It will be remembered that the Bill which was introduced by me in November last could not be proceeded with for lack of time. It was approved, after prolonged and detailed examination, by the Home Affairs Committee, who also approved the declaration as to Poor Law Reform which I made on behalf of the Government in introducing the Bill.

I now circulate a draft Bill which follows closely the lines of the Bill of last Session, together with the following letter to the Acting Chairman of the Home Affairs Committee, in which the substantial points of difference between the two measures are explained.

C. ADDISON.

3rd February, 1919.

My dear Fisher,

I am writing to you as Acting Chairman of the Home Affairs Committee to say that since the introduction of the Ministries of Health Bill, 1918, I have come to the conclusion that the passage of the Bill and its operations as an Act will be smoothed by the insertion of certain alterations which are shown in the enclosed draft of a Ministry of Health Bill, 1919.

The purport of these alterations (apart from a few which are purely of a drafting character) is as follows:

TITLE. "Ministry of Health" takes the place of "Ministries of Health", and is clearly a far more convenient title from the point of view of the Department for England and Wales which will be created under the Bill.

CLAUSE 3 (1): proviso (1), page 2, line 33. The words from "and" to the end of the proviso are new. They are required
required in order to make it clear that the property of the Medical Research Committee, at present vested in trustees under Article 9 of the National Health Insurance (Medical Research) Fund Regulations, shall pass to the Privy Council organisation, together with the duties of the Medical Research Committee.

**CLAUSE 3 (3) (d).** This paragraph is new.

**CLAUSE 3 (3).** Page 3, line 15. The words from "and" to "people" in line 17 are new.

The effect of these two insertions is to enable work to be transferred to and from the Ministry of Health as occasion arises, in addition to the transfers of work which were previously specified in the Bill.

**PAGE 3, LINE 18.** This paragraph, which reproduces in substance the provisions which stood in paragraph 1 of the First Schedule in previous drafts of the Bill, is inserted in view of the objections which have been raised to the form of the previous Bill on the ground that it contained no reference to the transfer of Poor Law functions not relating to health from the Ministry of Health. It expresses no more than the Declaration of Policy that I was authorised to make.

**FIRST SCHEDULE.** The expression "Fire Brigades" has been altered to "Fire Engines", and the references to Piers and Harbours and Light Railways have been omitted as the result of enquiries made into the exact nature of the powers and duties of the Local Government Board in relation to these matters since the First Schedule was originally drawn up.

If, as I anticipate will be the case, you feel it desirable to bring these alterations to the notice of the Home Affairs Committee, I hope that you will be able to hold a meeting of the Committee for the purpose without delay; for I am most anxious to be in a position to introduce the new Bill at the earliest possible date after the meeting of Parliament.

Yours sincerely,

(Signed) C. ADDISON.

As Rt. Hon. H.A.L. Fisher, M.P.,
Board of Education,
Whitehall,
S.W.1.
Ministry of Health Bill.

ARRANGEMENT OF CLAUSES.

Clause.
1. Establishment of Minister.
2. General powers and duties of Minister in relation to health.
3. Transfer of powers and duties to and from Minister.
5. Provisions as to Wales.
6. Staff and remuneration.
7. Seal, style, and acts of Minister.
9. Application to Scotland.
11. Short title, commencement, and repeal and interpretation.

SCHEDULES.
DRAFT OF A BILL

Establish a Ministry of Health and a Board of Health to exercise in England and Wales, and in Scotland, respectively, powers with respect to Health and Local Government, 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 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. It shall be the duty of the Minister to take all such steps as may be desirable to secure the effective carrying out and co-ordination of measures conducive to the health of the people, including measures for the prevention and cure of diseases, the treatment of physical and mental defects, the collection and preparation of information and statistics relating thereto, and the training of persons engaged in health services.

3.—(1) 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
(d) all the powers of the Privy Council and of the Lord President of the Council under the Midwives Acts, 1902 and 1918;

(e) such powers of supervising the administration of Part I. of the Children Act, 1908 (which relates to infant life protection), as have heretofore been exercised by the Secretary of State:

Provided that—

(i) the power conferred on the Insurance Commissioners by the proviso to subsection (2) of section sixteen of the National Insurance Act, 1911, of retaining sums as are therein mentioned shall not be transferred to the Minister, but the duties heretofore performed by the Medical Research Committee shall after the date of the commencement of this Act be carried on by or under the direction of a Committee of the Privy Council appointed by His Majesty for that purpose, and any property held for the purposes of the former Committee shall after that date be transferred to and vested in such persons as the body by whom such duties are aforesaid are carried on may appoint, and be held by them for the purposes of that body; and

(ii) in such matters of a judicial nature under the National Insurance (Health) Acts, 1911 to 1918, as may be prescribed under those Acts, 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 so prescribed.

(2) It shall be lawful for His Majesty from time to time by Order in Council to transfer to the Minister—

(a) all or any of the powers and duties of the Board of Education with respect to the medical inspection and treatment of children and young persons;
(b) all or any of the powers and duties of the Minister of Pensions with respect to the health of disabled officers and men after they have left the service;

c) all or any of the powers and duties of the Secretary of State under the Lunacy Acts, 1890 to 1911, and the Mental Deficiency Act, 1913;

d) any other powers and duties in England and Wales of any Government department which appears to His Majesty to relate to matters affecting or incidental to the health of the people.

(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 of the powers and duties of the Minister relating to the matters specified in the First Schedule to this Act, and any other powers and duties of the Minister which appear to His Majesty not to relate to matters affecting or incidental to the health of the people.

And it is hereby declared that it is the intention of this Act that, in the event of provision being made by Act of Parliament passed in the present or in 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, there shall be transferred from the Minister to other Government departments such of the powers and duties under the enactments relating to the relief of the poor then vested in the Minister (not being powers or duties relating or incidental to the health of the people) as appear to His Majesty to be such as could be more conveniently exercised and performed by such other departments.

(4) His Majesty may by Order in Council 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.
4.—(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.

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.

(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, including payments to members of consultative councils, 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 persons 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.

10 (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 and in like manner as they apply to the Ministers and Ministries mentioned in those sections.

15 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 House before the expiration of such thirty days presents 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. This Act shall apply to Scotland, subject to the following modifications:

30 (1) Section one of this Act shall apply to Scotland as it applies to England and Wales with the substitution of a Scottish Board of Health (hereinafter referred to as “the Board”) for the Minister; and accordingly references in this Act to England and Wales shall be construed as references to Scotland, and references to the Minister or the Ministry shall, so far as applicable, be construed as references to the Board:

35 (2) The Secretary for Scotland shall be substituted for the Secretary of State, and the Local Government Board for Scotland and the Scottish Insurance Commissioners
A.D. 1919.

shall respectively be substituted for the Local Government Board and the Insurance Commissioners, and in subsection (2) of section three the Scottish Education Department shall be substituted for the Board of Education:

(3) The Board shall, in the first instance, consist of such members of the Local Government Board for Scotland (not being members thereof ex officio), and such Scottish Insurance Commissioners, respectively holding office at the passing of this Act, as the Secretary for Scotland shall appoint, and shall at all times comprise a member of the Faculty of Advocates of not less than seven years' standing, and a registered medical practitioner who is also registered on the Medical Register as the holder of a diploma in sanitary science, public health or state medicine, under section twenty-one of the Medical Act, 1886. Subject as aforesaid, the Board shall consist of not more than six members whom it shall be lawful for His Majesty to appoint as vacancies occur on the recommendation of the Secretary for Scotland. The Chairman of the Board shall be such member thereof as the Secretary for Scotland, with the approval of His Majesty, shall appoint. The Chairman and other members of the Board shall receive such salary or remuneration as the Treasury may from time to time determine: Provided that persons qualified to be in the first instance appointed members of the Board shall, whether so appointed or not, have the like right of transfer as, and upon such transfer shall be deemed to be, persons transferred and attached to the Board in pursuance of this Act:

(4) The Board shall in the carrying out of their powers and duties conferred or imposed by this or any other Act, act under the directions of the Secretary for Scotland and comply with any instructions issued by him:

(5) The Midwives (Scotland) Act, 1915, shall be substituted for the Midwives Acts, 1902 and 1918, and the Edinburgh Gazette for the London Gazette. References to the Welsh Insurance Commissioners shall not apply:

(6) Section twelve of the New Ministers and Secretaries Act, 1916, shall not apply, but a parliamentary under-
secretary may be appointed by the Secretary for Scotland, and there shall be paid to any under-secretary so appointed such remuneration as may be fixed by the Treasury. The office of an under-secretary so appointed shall not render the holder thereof incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament.

10.—(1) 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 under those Acts, act under the directions of the Chief Secretary, and further appointments of persons to be Irish Insurance Commissioners shall, subject to the consent of the Treasury as to numbers, be made by the Chief Secretary; 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 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) regulations under section eighty-three of the National Insurance Act, 1911, shall be made by the Committee instead of by the Treasury, and subsection (4) of that section shall apply to regulations made by the Committee 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 subsection before the commencement of this Act with respect to the powers and procedure of the Committee, and any such regulation shall continue in force until altered or revoked by regulations made by the Committee in pursuance of this provision; and
8 Ministry of Health. [9 Geo. 5.]

A.D. 1919.

1919. (6) regulations made by the Committee under the said section eighty-three as amended by this section shall provide for the appointment of deputys to act for the several members of the Committee at meetings of the Committee at which such members are unable to be present.

11.—(1) This Act may be cited as the Ministry of Health Act, 1919, 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: Provided that the day appointed for the transfer of the powers of the Minister of Pensions shall not be earlier than one year after the termination of the present war.

(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 Scottish Insurance Commissioners, the Welsh Insurance Commissioners, and any other public department and any Minister of the Crown who is President of a Government department.
SCHEDULES.

FIRST SCHEDULE.

Matters, the powers and duties in relation to which may be transferred from the Ministry to other departments.

5 Public libraries.
Museums and Gymnasiums.
Fire Engines.
[The use of heavy locomotives on highways.]
[Regulation of motor cars.]
10 Steam whistles.
Emigration.
The subject matter of the Unemployed Workmen Act, 1905.
Appeals under enactments relating to old age pensions.
Regulation of procedure at elections of local authorities.
15 Supervision of the registration of electors.
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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</thead>
<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>57 &amp; 58 Vict. c. 58.</td>
<td>The Local Government (Scotland) Act, 1894.</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 (b) 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 Irish Insurance Commissioners.</td>
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<tr>
<td>10 15</td>
<td>In paragraph (1) of section eighty-one the words “shall be appointed by the Treasury, and”</td>
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<tr>
<td>20 25</td>
<td>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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DRAFT
OF A
BILL

To establish a Ministry of Health and a Board of Health to exercise in England and Wales, and in Scotland, respectively, powers with respect to Health and Local Government, and for purposes connected therewith.

XXXIII. (2.)

30th January 1919.