esq. F.R.C.S.
W. H. McMullen Esq. O.B.E. F.R.C.S.
R. Foster Moore Esq. O.B.E. F.R.C.S.
Sir John Herbert Parsons C.B.E. F.R.S. F.R.C.S.
Rupert S. Scott Esq. F.R.C.S.
Geoffrey Viner Esq. F.R.C.S.
M. H. Whiting Esq. O.B.E. F.R.C.S.
F. A. Williamson-Noble Esq. F.R.C.S.

32. The board shall have power from time to time to appoint such other consulting physicians or surgeons as may be recommended by the medical committee including retired members of the honorary medical and surgical staff.

HONORARY MEDICAL AND SURGICAL STAFF.

33. (*a*) The honorary medical and surgical officers of the Hospital shall be appointed by the board after consultation with the medical committee and shall consist of the physicians assistant physicians surgeons assistant surgeons and such other persons as the board may determine who hold regular sessions in their departments at the Hospital . Every member of the honorary medical and surgical staff must be a registered medical practitioner Honorary physicians and honorary assistant physicians must be fellows or members of the Royal College of Physicians of London Honorary surgeons and honorary assistant surgeons must be fellows of the Royal College of Surgeons of England.

(*b*) The medical officers in charge of special departments must hold one of the qualifications mentioned in the last preceding paragraph or be in possession of diplomas granted in their specialities.

34. No member of the honorary medical and surgical staff shall receive directly or indirectly any reward or remuneration whatsoever for his professional services to the Hospital This rule shall not apply to the fees paid for lectures or to grants made out of staff funds or for professional services to patients not treated in the general wards of the Hospital or for such other services as may be approved by the board.

35. No member of the honorary medical and surgical staff shall absent himself from duty without the consent of the medical committee and without arranging for some other member of the honorary staff to perform his duties during his absence.

36. No member of the honorary medical and surgical staff shall engage in general practice.

37. (*a*) Subject to the provisions of the next following byelaw each member of the honorary medical and surgical staff shall be entitled to hold office as assistant physician or assistant surgeon for a term of five years from the date of his or her appointment and shall be eligible for appointment as physician or surgeon at the end of that period.

(*b*) Members of the honorary medical and surgical staff of the existing hospitals shall become original members of the honorary medical and surgical staff of the Hospital by virtue of section 25 (Existing honorary medical officers) of the Act incorporating the Hospital.

(*c*) No member of the honorary medical and surgical staff shall be appointed or re-appointed for a further term after attaining the age of sixty years but if the board consider it to be in the interest of the Hospital so to do the board may consent to the retirement of any such member being deferred for a period not exceeding five years.

38. The Board may after consultation with the medical committee by resolution passed by not less than three-fourths of its members present at a meeting of which not less than fourteen days' notice by post shall have been given to the members of the board of the intention to move such a resolution call for the resignation of any member of the honorary medical and surgical staff and upon the passing thereof such member shall be deemed to have resigned.

39. If the board determine to fill any vacancy in the honorary medical and surgical staff of the Hospital or make an additional appointment thereto the board shall advertise for candidates to fill the position in one or more newspapers or publications of which one at least shall be either the British Medical Journal or the Lancet.

40. The advertisement shall contain particulars of the appointment to be made the qualifications required of candidates and the day on or before which applications and testimonials must reach the Hospital.

41. Candidates for any appointments on the honorary medical and surgical staff shall be disqualified by personal canvass but may send copies of their applications and testimonials to the members of the board.

MEDICAL COMMITTEE.

42. The members of the honorary medical and surgical staff for the time being of the Hospital shall form a committee to be known as " the medical committee " Subject to any directions given to them by the board the medical committee shall meet together for the transaction of business adjourn and otherwise regulate their meetings as they think fit Until otherwise determined five members of the medical committee shall form a quorum The medical committee shall appoint one of their number to be chairman and one to be secretary of the medical committee and shall keep proper minutes of the proceedings at their meetings Questions arising out of any meeting of the medical committee shall be decided by a majority of votes and in case of equality of votes the chairman shall have a second or casting vote.

43. The medical committee shall interview candidates and shall examine and make recommendations to the board upon the applications and testimonials of candidates for appointment to the medical or surgical staff of the Hospital.

44. The medical committee shall have the supervision of the medical and surgical work of the Hospital No rule regulation or recommendation of the medical committee shall have any force until the same shall have been confirmed by the board.

45. During the hours of attendance of the honorary medical and surgical staff the medical committee may permit any qualified medical practitioner upon the introduction of a member of the medical com-

mittee to visit the medical surgical and special departments of the Hospital but no such practitioner shall be allowed in any way to interfere with the treatment of patients.

46. The medical committee with the consent of the board and subject to such conditions as may be prescribed may permit any properly qualified body to use the clinical material and to avail themselves of the facilities of the Hospital for teaching or research.

47. The medical committee shall frame rules for the conduct of all pupils attending the Hospital and medical students approved by the board may be admitted to attend the Hospital at such times and on such terms and payment of such fees and under such recommendations as the board in consultation with the medical committee shall from time to time determine.

48. The duties of the honorary medical and surgical staff and resident medical officers shall be defined and regulated by rules drafted by the medical committee and approved by the board.

ACCOUNTS AND AUDIT.

49. Proper accounts shall be kept of all sums of money received and expended by the Hospital and of the matters in respect of which such receipts and expenditure take place and of the property credits and liabilities of the Hospital The financial year of the Hospital shall end on the 31st day of December or such other day as the board may determine and a statement of accounts for each such year shall be prepared and audited as soon as possible after the conclusion thereof and shall be submitted to the next following annual court.

50. The auditor or auditors of the Hospital shall be a duly qualified accountant or duly qualified accountants appointed at the annual court All the accounts and books and other records (except those dealing with the treatment of patients) of the Hospital shall be open to him or them for inspection at all reasonable times and he or they shall audit the same and furnish to the board a report thereon as soon as possible after the end of each financial year and such report shall be submitted to the next following annual court.

NAMING OF BEDS AND COTS.

51.—(i) Every donor of one thousand pounds or such other sum as the board may from time to time determine shall in addition to any other privileges conferred on him be entitled in perpetuity to have a bed at the Hospital named after himself or in such other manner as he shall with the approval of the board direct.

(ii) Every donor of five hundred pounds or such other sum as the board may from time to time determine shall in addition to any other privileges conferred on him be entitled in perpetuity to have a cot at the Hospital named after himself or in such other manner as he shall with the approval of the board direct.

SEAL.

52. The seal of the Hospital shall not be affixed to any instrument except by the authority of a resolution of the board and in the presence of a member of the board and of the general secretary or

such other person as the board may appoint for the purpose and that member of the board and the general secretary or other person as aforesaid shall sign every instrument to which the seal of the Hospital is so affixed in their presence.

NOTICES.

53. A notice may be served either personally or by sending it by post to the last known address of the person to whom it is sent and a notice sent by post shall be deemed to be served on the day on which it would in the ordinary course of post be delivered and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

MISCELLANEOUS PROVISIONS.

54. The Hospital shall cause minutes to be made in books provided for the purpose of all resolutions and proceedings of annual and special courts and of meetings of the board and committees and any such minutes if purporting to be signed by the chairman of the meeting to which they relate or by the chairman of the next succeeding meeting shall be received as prima facie evidence of the facts therein stated.

55. A resolution in writing signed by all the members of the court entitled to notice of annual and special courts or by all the members of the board of management entitled to notice of meetings of the board or by all members of any committee as aforesaid shall be as valid as if passed at an annual or special court or at a meeting of the board or of such committee as the case may be duly convened and constituted Every such resolution shall be entered in the minute book of the Hospital.

Printed by Sir NORMAN GIBB SCORGIE, C.V.O., C.B.E.,
Controller of His Majesty's Stationery Office
and
King's Printer of Acts of Parliament

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(P. 4972)