CHAPTER ci.

An Act to constitute a Lunatic Asylums Board for the west riding of the county of York to transfer certain existing county lunatic asylums to such Board and for other purposes. [7th August 1912.]

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WHEREAS the lunatic asylums described in the First Schedule to this Act have been provided by the justices of the peace for the west riding of the county of York or by the county council of the said riding (hereinafter referred to as "the county council") and such asylums are now vested in the county council:

And whereas the councils of each of the county boroughs situate in the said riding (that is to say) the county boroughs of Bradford Halifax Huddersfield Leeds Rotherham and Sheffield (which councils are hereinafter together referred to as "the county borough councils" and which county boroughs are hereinafter together referred to as "the county boroughs") have contributed to the cost of building and furnishing the said lunatic asylums the contributions made by the councils of the county boroughs of Halifax Huddersfield Leeds and Rotherham having been made upon the basis of the proportion of the rateable value of each of such county boroughs to the rateable value of the entire county of the said west riding while the contributions made by the councils of the county boroughs of Bradford and Sheffield have been made upon the basis of the proportion of the population of each of such county boroughs to the population according to the last published census of the said entire county:

And whereas the county council and the county borough councils desire to continue to co-operate in maintaining such

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asylums and in providing such additional asylum accommodation as may be necessary and it is expedient that the existing arrangements between the county council and the county borough councils should be terminated and in lieu thereof that a County Lunatic Asylums Board should be constituted consisting of representatives of the county council and of the county borough councils and that the said lunatic asylums should be transferred to such Board and that such powers thould be conferred upon the said Board and such provisions should be made as are contained in this Act:

And whereas the county council and the council of the said county borough of Huddersfield (hereinafter referred to as "the Huddersfield Council") claimed that having regard to the user of the said asylums by the county council and the county borough councils respectively the contributions made by certain of the county borough councils were inadequate and that the county council and the Huddersfield Council were each entitled to be paid a sum by way of adjusting the interests of the county council and the county borough councils and it has been agreed that for the purpose of making such adjustment the county borough councils other than the Huddersfield Council shall pay to the said Board (in addition to the contributions payable by them on the basis of the extent of the user of the said asylums by the inhabitants of their respective boroughs) the added sums hereinafter referred to and that the amounts to be contributed by the county council and the Huddersfield Council to the Board on the basis aforesaid shall be reduced by the amount of such added sums:

And whereas particulars of the several sums of money borrowed by the county council in relation to the said asylums and not wholly repaid on or before the thirty-first day of March one thousand nine hundred and twelve and of the amounts of the said several sums outstanding on that date are set forth in the Second Schedule to this Act:

And whereas it is expedient that such provisions with respect to the said outstanding indebtedness of the county council as are contained in this Act should be made:

And whereas trustees are by law authorised to invest trust funds in their hands in or upon certain of the securities which may be issued or granted by the county council or by the county borough councils respectively and it is expedient that the

provisions contained in this Act with respect to the investment of trust funds in or upon securities of the Board should be made: A.D. 1912.

And whereas the county council by an absolute majority of the whole number of such council at a meeting held on the eleventh day of October one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Yorkshire Post and the Yorkshire Observer being newspapers published and circulating in the said county such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to the promotion of the Bill for this Act (so far as such expenses are to be defrayed by the county council) should be charged on the county fund and county rate of the said west riding:

And whereas such resolution was published twice in the said newspapers and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the county council at a meeting held in pursuance of a similar notice on the tenth day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the purposes of this Act 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:—

PART I.

PRELIMINARY.

Short title and commencement of Act.

1. This Act may be cited as the West Riding of Yorkshire Asylums Act 1912 and shall come into operation on the first day of October one thousand nine hundred and twelve which date is hereinafter referred to as "the commencement of this Act."

Interpretation.

2. In this Act unless the context otherwise requires—

"Existing" means existing at the commencement of this Act;

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"The county" means the administrative county of the west riding of Yorkshire;

"The county boroughs" means the boroughs named in the Third Schedule to this Act and "county borough" means any of the county boroughs;

"The entire county" means the county together with the county boroughs;

"The county council" means the county council of the county;

"The county borough councils" means the councils of the county boroughs;

"The Huddersfield Council" means the council of the county borough of Huddersfield;

"The council" means in relation to the county the county council and in relation to any of the county boroughs the council of such borough and "the councils" means the county council and the county borough councils;

"The existing asylums" means the asylums and asylum property specified in the First Schedule to this Act;

"The asylums" means the existing asylums and any additional asylums and asylum property which may be acquired or provided by the Board constituted by this Act;

"The existing visiting committee" means the visiting committee of the existing asylums appointed pursuant to the provisions of the Lunacy Act 1890 and holding office at the commencement of this Act;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing

on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

LUNATIC ASYLUMS BOARD.

Constitution of Board.

3.—(1) There shall be constituted for the entire county a Lunatic Asylums Board which shall (subject to the provisions of the sections of this Act of which the marginal notes are respectively "Revision of number of members of Board" and "As to county boroughs hereafter constituted") consist of twenty-two representatives of the county and twenty-eight representatives of the county boroughs.

(2) The Board so constituted shall be a body corporate by the name of "The West Riding of Yorkshire Asylums Board" (in this Act called "the Board") with perpetual succession and a common seal and with power to hold land for the purposes for which they are constituted without any licence in mortmain and to dispose of land.

Annual election of members.

4.—(1) The county council at their meeting held in the month of October one thousand nine hundred and twelve and at their quarterly meeting held in the month of March in every subsequent year or at the earliest practicable meeting held after the date of any such meeting shall elect as members of the Board twenty-two members of their body or such other number of such members as shall give to the county council the representation on the Board to which they are for the time being entitled under the provisions of this Act.

(2) The council of each of the county boroughs at their meeting held in the month of November one thousand nine hundred and twelve and in the month of November in every subsequent year or at the earliest practicable meeting held after the date of any such meeting shall elect as members of the

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Board from among the members of their body the number of persons specified opposite to the name of their borough in the Third Schedule to this Act or such other number of persons as shall give to such council the representation on the Board to which they are for the time being entitled under the provisions of this Act.

(3)—(*a*) In the case of the first election the town clerk of each county borough shall forthwith return the names and addresses of the members elected by the council of such borough to the clerk of the county council:

(*b*) In the case of subsequent elections the names of the members elected shall be returned to the clerk of the Board by the clerk of the county council and the town clerks of the county boroughs respectively.

(4) Members of the Board shall come into office in the case of the first election on the date of the first meeting of the Board and in the case of subsequent elections on their election All members of the Board shall (subject to their remaining qualified in accordance with the provisions of this Act) hold office until the next ensuing election of members of the Board held by the council by whom they were respectively elected.

Provisions where failure to elect members.

5. If any council fail to elect first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any council fail to elect members of the Board at any subsequent date for such election the then existing members of the Board representing such council shall subject to their remaining qualified in accordance with the provisions of this Act continue in office until their successors are elected.

Proceedings of board and committees to be valid notwithstanding irregularities.

6. All acts and proceedings of the Board or of any committee appointed by the Board shall be valid notwithstanding any vacancy in their body or any irregularity in the appointment or continuance in office of any member of any one or more of the councils or in the appointment or continuance in office of any member of the Board and notwithstanding that any person not qualified or ceasing to be qualified may have acted as a member of the Board.

Revision of number of members of Board.

7.—(1) In the year one thousand nine hundred and twenty-three and in every subsequent tenth year it shall be lawful for any council to apply to the Board to increase or decrease the

number of representatives to be elected by that or any other council under this Act and the Board shall determine the question raised on such application within six months from the date of the meeting of the Board next after such application Provided that if the Board fail to determine the question within that period or if any council is dissatisfied with the decision of the Board any council may within four months after the expiration of that period or after the decision of the Board (as the case may be) appeal to the Local Government Board who shall by order determine the question.

(2) Any determination of the Board (subject to appeal as aforesaid) or of the Local Government Board (as the case may be) as to the number of representatives to be elected by the councils or any of them shall be binding unless or until subsequently varied in accordance with the provisions of this section.

(3) The Board (subject to such appeal as aforesaid) or the Local Government Board may if they think fit upon increasing or reducing the number of members of the Board to be elected by any council increase or reduce the total number of members of the Board.

Members not to be interested in contracts &c.

8.—(1) A person shall be disqualified for being elected or being a member of the Board if he—

(*a*) holds any paid office under the Board; or

(*b*) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board; or

(*c*) ceases to be a member of the council by whom he was elected.

(2) Provided that a person shall not be disqualified for being elected or being a member of the Board by reason of being interested—

(*a*) in the sale or lease of any lands or in any loan of money to the Board; or

(*b*) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(*c*) in any bargain or contract with the Board as a shareholder in any company;

but he shall not vote at any meeting of the Board or of any committee of the Board on any question relating to any of the

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matters referred to in this subsection in which he is interested nor on any question in which a company of which he is a shareholder is interested.

Disqualification of members.

9. If a member of the Board becomes disqualified under the provisions of this Act he shall cease to be a member of the Board:

Provided that in every year in which the triennial election of county councillors is held such existing members of the Board as may have ceased to be members of the county council shall continue to be members of the Board until the date of the meeting of the county council next following such election and shall on that date cease to be such members and until that date shall not be deemed by reason only of such cesser to be disqualified under the provisions of this Act for being members of the Board.

Penalty for acting when disqualified.

10. If any person acts when disqualified or votes when prohibited under this Act he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

Resignation of members.

11. A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board.

Casual vacancies.

12. Any casual vacancy in the Board occurring by death resignation disqualification or otherwise shall be filled up by the council by whom the vacating member was elected as soon as reasonably practicable after the occurrence of the vacancy but a member elected to fill up a vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

Meetings and proceedings of Board.

13. Meetings of the Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Fourth Schedule to this Act.

Power to provide offices &c.

14. The Board may from time to time provide maintain and furnish such buildings and offices as may be necessary for transacting their business and that of their officers and servants under this Act and for that purpose may acquire purchase or take on hire or exchange land.

Chairman and vice-chairman.

15. At their first meeting the Board shall appoint one of their number to be chairman and another to be vice-chairman

of the Board to hold office until the date of their annual meeting in the month of April one thousand nine hundred and thirteen and at such last-mentioned annual meeting and at each subsequent annual meeting or at the earliest practicable meeting held after the date of any such meeting the Board shall similarly appoint a chairman and vice-chairman to hold office for the ensuing year and for such further period (if any) as shall elapse before his successor is appointed.

Minutes of proceedings &c.

16.—(1) A written or printed minute of proceedings at a meeting of the Board or of a committee signed at the same or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Transfer to Board of existing asylums and rights and duties relating thereto.

17.—(1) As from the date of the first meeting of the Board the existing asylums shall by virtue of this Act be transferred to and vested in the Board together with all lands buildings hereditaments moneys and other property real or personal (including things in action) held or enjoyed with or vested in any authority or person in respect of the existing asylums immediately before that date.

(2) As from the date of the first meeting of the Board all rights powers duties obligations and liabilities of the councils as the local authorities under the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 and of the existing visiting committee shall subject to the express provisions and modifications contained in this Act be transferred to the Board and shall thereafter be vested in and attach to the Board Provided that notwithstanding anything in this Act the powers of the Lunacy Act 1890 in relation to the provision and maintenance of asylums for private patients (whether established before or after the passing of this Act) shall be exerciseable by the councils as well as by the Board.

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(3) Until the date of the first meeting of the Board the existing rights powers duties obligations and liabilities of the county council and of the existing visiting committee and sub-committees thereof under the Lunacy Acts 1890 and 1891 shall continue and shall be exercised and discharged by the county council and the existing visiting committee and sub-committees thereof but as from the said date the existing visiting committee and the said sub-committees shall subject to the provisions of subsection (2) of this section be dissolved.

Visiting and other committees.

18.—(1) At their first meeting and subsequently at their annual meeting in the month of April in each year the Board shall appoint out of their own body a visiting committee for each of the asylums or if the Board think fit for any two or more of the asylums consisting of not less than seven members The following sections of the Lunacy Act 1890 shall apply to each such visiting committee (that is to say):—

Section 171 (Vacancies to be filled up);

Section 172 (Duration of office) except subsection (1) thereof;

Section 173 (Examination of accounts);

Section 175 (Meetings of visiting committee) except subsection (1) thereof;

Section 176 (Clerk to visiting committee) except subsection (2) thereof:

Provided that three days shall be substituted for seven days in subsection (2) (*b*) of the said section 175.

(2) The members of a visiting committee who continue to be members of the Board shall continue in office and shall constitute that committee until the first meeting of their successors.

(3) The Board shall also appoint out of their own body a finance committee and may appoint out of their own body such other committees either of a general or special nature and consisting of such a number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of such committees.

(4) The Board may delegate to any visiting or other committee appointed under subsection (1) or subsection (3) of this

section such of their powers and duties (not being a power to borrow money or to raise contributions) as they may from time to time think fit but the acts of every such committee shall unless and except so far as the Board otherwise direct be submitted for approval to the Board.

(5) A visiting committee may appoint out of their number sub-committees and may delegate to any sub-committee such of the powers and duties delegated to them as they may from time to time think fit and may make regulations for the guidance of any sub-committee.

Transfer and appointment of officers.

19.—(1) Subject to the provisions of this section all officers and servants in the employment of the existing visiting committee or any sub-committee thereof immediately before the date of the first meeting of the Board shall on and from that date become officers and servants of the Board by the same tenure and upon and subject to the same terms and conditions as those by upon and subject to which they held their offices and positions under the existing visiting committee and sub-committees The clerical staff of the clerk to the existing visiting committee and sub-committees thereof shall for the purposes of this section be deemed to be officers of such committee and sub-committees and shall discharge on behalf of the Board their duties in connection with the asylums:

Provided that the clerk to the existing visiting committee shall not by virtue of his being transferred to and becoming an officer of the Board pursuant to this section become clerk to the Board but if such clerk shall not be retained in a permanent capacity in the service of the Board upon and subject to terms and conditions not less favourable to him than the terms and conditions upon and subject to which he holds office under the existing visiting committee he shall be deemed to have suffered pecuniary loss and to be entitled to compensation within the meaning of subsection (4) of this section and if Harry Topham shall be such clerk then for the purpose of assessing such compensation the salary of the said Harry Topham shall be reckoned at the amount fixed by the existing visiting committee in respect of his first appointment as their clerk and his service shall be reckoned as if it had been such number of years not less than thirty nor more than forty as the Board may decide

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(2) All officers and servants of the county council who immediately before the date of the first meeting of the Board are employed wholly or partially in the discharge of duties connected with the existing asylums shall as from that date continue to discharge on behalf of the Board duties connected with the asylums and upon and subject to terms and conditions similar as nearly as may be to those which they discharged and were subject to under the visiting committee or sub-committees and while discharging such duties such officers and servants shall be deemed to be officers or servants of the Board Provided that subject to the provisions of subsection (4) of this section the Board may at any time within six months after their first meeting decline to accept the services of any such officer or servant as is referred to in this subsection.

(3) The salary or remuneration of every such officer or servant of the county council or of the visiting committee as is referred to in the last preceding subsection of this section whose services shall not have been declined by the Board as aforesaid shall be apportioned between the county council and the Board as they may agree or as in case of difference may be determined by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the Local Government Board and the Arbitration Act 1889 shall apply as if the arbitration were pursuant to a submission The proportion of the salary or remuneration of every such officer or servant as aforesaid allocated to the Board upon any such apportionment as aforesaid shall as from the commencement of this Act be paid by the Board to the county council.

(4) If by virtue of this Act or of anything done in pursuance or in consequence thereof any such existing officer or servant as aforesaid shall suffer any pecuniary loss by loss of office or diminution of salary or otherwise he shall be entitled to have compensation paid to him by the Board for such pecuniary loss and the said compensation shall subject as by this section provided be determined pursuant to the provisions of section 120 of the Local Government Act 1888:

Provided that in construing the said section 120 for the purposes of this section the Local Government Board shall be deemed to be substituted for the Treasury in subsections (4) and (6) of that section.

As to custody of books documents &c.

20. All minute books letter books books of account vouchers maps plans and other books and documents and papers of a like nature which relate exclusively to any of the existing asylums shall become the property of the Board Provided that the county council shall be entitled to retain temporarily any such vouchers as aforesaid which may be required for the purposes of or in connection with any audit of the accounts of the county council.

Saving for contracts deeds mortgages &c.

21. All agreements awards bonds conveyances contracts covenants deeds leases mortgages and other acts and things made granted executed or done in relation to the existing asylums by with to or relating to the county justices the county council or the existing visiting committee or any person or persons on their behalf respectively and in force at the commencement of this Act shall continue as valid and effectual for all purposes in favour of against or with reference to the Board (as may be required in each case) as they were immediately before the commencement of this Act in favour of against or with reference to the county council and any enactment applying to or affecting the existing asylums or any of them shall (subject to the powers of delegation by this Act conferred upon the Board) continue to apply with the substitution of the Board for the county justices the county council or the existing visiting committee as may be required in each case.

Actions &c. not to abate.

22. All actions arbitrations prosecutions or other proceedings or causes of proceeding pending or existing at the commencement of this Act by with against or in favour of the county council or the existing visiting committee in relation to the existing asylums may be continued or enforced and carried on by with against or in favour of the Board as may be required in each case.

Regulations to continue in force until repealed or altered.

23. All rules and regulations in force at the commencement of this Act and relating to the existing asylums shall continue in force until repealed or altered in accordance with the provisions of the Lunacy Acts 1890 and 1891 or any statutory modification thereof for the time being in force.

Books &c. to be receivable in evidence.

24. All books and documents which if this Act had not been passed would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

Provision of asylum accommodation and management of asylums.

25. (1) The Board shall be under the same obligation to provide and maintain asylum accommodation as if they were a local authority under and for the purposes of the Lunacy Act 1890 and shall so far as applicable (subject to the provisions of

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this Act) have all the powers and be subject to all the liabilities and obligations conferred or imposed on local authorities and visiting committees by Part IX. of that Act as well as power to maintain alter improve and manage the existing asylums.

(2) Notwithstanding anything contained in the said Part IX. of the Lunacy Act 1890 it shall be lawful for the Board to exercise themselves and not by a visiting committee such of the powers thereby conferred as they may think fit.

(3) Nothing in the said Part IX. of the Lunacy Act 1890 contained shall be construed so as to require the approval or confirmation by the county council or by the council of any of the county boroughs of any act or proceeding of the Board or of a visiting committee appointed by the Board.

Adaptation of provisions of Lunacy Acts.

26.—(1) Subject to the provisions of this Act all acts and things authorised or required by the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 to be done by to or with a local authority may be done by to or with the Board as if the Board were the local authority of the entire county.

(2) Subject to the provisions of this Act Part IX. (except sections 273 and 274 which relate to expenses and borrowing) and Part X. of the Lunacy Act 1890 shall if and so far as any visiting committee appointed under this Act is authorised by delegation from the Board to exercise such powers or any of them apply as if that committee were a visiting committee appointed under the said Lunacy Act 1890 and so far as such delegation shall not in the case of any visiting committee appointed under this Act extend the said Parts of the said Act (except as aforesaid and except provisions as to reports to and consent of the local authority) shall apply as if the Board were a visiting committee appointed under the said Lunacy Act 1890.

(3) For the general purposes of the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 as applied by this Act the term "asylum" in those Acts shall include all the asylums and any act or thing authorised or required by the said Acts or any of them to be done by or to any officer of a local authority or visiting committee may be done by or to any officer holding any corresponding office under this Act.

(4) For the purposes of the Asylums Officers' Superannuation Act 1909 an established officer or servant within the meaning of that Act who at the commencement of this Act is employed in the asylum for private patients provided by the county council and who has been employed in the existing asylums or any of them although for a less period than two years shall be entitled to aggregate his services in such asylums and the amount of superannuation payable to such officer or servant shall be apportioned as provided by section 12 of the last-mentioned Act between the Board and the county council.

The like provisions shall apply in the case of an established officer or servant who at the commencement of this Act is employed in the asylums or any of them and who has been employed in the asylum for private patients provided by the county council.

PART III.

FINANCIAL.

Liability of councils to contribute to county asylums to cease.

27. Save as provided by this Act all liability of the councils to contribute in respect of any county asylum shall cease as from the commencement of this Act.

Expenses payable out of asylums fund.

28.—(1) All expenses of the Board shall be paid out of a fund to be called "the asylums fund" and all sums received by the Board shall be paid into that fund.

(2) All such sums as shall be necessary to defray the expenses of the Board (other than expenses to be charged to the guardians of poor law unions on account of the maintenance of patients or to be defrayed out of borrowed money) shall be raised by contributions to be made by the councils in manner hereinafter provided.

(3) The charge to be made for the maintenance of pauper lunatics shall be at a uniform rate in all the asylums and for that purpose any surplus arising on the accounts of any of the asylums shall be applied to meet the deficit arising on the accounts of any other of the asylums.

Excluding operation of certain provisions of Lunacy Act 1890.

29. Notwithstanding anything in this Act or in the Lunacy Act 1890 subsection (2) of section 271 (Provisions as to private patients in asylums) of the last-mentioned Act shall not apply for the purposes of this Act.

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Amounts to be contributed by county and county boroughs respectively.

30. The Board shall at their first meeting or as soon as practicable thereafter estimate the total amount required to be raised by contributions of the councils for the period commencing at the commencement of this Act and ending the thirty-first day of March one thousand nine hundred and thirteen and shall before the first day of March one thousand nine hundred and thirteen and before the first day of March in every subsequent year make the like estimate for the year commencing the first day of April then next and shall divide such amount between the county and the county boroughs in proportion to the aggregates of the periods of residence of the several pauper lunatics belonging to the county and to each of the county boroughs respectively in the asylums or in any other asylum or in any place where (having been sent to any of the asylums) any such lunatics have been boarded out or sent out on trial by the Board or by any visiting committee appointed under this Act or by the county council or the existing visiting committee as shown by lists made out and signed pursuant to the provisions of the section of this Act of which the marginal note is "Clerk of Board to furnish returns as to lunatics" for the year ending the last preceding thirty-first day of December and the amount so apportioned shall subject to the provisions of the section of this Act of which the marginal note is "Payment by county boroughs of added sums" be contributed by the councils respectively in such proportions as aforesaid.

Payment by county boroughs of added sums.

31.—(1) During a period of fifty years from the first day of April one thousand nine hundred and twelve the councils of the county boroughs other than the Huddersfield Council shall pay to the Board in addition to the amounts to be contributed by them in accordance with the apportionment to be made by the Board as hereinbefore provided sums (hereinafter called "the added sums") amounting in the aggregate to one thousand six hundred and twenty-four pounds five shillings and threepence for each half year in the proportions following (namely):—

	£	*s.*	*d.*
Bradford - - - - -	174	0	2
Halifax - - - - -	196	0	0
Leeds - - - - -	1,098	5	4
Rotherham - - - - -	91	1	0
Sheffield - - - - -	64	18	9

The first payment of the added sums shall be due on the thirty-first day of March one thousand nine hundred and thirteen and shall consist of two of such half-yearly payments The remaining payments shall become due half-yearly on each subsequent thirtieth day of September and thirty-first day of March during the said period of fifty years Each of such half-yearly payments shall be credited to the county council and the Huddersfield Council respectively in the accounts of the Board in the proportions following (that is to say) To the county council the sum of one thousand five hundred and ninety-three pounds thirteen shillings and threepence and to the Huddersfield Council the sum of thirty pounds twelve shillings and the amounts to be contributed from time to time by those councils under this Act shall respectively be reduced by the amounts so to be credited to such councils.

(2) The amount payable by each of the county borough councils (other than the Huddersfield Council) in respect of each such half-yearly payment shall be paid by them to the Board on the dates aforesaid without any precept or demand from the Board and in case of default such amount with interest at the rate of four per centum per annum thereon from the date on which the same is payable shall be deemed to be a debt due from such council to the Board and may be recovered by the Board from such council in any court of competent jurisdiction.

(3) The added sums shall be deemed to be and shall be in full satisfaction and discharge of all claims which may have arisen or may arise in respect of any disproportion between the contributions of the respective councils towards the asylums and the accommodation required for the patients from the respective areas of the said councils.

(4) If after the passing of this Act a new county borough shall be constituted or an existing county borough shall be extended no claim shall be made by the county council or the Huddersfield Council for any payment by way of increase in the amount of the added sums nor shall the council of any such new or extended county borough claim to participate therein and the added sums shall not be considered or taken into account in any adjustment arising out of the constitution or extension of a county borough.

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(5) There shall be chargeable upon a copy of this Act in respect of the added sums a stamp duty of the same amount as would have been chargeable upon any instrument (as defined by the Stamp Act 1891) under the seals of the county borough councils (other than the Huddersfield Council) and the Board making provision as in this section made for the payment by the county borough councils (other than the Huddersfield Council) to the Board of the added sums.

(6) As regards any duty so chargeable the Board shall within six months of the passing of this Act produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped with the duty payable and in default of such production the duty with interest thereon at the rate of five per centum per annum until payment shall become a debt to His Majesty recoverable from the Board.

Payment of contributions to asylums fund.

32.—(1) For the purpose of obtaining payment of the sums to be contributed by the councils respectively otherwise than by way of the added sums the clerk of the Board shall—

(*a*) As regards the period commencing at the commencement of this Act and ending the thirty-first day of March one thousand nine hundred and thirteen as soon as practicable after the first meeting of the Board; and

(*b*) As regards any year commencing on any subsequent first day of April before such first day of April;

send to the county council and to the council of each county borough a precept (which may be in the form in the Fifth Schedule to this Act or to the like effect) for payment of the amount to be contributed by such council.

(2) Precepts may (in addition to being prospective) be made retrospective in order to raise money for the payment of expenses which have been incurred or of sums which have become payable at any time within six months before the date of the precept and the contributions required by any such precept to be made may be made payable either in one sum or in two half-yearly sums Provided that no such sum shall be required to be paid earlier than one month after the date of the precept.

(3) The councils shall respectively order the required amount of contributions to be paid to the treasurer of the Board out of the county fund or borough fund as the case may be at the time or times appointed by the precept.

(4) The amount stated in any precept of the Board with interest at the rate of four per centum per annum on such amount from the date when the same is required by such precept to be paid shall be deemed to be a debt due to the Board from the council to whom such precept is addressed and may be recovered by the Board from such council in any court of competent jurisdiction.

(5) If any difference shall arise between the Board and any of the councils concerning any precept such difference shall be referred to a single arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either of such parties by the Local Government Board and the Arbitration Act 1889 shall apply as if the arbitration were pursuant to a submission.

Alternative remedy to Board in case of default by councils.

33. If any of the councils fail to pay any sum due from them to the Board at or within the time for payment thereof in accordance with the provisions of this Act the Board may in addition to all other remedies available to them under or by virtue of this Act proceed for recovery thereof in manner following (that is to say):—

The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting council such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting council to account as the defaulting council would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting council.

Recovery of outstanding debts &c.

34. All sums of money for the maintenance treatment and care of lunatics and rents and other sums at the commencement

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of this Act due or accruing due to the county council or the existing visiting committee in respect of the existing asylums may be collected and recovered by the Board.

As to existing capital indebtedness.

35.—(1) All sums due and payable after the commencement of this Act (whether on account of principal or interest) in respect of the loans specified in the Second Schedule to this Act or any of them and in respect of all other loans (if any) contracted by the county council for asylum purposes shall be paid and discharged by the county council as if this Act had not been passed and the Board shall not later than the thirty-first day of March and the thirtieth day of September in each year while any such loans are outstanding pay to the county council a sum equal to the aggregate amount which will during the period of six months after such respective dates become due from the county council in respect of such loans.

(2) The Board shall as early as practicable and in any case not later than the first day of April one thousand nine hundred and thirteen repay to the county council the amount (if any) paid by the county council in respect of such loans as aforesaid during the period from the first day of April one thousand nine hundred and twelve to the thirty-first day of March one thousand nine hundred and thirteen both days included.

(3) If any such payment or repayment by the Board to the county council as is hereinbefore referred to is not made on or before the date hereinbefore specified with respect thereto the Board shall pay to the county council an additional sum equivalent to interest at the rate of four per centum per annum thereon from such date.

Power to borrow.

36.—(1) The Board may from time to time borrow at interest (*a*) for paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act the sum requisite for that purpose and (*b*) with the consent of the Local Government Board such further sums of money as may be required for any purpose to which capital is properly applicable under the Lunacy Act 1890 or this Act.

(2) In order to secure the repayment of the moneys borrowed under this Act and the payment of interest thereon the Board may mortgage and charge the asylums fund and the contributions to be made by the councils to the Board under this Act including

for that purpose the added sums so long as they shall continue to be payable. A.D. 1912.

Mode of raising money.

37.—(1) The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the contributions to be made under this Act by the councils (including the added sums so long as they shall continue to be payable) shall be deemed to be the local rate as defined by the said Act Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

(2) The Board shall be deemed to be an urban authority within the meaning of Part V. (Stock) of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act Provided that the Local Government Board may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in that Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

(3) All mortgages debentures annuity certificates and stock granted created or issued by the Board under any statutory borrowing power shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the granting creation or issue of the security or on any other account whatsoever.

(4) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Board and the term "rates" shall be construed to mean the contributions to be made by the councils to the Board under this Act including the added sums so long as they shall continue to be payable

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Provided that the mortgages issued by the Board and transfers thereof may be in the forms contained in the Sixth Schedule to this Act or to the like effect.

(5) Any receiver appointed under the said provisions of the Public Health Act 1875 as applied to this Act shall be entitled to receive the amounts apportioned by the Board to the councils respectively under the provisions of the section of this Act of which the marginal note is "Amounts to be contributed by county and county boroughs respectively" and also the added sums and in case the Board at any time neglect or refuse to make such apportionment or to recover the amount of the contributions to be made by the councils or any of them to the Board under this Act or to recover the added sums or any part of any such contribution or sum the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by or under the provisions of this Act conferred on the Board for recovering the amounts so apportioned or for recovering the added sums or any part thereof (as the case may be).

Periods for repayment of money borrowed.

38. The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act respectively referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (*a*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within five years from the date of the commencement of this Act:

As to moneys borrowed with the consent of the Local Government Board within such period not exceeding fifty years as that Board may think fit to sanction.

Method of payment off of money borrowed.

39. The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

40.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called "a non-accumulating sinking fund"; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the moneys in respect of which the sinking fund is formed be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board:

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(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in like manner as the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that when it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as the Local Government Board may direct.

(8) If the Board desire to accelerate the repayment of any moneys they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the moneys in respect of which it is formed within the prescribed period the

Board may with the consent of the Local Government Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purposes as the Board with the consent of the Local Government Board may determine.

Alternative application of sinking fund.

41. The Board may at any time apply the whole or any part of any sinking fund as follows:—

(1) Where the Board are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power to raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Act be deemed to be moneys borrowed under a statutory borrowing power Provided that when exercising this power the Board shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(*b*) Credit the sinking fund with the repayment of an amount of the moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amounts so credited shall be deemed to be moneys discharged by application of such sinking fund under subsection (4) of the section of this Act of which the marginal note is "Sinking fund";

(*c*) Debit the account of the borrowing power proposed to be exercised with an amount of the moneys equal to the sum withdrawn from the sinking fund and thereupon the borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue

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of a fresh security and the provisions of this Part of this Act as to repayment and reborrowing shall apply thereto accordingly:

Provided also that the powers of this section shall not extend to any sinking fund set aside by the Board for the repayment of any moneys borrowed with respect to which the mortgage or other security specifies the borrowing power under which such money is raised:

(2) The Board shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that board shall require.

Protection of lender from inquiry.

42. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Board not to regard trusts.

43. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest therein not entered in their register.

Power to reborrow.

44.—(1) The Board shall have power to borrow—

(*a*) For the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(*b*) In order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying any such moneys as are referred to in the foregoing paragraph (*a*) and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to Local Government Board as to repayment of debt.

45.—(1) The treasurer of the Board shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that board and if required by that board verified by statutory declaration of the treasurer of the Board showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the

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event of his failing to make such return the treasurer of the Board shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of money borrowed.

46. Moneys borrowed or raised by the Board under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Proceeds of sale of surplus lands.

47. The proceeds of the sale of any lands or other property of the Board under the powers of this Act and the fines and premiums on any leases granted by the Board under this Act and any other moneys received on capital account under this Act shall be distinguished as capital in the accounts of the Board and shall be applied in discharge of any moneys borrowed by the Board under this Act but shall not be applied to the payment of instalments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be reborrowed.

As to temporary borrowing.

48. For the purpose of providing temporarily during any financial year for their current expenses and after the commencement of such year it shall be lawful for the Board to borrow by way of temporary loan or of temporary overdraft on

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any current account of the Board with any banker or on temporary loan on deposit receipt from any person and in either case at such rate of interest as they may determine such sums as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one fourth of the total aggregate amount of their expenses on revenue account for the immediately preceding financial year and any amount so borrowed together with the interest thereon shall until payment or discharge form a charge by virtue of this Act upon the asylums fund and the contributions to be made by the councils to the Board under this Act (including the added sums so long as they shall continue to be payable) pari passu with any bond mortgage stock or other security affecting the same and it shall further be lawful for the Board instead of resorting to the powers conferred by the foregoing provisions of this section to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

(*a*) All sums so borrowed together with the interest thereon shall be repaid or discharged during the financial year in which they were borrowed out of the revenue of such year:

(*b*) The treasurer of the Board shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(*c*) After the receipt of the said report or if no such report shall be furnished within the said period of forty-two days then at any time after the expiration of that period the Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Board have failed to comply with the requirements of this section as to repayment the Local Government Board may

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serve upon the Board a notice in writing requiring them to show cause why an order should not be made directing the Board to take such steps in the matter as may be specified in the notice and if after considering any representations made to them by the Board the Local Government Board think fit they may make such an order accordingly and if the the Board shall fail to comply therewith within such period as may be specified in the order the Local Government Board may make a further order suspending the powers of this section for such period as they may think fit.

As to investment of trust funds.

49. For the purposes of the investment of trust funds the Board shall be deemed to be a corporation of a municipal borough having according to the returns of the last census prior to the date of investment a population exceeding fifty thousand and the Trustee Act 1893 shall apply as if the Board were referred to in subsection (*m*) of section 1 of that Act.

Power to county council and county borough councils to invest in securities of Board.

50. In addition to any securities in which sums paid into sinking funds created by local authorities may by law be invested it shall be lawful for the councils respectively from time to time to invest any such sums in nominal or inscribed stock bonds debentures mortgages or other securities (except securities transferable by delivery) issued or granted by the Board under the authority of this Act.

As to credit balances.

51. Any balances at the date of the first meeting of the Board standing to the credit of the existing visiting committee relating to the existing asylums shall be dealt with in manner following (that is to say):—

(1) Balances on patients maintenance account and all sums due to the existing visiting committee on such account together with balances on private patients account and on out-county patients account shall be transferred to the asylums fund:

(2) Balances on building and repairs fund account shall be credited to the accounts of the councils respectively in proportion to their respective contributions to the said building and repairs fund account for the year ending the thirty-first day of March one thousand nine hundred and twelve.

Accounts of Board.

52. The accounts of the income and expenditure of the Board and of committees of the Board shall be made up to the end of each financial year ending on the thirty-first day of March.

Audit of accounts of Board.

53. The accounts of the Board and of committees of the Board and of their officers shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors (including the enactments imposing penalties and providing for the recovery of sums) shall apply in like manner as if (so far as they relate to an audit of the accounts of an urban authority and the officers of such authority) they were herein re-enacted with the necessary modifications and accordingly all ratepayers and owners of property in the county and in each of the county boroughs shall have the like rights and there shall be the same appeal as in the case of such audit Provided that the First Schedule to the District Auditors Act 1879 shall be modified in manner described in the Second Schedule to the Local Government Act 1888.

PART IV.

MISCELLANEOUS.

Clerks to boards of guardians to furnish certificates as to settlement of certain lunatics.

54. The clerk to the guardians of every union which is not wholly contained in the county or in a single county borough shall as soon as conveniently may be after the admission of every pauper lunatic sent from such union to any of the asylums transmit to the clerk of the Board a certificate stating the name of the lunatic and the administrative county or county borough within which the township of settlement of such lunatic is situate.

Clerk of Board to furnish returns as to lunatics.

55.—(1) The clerk of the Board shall as soon as practicable after the first meeting of the Board and also not later than the first day of March one thousand nine hundred and thirteen and each subsequent first day of March make out in respect of every union wholly or partly within the entire county and sign and send to the clerk of the county council and to the town clerk of each of the county boroughs a true and complete list in duplicate in the form in the Seventh Schedule to this Act of all

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pauper lunatics belonging to the county and to each of the county boroughs who have within the year ending the preceding thirty-first day of December been resident in any of the asylums or in any other asylum or in any other place where (having been sent to any of the asylums) any of such lunatics have been boarded out or sent out on trial by the Board or by any visiting committee appointed under this Act or by the county council or the existing visiting committee and showing the period of residence of every such lunatic within such year in the asylums or any of them and in any such other asylum or place.

(2) For the purposes of this Act—

(*a*) A pauper lunatic who—

(i) is chargeable to any union wholly contained in the county; or

(ii) being chargeable to a union not wholly contained in the county is settled in any township or place in the county; or

(iii) has been adjudged chargeable to the county under the provisions of the Lunacy Act 1890;

shall be deemed to belong to the county; and

(*b*) A pauper lunatic shall be deemed to belong to that county borough—

(i) in which the union to which he is chargeable is wholly contained; or

(ii) (where the union to which he is chargeable is not wholly contained in any county borough) in which the township or place in which he is settled is situate; or

(iii) to which he has been adjudged chargeable under the provisions of the Lunacy Act 1890.

As to county boroughs hereafter constituted.

56. If at any time after the passing of this Act any new county borough shall be constituted in the county the provisions of this Act shall apply to such county borough and to the council thereof as if such county borough had been named in the Third Schedule to this Act and as if the number specified opposite to the name of such borough in the said schedule had been one and as if such council were one of the councils Subject to revision under the section of this Act whereof the marginal

note is "Revision of number of members of Board" the number of members of the Board shall by virtue of this Act be increased by one upon the constitution of any such new county borough as aforesaid.

Annual report and abstract of accounts to be sent to councils.

57. The clerk of the Board shall send to the clerk of each council annually a copy of the annual report of the Board and abstract of accounts as sent to the Commissioners in Lunacy and a sufficient number of copies of such report and abstract for transmission to each member of the council.

Power to promote and oppose Bills in Parliament &c.

58.—(1) Where in the judgment of the Board it is expedient for the Board to apply to Parliament for the repeal amendment or extension of any Act for the time being relating to or affecting the Board or for any alteration or extension of their powers or otherwise in connection with the asylums they may pay the costs and expenses attending such application as taxed by the taxing officer of the House of Lords or of the House of Commons out of the asylums fund.

(2) No expenses in relation to any such application shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in two newspapers published or circulating in the county such notice to be in addition to the ordinary notices required for summoning such meeting.

(3) No further expense shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and shall have received the approval of the Local Government Board.

(4) The Board may oppose any Bill in Parliament which in their judgment it is expedient in the interests of the Board or of the asylums to oppose and may pay the costs and expenses attending such opposition as taxed by the taxing officer of the House of Lords or of the House of Commons out of the asylums fund.

(5) All costs and expenses paid or incurred by the Board under this section shall as between the Board on the one hand

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and the councils on the other hand be deemed to have been paid or incurred under and for the purposes of the Lunacy Acts 1890 and 1891.

Inquiries by Local Government Board.

59.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consent or approval under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that board under the Public Health Act 1875.

(2) The Board shall pay to the Local Government Board any expenses incurred by such board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by such board not exceeding three guineas a day for the services of such inspector.

Costs of Act.

60.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of one of the Houses of Parliament shall in the first instance be paid by the county council out of the county fund.

(2) The costs charges and expenses incurred by the county borough councils in relation to the Bill for this Act as taxed as aforesaid shall in the first instance be paid by such councils respectively out of any of their funds or rates.

(3) The Board shall within three months after the commencement of this Act repay to the councils respectively out of moneys to be borrowed by the Board under the powers of this Act the amounts so paid by the councils respectively as aforesaid.

The SCHEDULES referred to in the foregoing Act. A.D. 1912.

FIRST SCHEDULE.

ASYLUMS AND ASYLUM PROPERTY.

Asylums.	Asylum Property.
1. The Wakefield Asylum - 2. The Wadsley Asylum - 3. The Menston Asylum - 4. The Storthes Hall Asylum - All situate in the west riding of the county of York.	All lands buildings and hereditaments constituting or forming part of the asylums named in this schedule All other property real and personal (including things in action) held or enjoyed exclusively in respect of such asylums.

SECOND SCHEDULE.

PARTICULARS OF LOANS FOR ASYLUM PURPOSES OUTSTANDING ON 31 MARCH 1912.

Name of Asylum.	Mortgagee.	Number of Mortgage.	Amount borrowed.	Rate per cent.	Amount outstanding at 31 March 1912.
			£		£ s. d.
Menston Asylum	General and special county purposes capital moneys.	370	23,000	3¼	6,440 0 0
	Do. do. -	369	38,000	„	9,120 0 0
	Do. do. -	374	7,500	„	2,400 0 0
	Do. do. -	402	4,750	3	1,710 0 0
	Percy Tew - - - -	part 585	3,300	3¼	1,980 0 0
	Bondholders - - - -	Bonds (1908)	10,500	3½	9,050 0 0
	General and special county purposes capital moneys.	591	1,532	„	1,224 0 0
					31,924 0 0
Wadsley Asylum	Percy Tew and Samuel Gurney Leatham.	368	2,000	3¼	100 0 0
	General and special county purposes capital moneys.	575	4,700	3	2,068 0 0
					2,168 0 0

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Name of Asylum.	Mortgagee.	Number of Mortgage.	Amount borrowed.	Rate per cent.	Amount outstanding at 31 March 1912.
			£		£ s. d.
Wakefield Asylum.	General and special county purposes capital moneys.	375	6,500	3¼	2,816 13 4
	Do. do.	404	5,150	3	2,403 6 8
	Bondholders	Bonds (1898)	2,500	2½	1,100 0 0
	Do.	,, (1898)	70,000	,,	35,000 0 0
	Public Works Loan Commissioners.	part 578	10,836	2¾	5,805 0 0
	Do. do.	,, 578	4,340	,,	2,325 0 0
	Do. do.	,, 578	17,993	,,	5,682 0 0
	Percy Tew	,, 585	2,000	3¼	800 0 0
	Prudential Assurance Company Limited.	,, 587	9,990	3½	6,660 0 0
	Do. do.	,, 587	8,280	,,	5,520 0 0
	Percy Tew	,, 585	11,160	3¼	6,696 0 0
	Bondholders	Bonds (1908)	10,538	3½	9,049 0 0
	General and special county purposes capital moneys.	591	1,611	,,	1,288 0 0
					85,145 0 0
Storthes Hall Asylum.	Public Works Loan Commissioners.	part 578	43,596	2¾	23,355 0 0
	Prudential Assurance Company Limited.	,, 587	101,880	3½	67,920 0 0
	Yorkshire Penny Bank	,, 589	4,400	,,	2,816 0 0
	Do. do.	,, 589	45,009	,,	30,006 0 0
	Bondholders	Bonds (1904)	3,690	3⅝	2,706 0 0
	Do.	,, ,,	12,300	,,	8,372 0 0
	Do.	,, ,,	750	,,	350 0 0
	Do.	,, ,,	1,140	,,	836 0 0
	Do.	,, ,,	3,400	,,	2,040 0 0
	Do.	,, ,,	11,200	,,	2,240 0 0
	Do.	,, ,,	2,196	,,	244 0 0
	Do.	,, (1905)	80,890	3½	61,598 0 0
	Do.	,, (1906)	102,000	,,	81,600 0 0
	Do.	,, (1909)	22,185	,,	19,943 0 0
	Do.	,, (1911)	3,000	,,	2,900 0 0
	Do.	,, (1905)	650	,,	496 0 0
	Do.	,, (1907)	8,655	,,	6,920 0 0
	Do.	,, (1907)	31,117	,,	67,618 0 0
	Do.	,, (1909)	7,000	,,	6,291 0 0
	Do.	,, (1907)	17,850	,,	8,925 0 0
	Do.	,, (1907)	3,815	,,	2,540 0 0
	Do.	,, (1909)	2,782	,,	1,946 0 0
	Do.	,, (1908)	6,962	,,	5,946 0 0
	Do.	,, (1909)	1,072	,,	936 0 0
	Do.	,, (1910)	5,000	,,	4,000 0 0
	Do.	,, (1912)	2,747	,,	2,747 0 0
					415,291 0 0

THIRD SCHEDULE.

NUMBER OF MEMBERS OF THE BOARD TO BE ELECTED BY COUNCILS OF THE COUNTY BOROUGHS.

Name of County Borough.	Number of Members.
Bradford - - - - - -	Four.
Halifax - - - - - -	Three.
Huddersfield - - - - - -	Three.
Leeds - - - - - - -	Eight.
Rotherham - - - - - -	Two.
Sheffield - - - - - -	Eight.

FOURTH SCHEDULE.

MEETINGS AND PROCEEDINGS OF ASYLUMS BOARD.

First meeting and other meetings.

1. The first meeting of the Board shall be held as soon as conveniently may be after the ninth day of November next after the passing of this Act and shall be summoned by the clerk of the county council.

The Board shall hold a meeting in the month of April in every year to be called the annual meeting.

Other meetings shall be held at such time and place as the Board from time to time resolve.

Summoning meetings.

2. The chairman may at any time call a meeting If the chairman refuses to call a meeting after a requisition for that purpose signed by five members of the Board has been presented to him any five members of the Board may forthwith on that refusal call a meeting If the chairman (without so refusing) does not within seven days after such presentation call a meeting any five members of the Board may on the expiration of those seven days call a meeting.

Notice of meetings.

3. Three clear days at least before any meeting of the Board (other than the first meeting) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the chairman or clerk of the Board shall be left at or sent by post addressed to the usual place of abode of every member of the Board Want of service of the summons on any member of the Board shall not affect the validity of a meeting.

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Quorum.

4. To constitute a meeting of the Board there must be at least ten members present.

Chairman of meetings.

5. The chairman of the Board or in his absence the vice-chairman of the Board shall be the chairman at every meeting.

In the absence of both the chairman and vice-chairman the members then present shall choose one of their number to be chairman of that meeting.

Decision of questions at meetings.

6. All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

7. Minutes of the proceedings of every meeting of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed in manner prescribed by the Board and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

8. Subject to the foregoing provisions of this schedule the Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

FIFTH SCHEDULE.

FORM OF PRECEPT.

The West Riding of Yorkshire Asylums Board to wit. } To the county council of the west riding of Yorkshire (*or* council of the county borough of).

These are to require you the county council of the west riding of Yorkshire (*or* the council of the county borough of) from and out of the county (*or* borough) fund to pay* on or before the day of into the hands of treasurer of the West Riding of Yorkshire Asylums Board the sum of £ being the proportion payable by the said council of the amount required for the expenses incurred or to be incurred up to the day of by the said Board and if such fund be insufficient to raise the requisite amount by means of a rate.

* If the sum mentioned in the precept is to be payable in two instalments this form must be altered accordingly.

Given under the common seal of the West Riding of Yorkshire Asylums Board in pursuance of a resolution of the Board this day of in the presence of }

Clerk of the Board

19 .

NOTE.—Section 32 (4) of the West Riding of Yorkshire Asylums Act 1912 provides as follows:—

"The amount stated in any precept of the Board with interest at the rate of four per centum per annum on such amount from the date when the same is required by such precept to be paid shall be deemed to be a debt due to the Board from the council to whom such precept is addressed and may be recovered by the Board from such council in any court of competent jurisdiction."

SIXTH SCHEDULE.

FORM OF MORTGAGE.

By virtue of the West Riding of Yorkshire Asylums Act 1912 we the West Riding of Yorkshire Asylums Board being a body having the powers of a local authority under the Lunacy Acts 1890 and 1891 for the administrative county of the west riding of Yorkshire and the county boroughs of Bradford Halifax Huddersfield Leeds Rotherham and Sheffield in consideration of the sum of paid to the treasurer of the said Board by *A* *B* of (hereinafter referred to as "the mortgagee") do grant and assign unto the mortgagee his executors administrators and assigns such proportion of the asylums fund of the said Board and of the contributions to be made to the said Board by the councils of the said administrative county and of the said county boroughs respectively by virtue of the said West Riding of Yorkshire Asylums Act 1912 (including the added sums referred to in that Act so long as they shall continue to be payable) as the said sum so paid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said asylums fund and contributions to hold to the mortgagee his executors administrators and assigns from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same shall be fully paid and satisfied and it is hereby declared that the said principal sum shall be repaid on the day of at [*place of payment*].

Dated this day of one thousand nine hundred and .

[To be sealed with the common seal of the Board.]

FORM OF TRANSFER OF MORTGAGE.

West Riding of Yorkshire Asylums Act 1912.

I [the within-named] *A.B.* [of] in consideration of the sum of pounds paid to me by of

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(hereinafter called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within written security] [a certain mortgage number register folio bearing date the day of and granted by the West Riding of Yorkshire Asylums Board for securing the sum of pounds and interest thereon at the yearly rate of in the hundred] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

SEVENTH SCHEDULE.

West Riding of Yorkshire Asylums Act 1912.

UNION OF .

A true and complete list of pauper lunatics belonging to the administrative county of the west riding of Yorkshire (and) (or) to the county borough of within the union of and who have within the year ending the thirty-first day of December one thousand nine hundred and been resident in the asylums of the West Riding of Yorkshire Asylums Board or in any other asylum or in any other place where they have been boarded out or sent out on trial by [the Asylums Board*] or by a visiting committee and showing the period of residence within such year of every such lunatic either in the said asylums or in any such other asylum or place.

Lunatics sent from the Administrative County.

Consecutive Number.	Name.	Age.	Sex.	Period of Residence.			
				From	To	Weeks.	Days.

* NOTE.—In the lists to be made out as soon as practicable after the first meeting of the Board the words "the county council of the said west riding" are to be substituted for the words "the Asylums Board"

and in the lists to be made out on or before the 1st March 1913 the words "the county council of the said west riding or" are to be inserted before the words "the Asylums Board."

Lunatics sent from the County Borough of

Consecutive Number.	Name.	Age.	Sex.	Period of Residence.			
				From	To	Weeks.	Days.

Signed by me the day of

A.B.

Clerk to the West Riding of Yorkshire Asylums Board.

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