

CHAPTER 3

An Act to transfer the Royal Naval Hospital at Great Yarmouth to the Minister of Health; and for purposes connected therewith. [19th December, 1957]

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

Transfer of Yarmouth Naval Hospital to Minister of Health.

1.—(1) On the appointed day there shall, by virtue of this section and without further assurance, be transferred to and vest in the Minister of Health (in this Act referred to as " the Minister ")—

(*a*) all interests in or attaching to any premises or moveable property which immediately before that day were held by the Admiralty solely for the purposes of the Royal Naval Hospital at Great Yarmouth (in this Act referred to as " the hospital "); and

(*b*) all other rights and liabilities acquired or incurred by the Admiralty for those purposes, being rights and liabilities to which the Admiralty were entitled or subject immediately before that day but not including any rights or liabilities arising under contracts for the rendering of personal services or under the Yarmouth Naval Hospital Act, 1931 (in this Act referred to as " the Act of 1931 "). 21 & 22 Geo. 5. c. 15.

(2) On and after the appointed day the hospital shall form part of the hospital and specialist services provided by the Minister under the National Health Service Acts, 1946 to 1952, and, until the Minister otherwise directs, be deemed to be designated by him as a mental hospital.

Transitional provisions as to patients.

2.—(1) In relation to any person who, immediately before the appointed day, was lawfully detained or was liable to be detained in the hospital either in pursuance of an order of the Admiralty under section one of the Act of 1931 (in this subsection referred to as an " Admiralty order ") or by virtue of subsection (6) of section two of that Act (which relates to the detention of persons already detained in the hospital at the commencement of that Act), there shall be deemed to be in force on the appointed day a summary reception order for his detention in the hospital duly made under section sixteen of the Lunacy Act, 1890, on the date which, in his case, was the appropriate day within the meaning of subsection (3) of section three of the Act of 1931 ; and for the purpose of ascertaining the period during which the said summary reception order remains in force under subsection (4) of section thirty-eight of the Lunacy Act, 1890—

53 & 54 Vict. c. 5.

(*a*) any report made as required by the said section three certifying that the person in question was still of unsound mind and a proper person to be detained under care and treatment shall have effect as if it were such a special report and contained such a certificate as are mentioned in the said subsection (4) and had been sent to the Board of Control in accordance with that subsection ; and

(*b*) in the case of a person—

(i) detained in the hospital at the commencement of the Act of 1931 ; or

(ii) detained or liable to be detained in the hospital in pursuance of an Admiralty order made with the consent required by subsection (2) of section two of the Act of 1931 (which section provides, among other things, that an Admiralty order in respect of a patient already detained under the enactments relating to persons of unsound mind shall not be made without the consent of the Board of Control or the corresponding authority in Scotland or Northern Ireland and shall not come into operation until the patient is discharged in accordance with those enactments),

there shall be deemed to have been sent to the Board of Control such reports and certificates under the said subsection (4) as would have been required to continue the said summary reception order in force until the commencement of the Act of 1931 or, as the case may be, until the Admiralty order came into operation.

(2) In relation to any person who, immediately before the appointed day, was a voluntary patient in the hospital in pursuance of an application under section five of the Act of 1931,

the Mental Treatment Act, 1930, shall have effect as if he had been received in the hospital under section one of the last-mentioned Act as such a patient on the appointed day in pursuance of the application and the application had been made on that day to the person in charge of the hospital. 20 & 21 Geo. 5. c. 23.

3.—(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(*a*) any expenses incurred by the Minister by virtue of this Act; and

(*b*) any increase attributable to this Act in the sums payable out of such moneys under section fifty-four of the National Health Service Act, 1946 (which, among other things, provides for certain expenditure of Regional Hospital Boards and certain payments to members of bodies constituted under that Act to be defrayed out of such moneys). 9 & 10 Geo. 6. c. 81.

(2) All sums received by the Minister by virtue of this Act shall be paid into the Exchequer.

4.—(1) This Act may be cited as the Yarmouth Naval Hospital Transfer Act, 1957. Short title, interpretation, repeal and extent.

(2) In this Act, except where the context otherwise requires, the following expressions have the following meanings—

" the appointed day " means such day as the Minister may by order, made by statutory instrument, appoint;

" the Act of 1931 ", " the hospital " and " the Minister " have the meanings assigned to them by section one of this Act.

(3) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any other enactment.

(4) The Act of 1931 shall cease to have effect on the appointed day.

(5) This Act, except so far as it provides for the repeal of the Act of 1931, shall not extend to Scotland or Northern Ireland.

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