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MINISTRY OF RECONSTRUCTION.

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MEMORANDUM

ON THE

MINISTRIES OF HEALTH BILL, 1918.

Presented to Parliament by Command of His Majesty.



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MINISTRY OF RECONSTRUCTION.

MEMORANDUM ON THE MINISTRIES OF HEALTH BILL, 1918.

1. The object and effect of the various provisions of the Bill may be briefly summarised as follows :—

Clauses 1 and 2.

Clause 1 provides for the establishment of a Minister of Health for England and Wales. Clause 2 indicates the general scope of the powers and duties of the Minister in the superintendence of matters relating to health.

Clause 3.

Subsection (1) provides for the immediate transfer to the Minister of all the powers and duties of the Local Government Board, and of the English and Welsh Insurance Commissions (which will cease to exist); of certain powers and duties of the Board of Education in relation to the health of expectant and nursing mothers and young children; of the powers and duties of the Privy Council in relation to midwives; and of the powers affecting infant life protection under the Children Act, 1908, hitherto exercised by the Home Office.

The transfer of the powers of the Insurance Commissioners are subject to provisos :—

- (i) enables the Medical Research Committee to be reconstituted under a Committee of the Privy Council on the lines of the Advisory Council already established for the encouragement of Scientific and Industrial Research;
- (ii) provides for the future exercise of certain judicial powers and duties of the English and Welsh Insurance Commissions, these powers and duties being the matters in which the Commissioners are at present not subject to Ministerial control.

Subsection (2) enables other powers to be subsequently transferred to the Minister. The powers so transferable are the powers of the Board of Education in relation to medical inspection and treatment, the powers of the Ministry of Pensions in relation to the health of discharged and disabled officers and men, and the powers of the Home Office in relation to lunacy and mental deficiency.

Subsection (3) enables certain powers and duties now vested in the Local Government Board, which do not relate to health, to be subsequently transferred from the Minister of Health to other more appropriate Departments.

Subsections (4) and (5) contain supplementary provisions necessary to enable effect to be given to the transfer of powers to or from the Ministry under the Bill.

In connection with the provisions enabling powers to be transferred to and from the Minister, it should be noted that Clause 8 requires the submission of proposals for such transfers to both Houses of Parliament, and in certain cases the approval of the proposals by resolution of both Houses.

Clause 4.

This clause provides for the appointment of Consultative Councils (including both men and women) to give advice and assistance to the Minister on health questions. It follows in principle section 4 of the Board of Education Act, 1899, section 58 of the National Insurance Act, 1911, under which a Consultative Committee to the Board of Education, and Advisory Committees on Health Insurance, were established, and Clause 20 of the Education (Scotland) Bill now before Parliament, under which it is proposed to establish an Advisory Council. The manner in which it is proposed to carry out the proposals of the clause is further explained below.

Clause 5.

This clause provides for the establishment of an office of the Ministry in Wales, and for the delegation of the present powers and duties of the Welsh Insurance Commissioners under the National Health Insurance Acts to the officers of the Ministry in the Principality. A provision of this kind is required in view of the existing position of the Welsh Insurance Commission.

Clause 6.

This clause provides for the payment to the Minister of Health of an annual salary of £5,000 (now voted as the salary of the President of the Local Government Board), and makes other provisions in common form in regard to the staff of the Ministry, and for the transaction of the business of the Ministry.

Clause 7.

This clause provides that the Minister of Health shall not have to seek re-election on his transfer to that office from another office, and makes provision for the appointment of one Parliamentary Secretary to the Ministry.

Clause 8.

This clause provides for the submission of the drafts of any Orders in Council prepared under the Act to both Houses of Parliament for giving publicity to the drafts, and for the revocation or variation of such Orders. Special provision is made in regard to the submission of any Order under which it is proposed to transfer from the Ministry of Health to another Department the functions now exercised by the Local Government Board with regard to procedure at elections of local authorities, or the supervision of the registration of electors. No such transfer can be effected unless both Houses pass resolutions in favour thereof.

Clause 9.

This clause applies the principle of the Bill to Scotland by providing for the amalgamation of the Scottish Local Government Board with the Scottish Insurance Commissioners in a Scottish Board of Health, acting under the directions of the Secretary for Scotland. In view of the additional responsibilities thereby laid upon the Secretary for Scotland, provision is made in subclause (6) for the appointment of a Parliamentary Under-Secretary to the Scottish Office.

Clause 10.

This clause provides for modifications in the present position of the Irish Insurance Commissioners and in the constitution and procedure of the National Health Insurance Joint Committee consequential upon the establishment of a Ministry of Health for England and Wales, and a Board of Health for Scotland.

Clause 11.

This clause provides for the Act to come into operation at various dates as regards its various purposes, and makes other incidental provisions in common form.

Consultative Councils.

2. In view of the importance which is attached to the provision made in Clause 4 for the appointment of Consultative Councils, a draft of the form of the Orders which it would be proposed to submit as soon as possible on the establishment of the Ministry for the purpose of giving effect to this provision is printed in the Appendix.

The range and variety of the questions which may be dealt with under this provision render it desirable to enable Councils to be established to advise upon various groups of subjects relating to the health of the people, such as medical questions, questions specially affecting women, questions relating to the administration of the National Health Insurance Acts, and questions of finance. The clause and the form of Order are accordingly drafted with this purpose in view; and, in the case of the Order, Article 1 is so expressed as to enable a Council to be established for any such purposes as are mentioned above. While this division of function is necessary in order to make the operations of the Councils effective, care will be taken to provide for joint working arrangements between the several Councils in matters of common interest.

Poor Law Reform.

3. In introducing the Bill the Minister of Reconstruction alluded to the questions which had been raised as to the action to be taken with regard to the present powers and duties of the Local Government Board in relation to the administration of the Poor Law, and made the following statement on behalf of the Government in the matter:—

1. "The Report of the Local Government Committee presided over by Sir Donald Maclean on the transfer of functions of Poor Law Authorities in England and Wales has been carefully considered by the Government, and the Government accept the recommendations of the Committee that services relating to the care and treatment of the sick and infirm should not be administered as a part of the Poor Law, but should be made a part of the general health services of the community. The Government regard it as a matter of urgency that effect should be given to these recommendations as soon as possible.
2. The Government accept the principle that the remaining functions of the Poor Law Authorities should also be transferred to other bodies, but are not in a position to formulate precise proposals at the present time.
3. Any approach to a complete application of the scheme recommended by the Committee will involve considerable labour, and must be preceded by further inquiries into certain questions, some of which must be of a detailed character. But the Government recognise their responsibility for making proposals on these subjects as soon as the exigencies of the Parliamentary situation permit of their being dealt with."

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APPENDIX.

[Reprint of form of draft Orders proposed to be made under Clause 4 of the Bill.]

WHEREAS by Section 4 of the Ministries of Health Act, 1918, it is enacted as follows :—

"(1) It shall be lawful for His Majesty by Order in Council to establish consultative councils for giving in accordance with the provisions of the Order advice and assistance in connection with such matters affecting or incidental to the health of the people as may be referred to in such Order :

"(2) Every such council shall include persons of both sexes, and shall consist of persons having practical experience of the matters referred to the Council.

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, in pursuance of the Ministries of Health Act, 1918, and of all other powers enabling Him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. A consultative council shall be established in pursuance of the foregoing provisions for giving in accordance with the provisions herein-after contained advice and assistance in connection with such matters as relate to :—

2. The council shall consist of such number of members, not exceeding 20, as the Minister may determine.

3.—(1) The members of the council shall be appointed by the Minister.

(2) At the expiration of one, two and three years respectively from the first appointment of the members of the council one-third of the original members, to be selected by lot, shall go out of office, but for the purposes of this provision an original member who has been reappointed shall not be deemed to be an original member.

(3) Subject as aforesaid the members of the council shall hold office for three years and shall then go out of office :

Provided that on a casual vacancy occurring in the council the person appointed to fill the vacancy shall hold office until the time when the person in whose place he is appointed would regularly go out of office, and shall then go out of office.

(4) A member of the council on the expiration of his term of office may be reappointed, so however that no member shall remain in office continuously for more than six years.

4. The Minister of Health shall be the President, and the Parliamentary Secretary to the Ministry of Health shall be the Vice-President, of the councils.

5. The council shall elect a Chairman, who shall hold office until the next periodical expiration of the term of office of members of the council, but may be re-elected so long as he remains a member of the council.

6. The President, or in his absence the Vice-President, or in the absence both of the President and the Vice-President, the Chairman, shall preside at every meeting of the council at which he is present.

7. The Minister shall appoint a person to be the Secretary to the council, and the person so appointed shall hold office during the pleasure of the Minister.

8.—(1) The council shall meet at such times, and notice of meetings shall be given to the members of the council in such manner as the council may, with the approval of the Minister, determine.

Provided that the council shall meet at least once in each quarter.

(2) At a meeting of the council 10 shall be a quorum.

(3) No act or proceeding of the council shall be questioned on account of any vacancy in their body.

9. The council may for special purposes approved by the Minister appoint sub-committees of their members, and any sub-committee so appointed may, within the limits approved by the Minister, add to their numbers persons not being members of the council.

10. If a member of the council is absent from the meetings of the council for a period of six months, except for some reason approved by the Minister, his office shall become vacant.

11.—(1) The council shall consider and report upon the questions from time to time referred to them by the Minister, including—

(a) questions arising upon the draft of Orders in Council, and of Regulations, Orders, and Special Orders proposed to be made by the Minister ;

(b) questions involving considerations of important principle and scientific difficulty affecting or incidental to the health of the people ;

(c) any other questions in connection with such of his powers and duties as relate to matters affecting or incidental to the health of the people ;

and the Minister shall place at the disposal of the council the information required to enable them to consider the matters thus referred to them.

(2) The council may propose to the Minister from time to time that any question in connection with such of his powers and duties as relate to matters affecting or incidental to the health of the people, if pertaining to the functions of the council, shall form the subject of a reference to the council, and the Minister shall receive and consider any such proposal.

(3) The council may also present to the Minister from time to time a report on any matter affecting or incidental to the health of the people, if pertaining to the functions of the council, which has not been made the subject of reference to the council under the foregoing provisions of this Order, and the Minister shall receive and consider such report.

12. Subject to the provisions contained in this Order the council may regulate their own procedure.

13. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

14. This Order may be cited as the Ministry of Health (Consultative Councils) Order, 1918, and shall come into operation on the day of , One thousand nine hundred and