

Serial Number 1942/208



**THE HOSPITALS ADMINISTRATION EMERGENCY  
REGULATIONS 1942**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 8th day of  
July, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

1. These regulations may be cited as the Hospitals Administration Emergency Regulations 1942.

2. In these regulations—

“ Board ” or “ Hospital Board ” means a Hospital Board constituted under the Hospitals and Charitable Institutions Act, 1926 :

“ Minister ” means the Minister of Health.

3. In addition to the duties imposed on Hospital Boards by the Hospitals and Charitable Institutions Act, 1926, it shall be the duty of every such Board to make such provision as the Minister from time to time thinks necessary :—

- (a) For the provision and maintenance of additional hospital accommodation, to be available for casualties or for cases of sickness or accident that may occur in the event of an emergency arising in the course of the present war or otherwise :
- (b) For the medical examination and the remedial or other treatment of members of any of His Majesty's Forces or of any allied Forces, or of recruits or other persons whose examination or treatment is required in relation to any such Forces :
- (c) For any other matter that the Minister, having regard to the exigencies of the present war, thinks fit.

4. (1) If at any time it appears to the Minister—

- (a) That any Board has failed or refused to perform any of the duties referred to in the last preceding clause ; or
- (b) That the affairs of any Board are being seriously mismanaged ;  
or
- (c) That the Board has failed to take reasonable steps to appoint and maintain an adequate staff for any institution under its control, and that the efficiency of the institution is being prejudicially affected thereby ; or
- (d) That in the conduct of its affairs the Board has acted in an arbitrary or improper manner, to the detriment of its efficiency ; or
- (e) That by reason of the vacation of office by the members or by any of the members of the Board, a sufficient number of members to constitute a quorum at any meeting of the Board is not at any time in office,—

the Minister, by writing under his hand, may, subject to these regulations, appoint one or more suitable persons as a Commission, with power to act, within the scope of its authority, in place of the Board :

Provided that unless in any case the Minister is satisfied with respect to any Board that it has been guilty of a grave dereliction of duty he shall not exercise in respect of that Board the power to appoint a Commission under these regulations unless and until he has given or caused to be given to the Board written notice specifying the matters in respect of which the Board has failed in its duties or obligations, and the Board has failed to take proper steps within a reasonable time after receiving the notice to remedy the defaults therein referred to.

(2) If any Commission appointed under these regulations consists of more than one member, one of the members shall be appointed by the Minister to be the Chairman of the Commission.

5. (1) Every person appointed as a Commission or as a member of a Commission under these regulations shall hold office during the pleasure of the Minister.

(2) On the vacation of office by any person appointed as aforesaid (whether by death, resignation, or otherwise) the Minister may appoint a suitable person in his stead.

6. (1) Except so far as may be otherwise specified by the Minister in the instrument appointing a Commission under these regulations or in a subsequent document under the hand of the Minister, every Commission appointed under these regulations shall have and may exercise, to the exclusion of the Board, all the powers and functions of the Board.

(2) Except so far as may be otherwise specified by the Minister as aforesaid, any powers or functions conferred by any Act or otherwise on the Chairman or any other member or members of the Board (whether solely or in conjunction with any other person or persons) may be exercised and performed by the Commission (where the Commission consists of a single person) and in any other case may be exercised and performed by the Chairman of the Commission. In particular, cheques drawn on any account held by the Board in any

bank and required by the Hospitals and Charitable Institutions Act, 1926, to be countersigned by two members of the Board shall be sufficiently countersigned if countersigned by the Commission or by the Chairman of the Commission, as the case may be.

(3) The Minister may from time to time by writing under his hand vary the powers of any Commission appointed by him under these regulations.

(4) A copy of every instrument of appointment and of every other document defining the powers of the Commission shall be sent by the Minister to the Board.

(5) Any powers and functions of the Board that are not for the time being vested in the Commission shall be exercised and performed by the Board as if the Commission had not been appointed.

7. While a Commission is in office under these regulations in respect of any Board, all acts done by the Commission purporting to exercise any of the powers of the Board (whether such powers have been expressly included in the powers of the Commission or not) shall, except in case of fraud, be as valid as if a Commission had not been appointed and the acts were done by the Board in the ordinary course of the conduct of its business.

8. (1) Every person appointed as a Commission or as a member of a Commission under these regulations shall be paid such salary or other remuneration as may from time to time be fixed by the Minister.

(2) All expenditure incurred by the Commission in carrying out its functions under these regulations (including the salary and allowances and other expenses of the Commission) shall be paid out of moneys belonging to the Hospital Board.

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 9th day of July, 1942.

These regulations are administered in the Department of Health.