MINISTRY OF HEALTH BILL.

MEMORANDUM BY THE MINISTER OF RECONSTRUCTION.

1. I CIRCULATE herewith a draft Bill providing for the establishment of a Ministry of Health for England and Wales.

2. This proposal was submitted to the War Cabinet in Lord Rhondda's memorandum (G.T. 361) dated the 27th March, 1917, on "The Urgent Need for a Ministry of Health." The matter has since that date been continuously under consideration by Ministers and others, and has aroused great public interest.

3. On the 11th October, 1917, the Prime Minister received a deputation from representatives of Health Insurance Organisations, introduced by Mr. J. H. Thomas, which urged the establishment of a Ministry of Health. In replying to the deputation on this point, the Prime Minister emphasised the necessity of making full enquiry into the relations between the various Departments concerned before a Bill for the establishment of the Ministry could be introduced in Parliament.

On the 18th October Mr. Bonar Law stated, in reply to a question by Mr. Dillon in the House of Commons, that the various difficulties needing to be provided for in the establishment of a Ministry had not reached any widely agreed solution, and that so long as this was so, it was not possible to undertake to introduce a Bill. He added, however, that steps were being taken which would, it was hoped, secure substantial agreement among those who were actively engaged in the work of National Health.

The duty of communicating with the Departments and other bodies concerned was entrusted to me, and I am now in a position to report that substantial agreement with the terms of the draft Bill has been secured between—

(a.) The Ministers concerned, namely, the Lord President of the Council, the President of the Local Government Board (subject to the reservations stated in paragraph 5 below), the Chairman of the National Health Insurance Joint Committee, the President of the Board of Education, the Secretary for Scotland (subject to paragraph 9 below), the Chief Secretary for Ireland, and the Financial Secretary to the Treasury.

(b.) The representatives of the four Associations of Local Authorities, namely, the County Councils' Association, the Association of Municipal Corporations, the Urban District Councils' Association, and the Rural District Councils' Association.

(c.) The Special Committee of representatives of Health Insurance organisations, including both Insurance Committees and Approved Societies, formed for the purpose of discussing the establishment of a Ministry of Health.

(d.) The representatives of the British Medical Association, who formed a Ministry of Health Committee to give special consideration to these proposals.

4. I believe that there is a widespread recognition of the urgent need for a measure framed on these lines, which will
concentrate in a single central Department the responsibility for
the main health services of the country, and will enable further
services to be transferred to the Department in due course. Without
such a Ministry we are fighting with divided forces against the evils
which menace the nation's health, some of them already upon us,
others certain to arise as a result of the War. We have to repair the
ruines of battle, and the diminished resistance to disease caused by
excessive work and strain among non-combatants; we are faced
already by a grave shortage of hospital accommodation even for men
discharged from His Majesty's forces; we ought to provide for the
harmonious development of extended health services for mothers and
infants; we ought to be forearmed against the spread of dysentery
and malaria and other diseases which may follow the return on
demobilisation of the millions who have been exposed to such
infections.

5. There are three points of which the War Cabinet should be
informed in regard to which reservations have been made by the
President of the Local Government Board. These points are:

(a.) The title of the Bill.
(b.) The proposal in Clause 4 to establish a Consultative Council
of the Ministry of Health.
(c.) The provision in paragraph 1 of the First Schedule relating
to the Poor Law.

6. As to (a), the original title of the Bill was "A Bill for
establishing a Ministry of Health and Local Government for England
and Wales and for purposes connected therewith." It subsequently
appeared that the name "Ministry of Health," together with the
explanatory words now included in the title, would be sufficient for
Parliamentary purposes, and on other grounds I would strongly urge
that the new Ministry should be known as the Ministry of Health.
This view has been pressed upon me both by the British Medical
Association and the representatives of Health Insurance organis­
tions, and it is in accordance with the Resolution passed by the
Conference of the Labour party held at Nottingham in January.
The representatives of local authorities and the President of the
Local Government Board would, however, prefer that the Department
should be known as the Ministry of Health and Local Government;
but Mr. Hayes Fisher does not desire to press the point "if the
shorter title will make for peace."

7. As to (b), the establishment of a Consultative Council of the
Ministry of Health is an indispensable condition of the agreement of
the British Medical Association and the Health Insurance organisa­
tions to the Bill. It is regarded by the latter in part as a safeguard
compensating for the abolition of Commissionerships in England and
Wales; in part as replacing the existing Advisory Committees.
The County Councils' Association are also in agreement with the
proposal: the other three Associations of local authorities, while
they were unwilling to see this provision included in the Bill,
recognised that it is essential for the purpose of securing general
agreement, and have undertaken not to oppose the provision. The
President of the Local Government Board is inclined to doubt
whether the clause should be inserted in the Bill as introduced, and
has expressed to me some apprehension that the Council may under­
mine the responsibility of the Minister. I feel confident, after
conducting lengthy negotiations as to the powers and procedure of
the Council with many of those who are parties to the agreement as
to the Bill, that the clause is necessary and that the Council should
be of real value to the Minister of Health. The representatives of
local authorities, of the medical profession, and of the Health
Insurance Organisations have all concurred in proposals as to the
Council's procedure which will be embodied in an Order in Council
and laid before Parliament, so that any objections to its provisions
can then be expressed by Parliament and the public.
8. As to (c), I wish to urge upon the War Cabinet that the time has come when the Government should decide to adopt the principles of the report of the Local Government Committee presided over by Sir Donald Maclean (on which Lord George Hamilton, the Chairman of the Royal Commission on the Poor Law, sat), on the transfer of functions of Poor Law authorities in England and Wales, at least so far as health services are concerned. I think that the Minister in charge of the Bill should be authorised to state on its introduction that 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, and that they regard it as a matter of urgency that effect should be given to these recommendations as soon as possible. I need not enter at length upon the arguments in favour of this course, but there is one point of increasing importance which cannot, I believe, be met unless a decision in this sense is taken without delay. There is throughout the country a most serious shortage of accommodation in institutions for discharged sailors and soldiers who require institutional treatment. The Ministry of Pensions has recently been surveying the whole institutional accommodation of the country, and the figures relating to six typical counties, three in the north of an industrial character, and three in the south of a rural character, clearly showed how large a part the Poor Law hospitals played in the general hospital provision of the country, the number of beds in general, special, and cottage hospitals being only one-sixth of the total.

The Ministry of Pensions are aware that there is a strong public feeling against subjecting these men to any taint of pauperism. The suggestion that this can be avoided by the Ministry of Pensions taking over selected Poor Law Hospitals does not seem to me to be adequate to meet the situation, and I believe that the bolder measure which I would suggest will be generally welcomed.

The President of the Local Government Board urges that paragraph L of the First Schedule to the Bill should be omitted on the ground that it will excite controversy; but I may point out that the publication of the report of Sir Donald Maclean's Committee has already excited the apprehension of the Poor Law Authorities, and I do not believe that Parliamentary opposition on their behalf would be so serious that it should for a moment be set against the positive advantages of the policy which I suggest.

9. The Secretary for Scotland, while not objecting in principle to the proposals as to Scotland in clause 3, is submitting an alternative proposal for amalgamating the Scottish Local Government Board with the Scottish Insurance Commission, and appointing a Parliamentary Under-Secretary to the Scottish Office. This proposal seems to me to involve a constitutional change which is not essential to the main purpose of the Bill, and I should prefer to leave the clause as it stands.

10. The position, therefore, is that the substantial measure of agreement between those concerned, which was the condition of the introduction of the Ministry of Health Bill, has been secured, and I submit that the War Cabinet should authorise the introduction of the Bill without delay.

April 1918.

C. ADDISON.
Ministry of Health Bill.

MEMORANDUM.

The Bill consists of nine clauses and three schedules, and its objects may be briefly summarised as follows:—

CLAUSE 1, CLAUSE 2 (1), FIRST SCHEDULE.

These clauses provide for the establishment of a Ministry of Health for England and Wales, which from the date of its establishment will exercise all the powers and duties of the Local Government Board, and of the English and Welsh Insurance Commissions (which will cease to exist); also certain powers and duties of the Board of Education in relation to the health of young children, determined on the lines of the agreement made by Mr. Herbert Fisher and Lord Rhondda, and the powers and duties of the Privy Council in relation to midwives.

The First Schedule contains:—

(1) A paragraph which has the effect of an undertaking by the Government that any measure of poor law reform will, on the one hand, leave those parts of the poor law which are in the nature of general health services within the Ministry of Health, and will, on the other hand, assign the rest of the work included in the term "Poor Law" as Parliament may determine:

(2) A paragraph enabling the Medical Research Committee to be reconstituted under the Committee of the Privy Council already constituted for the purposes of Scientific and Industrial Research:

(3) A paragraph providing for the future exercise of the 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 directions.

CLAUSE 2 (2), (3), (4), (5); SECOND SCHEDULE.

Subclause (2) enables the Minister of Health to take over health powers from other Departments. On the introduction of
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(2) A paragraph enabling the Medical Research Committee to be re-constituted under the Committee of the Privy Council already constituted for the purposes of Scientific and Industrial Research:

(3) A paragraph providing for the future exercise of the 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 directions.

CLAUSE 2 (2), (3), (4), (5); SECOND SCHEDULE.

Subclause (2) enables the Minister of Health to take over health powers from other Departments. On the introduction of
the Bill I think that a statement should be presented to Parliament explaining the inconveniences which arise from the present division of health powers between a large number of Departments, and indicating that certain branches of health work, such as the medical treatment of discharged members of H.M. Forces, and the care of the mentally deficient, are particularly suitable for early discussion between the Minister of Health and the Departments at present entrusted with these matters.

It would overload the Ministry to transfer these additional duties now. The proposals in the Bill equip the Ministry as the Central Department of Health with wide powers, and the wiser course, I think, is to give it time and opportunity to adjust arrangements for taking over additional duties in the future.

Subclause (3) enables the Minister of Health to arrange the transfer of subsidiary parts of his work to other Departments more appropriate to perform them.

Subclauses (4) and (5) and the Second Schedule deal with the arrangements for transferring powers to or from the Minister.

CLAUSE 3.

This clause provides for the modifications in the present position of the Scottish and Irish Insurance Commissions and of the National Health Insurance Joint Committee which will be necessary on the establishment of the Ministry. The clause is drafted with due regard to the existing position of the members of these bodies, and it is intended that the relations of the Chairman of the Commissions to their responsible Minister should be maintained.

CLAUSE 4.

This clause provides for the appointment of a Consultative Council of the Ministry of Health, and follows in principle section 4 of the Board of Education Act, 1899, and 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.

CLAUSE 5.

This clause makes provision for the establishment of an office of the Ministry of Health in Wales, and for the delegation
of the present powers and duties of the Welsh Insurance Commissioners under the National Insurance Acts to the officials 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 provided as the salary of the President of the Local Government Board), and makes other provisions in common form in regard to staff transferred to the Ministry from the Departments mentioned in clause 1, or subsequently employed by the Minister.

**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 other provisions in common form for the transaction of the business of the Ministry, including 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.

**Clause 9.**

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.

March, 1918.

C. Addison.
DRAFT
OF A
BILL
FOR
Establishing a Ministry of Health to exercise powers with respect to Health and Local Government in England and Wales, and for purposes connected therewith.

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:

1. For the purpose of promoting the health of the people throughout England and Wales, and of securing the effective carrying out and co-ordination of measures conducive thereto, and for the purpose of the exercise of the powers transferred or conferred by this Act, it shall be lawful for His Majesty to appoint a Minister of Health (hereinafter called "the Minister"), who shall hold office during His Majesty's pleasure.

2. Subject to the provisions contained in the First Schedule to this Act, there shall be transferred to the Minister:

(a) all the powers and duties of the Local Government Board;

(b) all the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners;

(c) all the powers of the Board of Education with respect to attending to the health of expectant mothers and nursing mothers and of children who have not attained the age of five years and are not in attendance at schools recognised by the Board of Education;

(d) all the powers of the Privy Council and of the Lord President of the Council under the Midwives Act, 1902.
A.D. 1918.

(2) It shall be lawful for His Majesty from time to time by Order in Council to transfer to the Minister any powers and duties in England and Wales of any Government Department which appear to His Majesty to relate to matters affecting or incidental to the health of the people or the service thereof.

(3) It shall be lawful for His Majesty from time to time by Order in Council to transfer from the Minister to any other Government Department any powers and duties of the Minister which appear to His Majesty to be such that they can be more conveniently exercised and performed by some other Government Department.

(4) His Majesty in Council may by Order make such consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this section, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exercisable by the Minister and his officers or by such other Government Department and their officers, as the case may be, the powers and duties so transferred.

(5) In connection with the transfer of powers and duties to or from the Minister by or under this Act, the provisions set out in the Second Schedule to this Act shall have effect.

3.-(1) The Scottish Insurance Commissioners and the Irish Insurance Commissioners, in the carrying out of their powers and duties under the National Insurance (Health) Acts, 1911 to 1918, shall, except in such matters of a judicial character as may be prescribed by Order in Council, act under the directions of the Secretary for Scotland and of the Chief Secretary for Ireland respectively, and further appointments of persons to be Scottish Insurance Commissioners and Irish Insurance Commissioners shall, subject to the consent of the Treasury as to numbers, be made by the Secretary for Scotland and the Chief Secretary for Ireland respectively; but, save as aforesaid, or as otherwise expressly provided in this Act, nothing in this Act shall affect any of the powers or duties of the Scottish Insurance Commissioners or of the Irish Insurance Commissioners.

(2) The National Health Insurance Joint Committee shall consist of the Minister of Health, who shall be chairman, the Secretary for Scotland, and the Chief Secretary for Ireland, together with one other person appointed by the Minister, being a person having special knowledge and experience of national health insurance in Wales, but save as aforesaid nothing
in this Act shall affect the constitution of that Committee or
the incorporation thereof.

Provided that—

(a) His Majesty may by Order in Council provide for
the appointment of deputies to act for the several
members of the Committee at meetings of the
Committee at which such members are unable to
be present; and

(b) Regulations under section eighty-three of the National
Insurance Act, 1911, shall be made by Order in
Council instead of by the Treasury, and subsection
(4) of that section shall apply to regulations made
by Order in Council in like manner as it applies
to regulations made by the Treasury, but nothing
in this provision shall affect the validity of a
regulation made by the Treasury under that sub­
section before the commencement of this Act, with
respect to the powers and procedure of the Com­
mittee, and any such regulation shall continue in
force, until altered or revoked by regulations made
by Order in Council in pursuance of this provision.

4. It shall be lawful for His Majesty in Council by Order
to establish a consultative council for giving to the Minister
advice and assistance on matters relating to his powers and duties,
consisting of persons of both sexes having practical experience
of local government (including the administration thereof by
county, borough, and district councils), of public health, of
national health insurance (including the work of approved
societies and insurance committees), of housing problems, of
hospital work, of general and special medical practice, of
research, and of pharmacy, and having such powers as may be
conferred on it by or under the Order.

5. The Minister may establish in Wales an office in such
town in Wales as he may determine, for the exercise and
performance in Wales, through such officers as the Minister
may appoint for the purpose, of any of the powers or duties
transferred to the Minister by this Act from the Welsh Insurance
Commissioners.

6.—(1) The Minister may appoint such secretaries, officers,
and servants as the Minister may, subject to the consent of the
Treasury as to number, determine.
A.D. 1918.  (2) There shall be paid out of moneys provided by Parliament to the Minister an annual salary not exceeding five thousand pounds, and to the secretaries, officers, and servants of the Ministry such salaries or remuneration as the Treasury may from time to time determine.

(3) The expenses of the Ministry, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(4) There shall be transferred and attached to the Ministry the persons employed under the Local Government Board, the Insurance Commissioners and the Welsh Insurance Commissioners, and such of the persons employed under any other Government Department in or about the execution of the powers and duties transferred by or under this Act to the Minister, as the Minister and Government Department, with the sanction of the Treasury, may determine.

(5) The Minister may from time to time distribute the business of the Ministry amongst the several persons transferred or attached thereto in pursuance of this Act, in such manner as he may think right, and those officers shall perform such duties in relation to that business as may be directed by the Minister:

Provided that such persons shall be in no worse position as respects the tenure of office, salary or superannuation allowances than they would have been if this Act had not been passed.

7.—(1) The Minister may sue and be sued, and may for all purposes be described, by the name of the Minister of Health.

(2) The Minister shall have an official seal, which shall be officially and judicially noticed, and shall be authenticated by the signature of the Minister, or of a secretary, or any person authorised by the Minister to act in that behalf.

(3) Subsections (2) to (4) of section eleven and section twelve of the New Ministries and Secretaries Act, 1916, shall apply to the Minister and the Ministry of Health, and to the office of the Minister of Health in like manner as they apply to the Ministers and Ministries mentioned in those sections.

8.—(1) Any Order in Council made under this Act may be revoked or varied by a subsequent Order.

(2) Before any Order in Council under this Act is made, notice of the proposal to make the Order and of the place where copies of a draft of the Order can be obtained shall be published
in the "London Gazette," and in such other manner as the Minister thinks best adapted for insuring publicity, and a draft of the Order shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and if either of such Houses before the expiration of such thirty days present an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

9.—(1) This Act may be cited as the Ministry of Health Act, 1918, and shall come into operation upon such day or days as may be appointed by Order in Council, and different days may be appointed for different purposes and provisions of this Act.

(2) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The expression "Government department" includes the Insurance Commissioners, the Welsh Insurance Commissioners, and any other public department and any minister of the Crown who is President of a Government department.

S C H E D U L E S.

FIRST SCHEDULE.

Provisions subject to which Powers and Duties Transferred.

1. In the event of provision being made by Act of Parliament passed in the present or any future session for the revision of the law relating to the relief of the poor and the distribution amongst other authorities of the powers exercisable by boards of guardians, it shall be lawful for His Majesty by Order in Council to transfer to other Government Departments any of the powers and duties under the enactments relating to the relief of the poor by this Act transferred to the Minister, except such as appear to His Majesty to relate or to be incidental to the health of the people.
2. The power conferred on the Insurance Commissioners by the proviso to subsection (2) of section sixteen of the National Insurance Act, 1911, of retaining and applying for the purposes of research such sums as are therein mentioned shall not be transferred to the Minister, but it shall be lawful for His Majesty by Order in Council to establish a body to carry on the work of research.

3. In such matters of a judicial nature under the National Insurance (Health) Acts, 1911 to 1918, as may be prescribed by Order in Council the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners by this Act transferred to the Minister shall be exercised by the Minister through a special body or special bodies of persons constituted in such manner as may be provided by Order in Council.

SECOND SCHEDULE.

TRANSITORY PROVISIONS.

1. In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to or from the Minister from or to any other Government Department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Minister or of the other Government Department shall be substituted for the name of the other Government Department or of the Minister, as the case may require.

2. Where anything has been commenced by or under the authority of any other Government Department or the Minister before the transfer to the Minister or another Government Department of any powers or duties by or under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Minister or the other Government Department as the case may be.

3. Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government Department or the Minister is a party, and such proceeding has reference to the powers and duties transferred by or under this Act, the Minister or the other Government Department shall be substituted in such proceeding for the other Government Department or the Minister, as the case may be, and such proceeding shall not abate by reason of the substitution.
### Third Schedule

#### Repeals

<table>
<thead>
<tr>
<th>Section and Chapter</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
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<tbody>
<tr>
<td>5 34 &amp; 35 Vict. c. 70.</td>
<td>The Local Government Board Act, 1871.</td>
<td>Sections three, four, five and six.</td>
</tr>
<tr>
<td>1 &amp; 2 Geo. 5 c. 55.</td>
<td>The National Insurance Act, 1911.</td>
<td>Paragraph (4) of and the proviso to subsection (2) of section sixteen, subsections (1), (2), (3) and (4) of section fifty-seven, and section fifty-eight, except so far as those sections are applied to the Scottish Insurance Commissioners and the Irish Insurance Commissioners. In subsection (1) of section eighty, the words “shall be appointed by the Treasury, and” In subsection (1) of section eighty-one the words “shall be appointed by the Treasury, and” Subsections (1) and (2) of section eighty-two. In subsection (1) of section eighty-three, the words “as soon as may be after the passing of this Act, in accordance with regulations made by the Treasury,” and the words from “of the several bodies of Commissioners” to the end of the subsection.</td>
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Ministry of Health.

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Establishing a Ministry of Health to exercise powers with respect to Health and Local Government in England and Wales, and for purposes connected therewith.

IV. (7.)

26th March 1918.