

**CHAPTER 190**  
**MENTAL HOSPITALS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

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**CHAPTER 190**  
**MENTAL HOSPITALS ACT**

**An Act to provide for the custody of lunatics.**

[27th March, 1895.]

PART I

## *Preliminary and Inquiry as to Lunacy*

### **1. Short title**

This Act may be cited as the Mental Hospitals Act.

### **2. Interpretation**

In this Act—

“Court” means the High Court or a Judge thereof;

“licensed house” means a house licensed for the reception of lunatics under this Act, and the term “licensee” means the person to whom a licence in respect of a licensed house is granted;

“lunatic” includes an idiot and any other person of unsound mind;

“medical officer” includes the Medical Superintendent of any mental hospital;

“mental hospital” means the whole or any part of any building, asylum, house or place with any outhouses, yards, gardens, grounds or premises thereto belonging, appointed under this Act by the Minister to be a “mental hospital”;

“mental hospital for criminals” means the whole or any part of any building, prison, hospital, house or other place with any outhouses, yards, gardens, grounds or premises thereto belonging, appointed under this Act by the Minister to be a “mental hospital for criminals”;

“Minister” means the Minister for the time being responsible for public health;

“pauper lunatic” means any lunatic—

- (a) who is found wandering at large;
- (b) who is not under proper care or not under proper control; or
- (c) who is likely to commit a crime.

### **3. Inquiry as to lunacy**

A magistrate, upon the information upon oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be a lunatic and a proper subject for confinement, may, in any place which he or she deems convenient, examine the suspected lunatic, and in the same place or elsewhere may hold an inquiry as to the state of mind of the suspected lunatic. For the purposes of the inquiry the magistrate shall have the same powers as if the suspected lunatic were a person against whom an information for an offence punishable on summary conviction has been laid:

Provided that the magistrate may, if he or she thinks fit, proceed with the inquiry in the absence of the suspected lunatic, and without proof of the service of any summons upon him or her.

### **4. Medical certificate**

The magistrate shall appoint any medical officer in the service of the Government to examine the suspected lunatic, and the medical officer shall, if he or she considers the facts warrant him or her in so doing, sign a certificate certifying that in his or her opinion the suspected lunatic is of unsound mind. The certificate shall specify in full detail the facts upon which the person signing it founds his or her opinion, and shall distinguish facts which he or she has himself or herself observed from facts communicated by others. The person signing the certificate shall inquire of any persons able to give information as to the previous history of the lunatic, and shall state in his or her certificate all matters

known to him or her which he or she deems likely to be of service with reference to medical treatment. No certificate shall have any effect under this Act which purports to be wholly founded on facts communicated by others.

## **5. False medical certificate**

Any person, not being a medical officer in the service of the Government, who knowingly and wilfully signs any certificate under this Act in which he or she is described as such medical officer shall be guilty of a misdemeanour and, on conviction thereof before the Court, shall be liable to a fine of five thousand dollars and to imprisonment for one year.

## **6. Adjudication of lunacy**

Where upon such inquiry as is provided for by this Act it appears to a magistrate that any person is a lunatic and a proper subject for confinement, and such medical certificate as by this Act is required of his or her unsoundness of mind has been given, the magistrate may adjudge the person to be a lunatic and a proper subject for confinement, and may either proceed to make an order according to this Act for his or her care and custody or, if he or she is of opinion that the question of the care and custody of the lunatic may be more conveniently decided by the magistrate of some other district, may direct that the further proceedings be had before the magistrate of that district.

## **7. Custody of lunatic**

Where under this Act a person has been duly adjudged a lunatic and a proper subject for confinement a magistrate may—

- (a) if the consent in writing of the Medical Superintendent of a mental hospital is produced, order the lunatic to be detained in a mental hospital;
- (b) grant to any person residing within the district of the magistrate a licence authorising that person to receive the lunatic into some house specified in the licence and situate within the district, and there to take charge of the lunatic; or
- (c) if it appears that the lunatic is a pauper lunatic, by warrant under his or her hand commit him or her to a mental hospital, there to be taken charge of as a pauper lunatic.

## **8. Jurisdiction of magistrate**

(1) A magistrate may make an order adjudging any person to be a lunatic notwithstanding that none of the facts evidencing the lunacy happened in his district.

(2) A magistrate may make an order adjudging any person to be a pauper lunatic notwithstanding that none of the facts constituting the person a pauper lunatic happened in his district.

## **9. Appeal from adjudication of lunacy**

(1) In case of an order under this Act by a magistrate adjudging an alleged lunatic to be a lunatic and a proper subject for confinement, or in case of refusal so to adjudge, an appeal to the Court shall lie, subject to the same conditions and with the same consequences as if the alleged lunatic had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie.

(2) Where upon an appeal under this section the alleged lunatic demands before the Judge that the issue whether he or she is or is not a lunatic and a proper subject for confinement be tried by a jury, the issue shall be tried accordingly. The Judge may in any

case in which he or she sees fit direct that the issue be tried as aforesaid. The Judge may make general orders for regulating the procedure in cases of trial by jury under this section.

## PART II

### *Mental Hospitals*

#### **10. Appointment of mental hospitals**

(1) The Minister may appoint the whole or any part of any building, asylum, house or place, with any outhouses, yards, gardens, grounds or premises thereto belonging, to be a mental hospital.

(2) In the case of any mental hospital, the Minister may make regulations as to its management, the admission of patients and the payments to be made in respect of them, the absence upon trial or otherwise and the discharge of patients, and as to such other matters as are necessary for the purposes of this Act.

#### **11. Admission into mental hospitals of lunatics from other islands of the Windward group**

It shall be lawful for the Minister to authorise the admission into a mental hospital of any lunatics from the islands of Saint Vincent and the Grenadines, Saint Lucia, Dominica, or any other place which may for the time being be included within the islands of the Windward group, under and subject to such terms and conditions as may, from time to time, be imposed by any regulations made by the Minister under the authority of this Act.

#### **12. Escape of lunatic from mental hospital**

The Superintendent of a mental hospital, or an officer or employee thereof, or any police officer, or peace officer, may retake a lunatic who is escaping from the hospital, and may within fourteen days after an escape retake a lunatic who has escaped, and may return to the hospital the lunatic so retaken, where he or she shall revert to his or her former custody.

#### **13. Discharge and absence on trial of lunatic**

(1) The Minister may, under a certificate from the Medical Superintendent of a mental hospital, order the discharge from any mental hospital of any person, whether recovered or not, detained under this Act.

(2) The Medical Superintendent may, subject to the provisions of this Act, allow any person to be absent on trial for such period as he or she thinks fit, and may at any time grant an extension of the period.

(3) No lunatic shall be allowed to be absent on trial under this section unless some person enters into an agreement in writing with the Medical Superintendent to take charge of the lunatic.

(4) If a lunatic allowed to be absent on trial under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by a medical officer certifying that the lunatic may safely be permitted to be at large is sent to the Medical Superintendent or other principal officer of the hospital in which the lunatic is confined, the lunatic may at any time within fourteen days from the expiration of the period be retaken as if he or she had escaped from the hospital.

(5) In respect of any pauper lunatic absent on trial the Minister may, by warrant under his or her hand, order the payment out of any fund chargeable with the maintenance of the lunatic of any sum not exceeding seven dollars and fifty cents per month.

## PART III

### *Licensed Houses*

#### **14. Duty of licensee**

Where a licence in respect of a lunatic is granted under this Act, the licensee shall be bound to take proper care of the lunatic until he or she dies or the licence is discharged under this Act.

#### **15. Visitation of licensed houses**

Every licensed house shall be visited once at least in every three months by the medical officer and by the magistrate of the district in which the house is situate, and may at any time be visited by any person authorised by the Minister. The visitation shall be conducted subject to any regulations made by the Minister, and a report of every visitation shall be made to the Minister.

#### **16. Records as to licensed houses**

(1) The licensee of every licensed house shall keep such books, make such entries, furnish such returns, and give such notices as the Minister from time to time directs.

(2) The medical officer of any district shall make such returns and furnish such information respecting licensed houses visited by him or her under this Act as the Minister from time to time directs.

#### **17. Escape of lunatic from licensed house**

The licensee of a licensed house, or an employee of or person authorised by the licensee, or any police officer or peace officer, may retake a lunatic who is escaping from the licensed house, and may within fourteen days retake a lunatic who has escaped, and may return to the licensed house the lunatic so retaken, where he or she shall revert to his or her former custody.

#### **18. Absence of lunatic from licensed house**

(1) Subject to the provisions of this Act, the Minister may allow a lunatic confined in a licensed house to be absent from the house upon trial for such period as the Minister thinks fit, and may at any time grant an extension of the period.

(2) No lunatic shall be allowed to be absent on trial under this section unless some person enters into an agreement approved by the Minister to take charge of the lunatic.

(3) If a lunatic allowed to be absent on trial from a licensed house under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by some district medical officer certifying that the lunatic may safely be permitted to be at large is sent to the magistrate of the district within which the licensed house is situate, and also where practicable to the licensee of the licensed house, the lunatic at any time within fourteen days from the expiration of the allowed period may be retaken as if he or she had escaped from the licensed house, or, in case the licensee from whose custody the lunatic was allowed to be absent is unable or unwilling to resume the care and custody of the lunatic, may be dealt with as a person duly adjudged under this Act a lunatic and a proper subject for confinement.

#### **19. Death of lunatic in licensed house**

Notice of the death of a lunatic confined in a licensed house shall be given forthwith by the licensee to the Coroner of the district, and shall also be given by the licensee as soon as may be to the nearest known relative of the lunatic.

#### **20. Discharge of licensee at his or her own request**

(1) When a lunatic is confined in a licensed house the licensee, if desirous of being discharged of the care of the lunatic, shall serve notice of his or her desire upon the magistrate of the district.

(2) At the expiration of fourteen days from the service of the notice the licensee shall be discharged, and the lunatic may be dealt with as a person duly adjudged under this Act a lunatic and a proper subject for confinement.

#### **21. Removal of lunatic at request of friends**

Where it appears to a magistrate that the persons at whose expense a lunatic is maintained in a licensed house are desirous that the lunatic should be removed from the licensed house, and that provision has been made for his or her care and custody in a mental hospital or in a suitable licensed house, the magistrate may make an order for the removal of the lunatic and discharge of the licensee accordingly.

#### **22. Removal of lunatic ill-treated or neglected**

Where upon information upon oath of any person it appears to a magistrate that a lunatic confined in a licensed house is ill-treated or neglected the magistrate may order the lunatic to be removed to a mental hospital or to a suitable licensed house, and thereupon the licensee of the first mentioned licensed house shall be discharged.

#### **23. Release of lunatic**

(1) Where upon information upon oath of any person it appears to a magistrate that a lunatic confined in a licensed house is no longer a proper subject for confinement, the magistrate may discharge the licensee and order him or her to release the lunatic, or may himself or herself release the lunatic.

(2) Any licensee disobeying an order made under this section shall be liable to a fine of five hundred dollars, and his or her conviction shall not be a bar to any action in respect of the same wrong.

#### **24. Appeal by licensee**

Where under this Act a magistrate orders the removal of a lunatic from a licensed house on the ground of ill-treatment or neglect, or orders a lunatic confined in a licensed house to be released, the licensee may appeal against the order, subject to the same conditions and with the same consequences as if he or she had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie.

#### **25. Appeal where order refused**

Where upon information being laid under this Act that a lunatic confined in a licensed house is ill-treated or neglected, or that a person confined in a licensed house as a lunatic ought to be released, a magistrate refuses to make any order, an appeal shall lie to the Court, subject to the same conditions and with the same consequences as if the licensee had been charged with an offence punishable on summary conviction and the magistrate had refused to convict.

#### **26. Execution of order of removal**

When an order for the removal of a lunatic from a licensed house has been made, the Judge or magistrate making the order may issue a warrant for the execution of the order directed to any person or persons the Judge or magistrate thinks fit. Any person shall, if required by anyone to whom the warrant is directed, assist in the execution of the warrant.

## **27. Interim orders in case of appeal**

Where notice of appeal under this Act has been given—

- (a) a magistrate may, if he or she thinks fit, suspend the execution of any order made by him or her until the decision of the appeal or for any shorter period, and upon such terms and conditions, if any, as he or she thinks fit; and
- (b) the Judge upon the application of the appellant and, if he or she thinks fit, without any notice of the application being served upon the respondent, may at any time, and notwithstanding any previous order of a Judge or a magistrate, make such order (subject to such terms and conditions, if any, as he or she thinks fit) as to the care or custody or allowing to be at large, until the decision of the appeal or for any shorter period, of the person alleged or adjudged to be or confined as a lunatic:

Provided that upon any appeal being or being deemed to be abandoned any order made under this section shall determine and the order appealed against shall take effect.

## PART IV

### *Criminal Lunatics*

## **28. Appointment of mental hospitals for criminals**

(1) The Minister may appoint the whole or any part of any building, prison, hospital, house or other place, with any outhouses, yards, gardens, grounds or premises thereto belonging, to be a mental hospital for criminals.

(2) The Minister may make regulations for the management of any mental hospital for criminals.

## **29. Insane prisoners**

(1) Where the Minister is satisfied that a person imprisoned for any cause in any prison is insane, he or she may by warrant under his or her hand direct that the person be removed to such mental hospital for criminals or mental hospital as the Minister thinks proper, and be detained in that hospital until discharged as in this section is mentioned.

(2) Where a person is detained in a mental hospital under this section, the Minister, upon the certificate of the medical officer of the hospital certifying that the person is of sound mind, may by warrant under his or her hand direct—

- (a) if the term of imprisonment of the person has expired, that he or she be discharged;
- (b) if he or she still remains liable to imprisonment, that he or she be removed to the common gaol to undergo his or her sentence of death or other sentence, or, if not under sentence, to be dealt with according to law, as if no warrant for his or her removal to a mental hospital had been issued.

(3) The time during which a person under sentence of imprisonment is detained in a mental hospital shall be reckoned as served under the sentence.

## **30. Criminal lunatic insane at expiration of sentence**



Where the term of imprisonment to which a person confined in a mental hospital for criminals is liable expires while he or she is in custody in the hospital, then, unless the medical officer of the hospital by writing under his or her hand certifies that he or she may safely be allowed to be at large, he or she may at the expiration of his or her term of imprisonment be deemed to be a pauper lunatic, and a magistrate may order that he or she be detained in the hospital as a pauper lunatic.

### **31. Absence upon trial of criminal lunatic**

(1) The Minister may allow a lunatic confined in a mental hospital for criminals to be absent from the hospital upon trial for any period which he or she thinks fit, and may at any time grant an extension of the period. If the lunatic does not return at or before the expiration of the period or extended period of trial, he or she may be retaken as if he or she had escaped on the last day of the period or extended period.

(2) No lunatic shall be allowed to be absent on trial under this section unless some person enters into an agreement approved by the Minister to take charge of him or her.

### **32. Discharge of criminal lunatic**

(1) The Minister may order the discharge, absolutely or conditionally, of any person confined in a mental hospital for criminals, whether recovered or not.

(2) Where upon the information upon oath of the Chief of Police, or of the police officer in charge of any district, it appears to a magistrate that a condition subject to which a discharge under this section was granted has been broken, the magistrate may order the person discharged to be conveyed to the hospital from which he or she was discharged and there to be detained as if he or she had not been discharged therefrom, and may issue his warrant accordingly.

### **33. Retaking criminal lunatic**

A criminal lunatic escaping or having escaped from a mental hospital for criminals may at any time be retaken by any officer or employee of the hospital, or any police officer, or any constable or peace officer, and conveyed to the hospital and detained therein as if he or she had not escaped.

## **PART V**

### *Maintenance of Lunatics*

### **34. Application of lunatic's property for his or her maintenance**

(1) (a) In all cases the Court; and

(b) In cases where the property of a lunatic is of less value in the whole than the sum of five hundred dollars, or the annual value of his property is less than fifty dollars, a magistrate, may upon the application of any person make an order as to the application of any property of the lunatic confined under this Act, or the income thereof, in or towards the expenses of the maintenance and support of the lunatic, or in or towards recouping the expenses of his or her past maintenance and support, or, in case any person undertakes to pay the expenses of the maintenance and support of such portion of these expenses as the Court or magistrate deems reasonable, may suspend the making of the order for such time and upon such terms as the Court or magistrate thinks fit. The expenses of the maintenance and support or past maintenance and support shall be a charge upon the real estate of the lunatic in the same manner as if the lunatic had power to charge and by writing under his or her hand had agreed to charge his or her real estate therewith.

(2) The application to the Court shall be by motion or petition in a summary way, or in such other manner as the Court by a general order made under this Act directs.

(3) An application under this section shall be served upon such persons and in such manner as the Court or magistrate directs.

(4) Where an order under this section is made, suspended or refused, the Court or magistrate shall make such order as is just as to the costs of the applicant, and such costs shall be recoverable by distress and sale of the lunatic's personal estate, and shall be a charge upon his or her real estate in the same manner as if he or she had power to charge and by writing under his or her hand had agreed to charge his or her real estate therewith.

### **35. Declaring lunatic a trustee**

Where the Court or a magistrate orders under this Act the property of a lunatic or the income thereof to be applied in or towards his or her maintenance or support, the Court or magistrate may declare that the lunatic holds the property or income upon trust to obey the orders of the Court or magistrate; and thereupon the Court or magistrate shall have the powers conferred by law upon the Court, so far as regards the care of the real and personal estates of lunatics and persons of unsound mind held by lunatics or persons of unsound mind upon trust or by way of mortgage.

### **36. Expense of maintaining pauper lunatic**

In the case of a pauper lunatic the expenses of his or her maintenance and support shall be deemed to be according to a rate to be fixed by the Minister by regulations under this Act.

## PART VI

### *Offences in Relation to Lunatics*

### **37. Ill-treating lunatic in mental hospital**

A medical officer, nurse, attendant, employee or other person employed in a mental hospital who strikes, ill-treats, or wilfully neglects a lunatic confined in the mental hospital shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

### **38. Rescue and permitting escape of lunatic from mental hospital**

(1) A person who rescues a lunatic while being conveyed to or while confined in a mental hospital under this Act, and an officer or employee of a mental hospital who secretes or through wilful neglect or connivance permits to escape any lunatic confined in a mental hospital under this Act shall be guilty of an offence and liable, on summary conviction, to imprisonment for one year.

(2) An officer or employee of a mental hospital who carelessly permits any person confined therein under this Act to escape shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

### **39. Offences by person in charge of lunatic on trial**

A person who accepts the charge of a lunatic allowed to be absent on trial and who—

- (a) neglects to provide him or her with suitable lodging, clothing, food, medical attendance when required, or other necessaries, or fails to take proper care of him or her; or

- (b) refuses to allow him or her to be visited by a medical officer of the mental hospital from which he or she was liberated on trial, or the district medical officer, or a magistrate,

shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars, and shall forfeit any sum due to him or her in respect of the lunatic.

#### **40. Ill-treating lunatic on trial and obstructing visitor**

A person who strikes or ill-treats a lunatic absent on trial, or who obstructs a medical officer of the mental hospital from which any such lunatic was liberated, or the medical officer, or a magistrate, while visiting or attempting to visit any such lunatic, shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months.

#### **41. Prohibiting taking charge of lunatic without a licence**

(1) Except in the case of a lunatic absent on trial, no private person shall undertake the care or custody of a lunatic unless he or she first obtains in respect of the lunatic a licence under this Act.

(2) Any person acting in contravention of this section shall be guilty of an offence and liable, on summary conviction, to a fine of three thousand dollars and to imprisonment for one year.

#### **42. Ill-treating lunatic in licensed house**

Where a lunatic is confined in any licensed house, the licensee, or any nurse, employee or other person employed in the house or by the licensee, who strikes, ill-treats or wilfully neglects the lunatic shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months.

### **PART VII**

#### *Miscellaneous*

#### **43. Saving prerogative of the Crown**

Nothing in this Act shall prejudice any right or prerogative of Her Majesty or of the Governor-General on behalf of Her Majesty.

#### **44. Lunatic so found by inquisition**

Nothing in this Act that relates to admission into a mental hospital shall apply to lunatics so found by inquisition.

#### **45. Regulations**

The Minister may make all necessary regulations for giving effect to and carrying out the provisions of this Act. All such regulations shall be laid before the House of Representatives within thirty days after they are made, or, if the House is not then sitting, at its next meeting.

#### **46. Appointment of visitors to mental hospitals**

It shall be lawful for the Minister to appoint a committee of visitors to inspect and report to him or her upon the condition and management of all mental hospitals and licensed houses within Grenada, and upon the condition of all lunatics confined therein. It

shall be lawful for the committee or a quorum thereof at any time to enter upon, visit, and inspect a mental hospital or licensed house and every lunatic or alleged lunatic confined therein, and generally to inquire therein as to the condition and management of the hospital; and for the purpose of the visitation and inquiry it shall be the duty of any superintendent, officer, nurse, attendant, and all other persons employed therein to answer such questions as shall be put to them by the visiting committee and to furnish all information in their power to the committee for the purpose of making their report. The committee shall consist of not less than five persons of whom three shall be a quorum.

## PART VIII

### *Urgency Orders*

#### **47. Urgency orders**

(1) In cases of urgency where it is expedient either for the welfare of a person alleged to be a lunatic, or for the public safety, that the alleged lunatic shall be forthwith placed under care and treatment, he or she may be received and detained in a mental hospital upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic accompanied by a certificate of a medical officer.

(2) An urgency order may be signed before or after the medical certificate.

(3) If an urgency order is not signed by the husband or wife, or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed, and of the connection with the alleged lunatic of the person signing the order, and the circumstances under which he or she signs the same.

(4) No person shall sign an urgency order unless he or she is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(5) An urgency order may be made as well after as before an information of lunacy has been sworn before a magistrate. An urgency order, if made before an information of lunacy has been sworn, shall be referred to in such information, and if made after the information has been sworn, a copy thereof shall forthwith be sent by the informant to the magistrate before whom the information has been sworn.

(6) An urgency order shall remain in force for seven days from its date; or if an inquiry as to lunacy is pending, then until the inquiry is finally disposed of:

Provided that in every case a copy of the urgency order and of the medical certificate shall be forwarded to the Chief Medical Officer by the Medical Superintendent of the mental hospital within forty-eight hours of the admission thereto of the person alleged to be a lunatic.

#### **48. Power to receive voluntary patients**

(1) Any person who is desirous of voluntarily submitting himself or herself to treatment for mental illness, and who makes a written application for the purpose to the Medical Superintendent of a mental hospital may, without being adjudicated a lunatic under this Act, or by an order issued thereunder, be received as a voluntary patient in a mental hospital.

(2) Any person received as a voluntary patient under this section may leave the mental hospital upon giving to the Medical Superintendent seventy-two hours' notice in writing of his or her intention to do so.

#### **49. Notice of reception and departure of voluntary patients and provisions as to discharge of patients**

(1) Where a person is received as a voluntary patient under the preceding section, notice of his or her reception shall be forwarded to the Chief Medical Officer within forty-eight hours of the time at which he or she was so received.

(2) If a person received as aforesaid becomes at any time incapable of expressing himself or herself as willing or unwilling to continue to receive treatment, he or she shall not thereafter be retained as a voluntary patient for a longer period than twenty-eight days, and shall, if he or she has not been previously discharged, be discharged on the expiration of twenty-eight days from the date on which he or she became incapable of so expressing himself or herself unless in the meantime he or she has again become capable of so expressing himself or herself, or steps have been taken to deal with him or her either as a lunatic or under section 51 as a person who is likely to benefit by temporary treatment.

#### **50. Visitation of voluntary patients**

(1) The Chief Medical Officer or any person appointed in writing by him or her may at any time visit a person received as a voluntary patient under section 48, and such appointee shall make a report to the Chief Medical Officer on the case.

(2) If the Chief Medical Officer is of opinion that the mental state of a voluntary patient is such as to render him or her unfit to remain as a voluntary patient, he or she may order the person in charge either to discharge the patient, or to take steps to deal with him or her either as a lunatic or under section 51 as a person who is likely to benefit by temporary treatment.

#### **51. Provision for temporary treatment without certification of certain persons**

(1) Subject to the provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment but is for the time being incapable of expressing himself or herself as willing or unwilling to receive such treatment may, on a written application duly made in accordance with the provisions of this section but without being adjudicated a lunatic under this Act or an order issued thereunder, be received as a temporary patient in a mental hospital for the purpose of treatment therein.

(2) An application under this section shall be in the Form 22 in the Schedule and shall be made to the Medical Superintendent of the mental hospital and shall, if possible, be made by the husband or wife or by a relative of the person to whom it relates, or on the request of the husband or wife, or, if a relative or guardian, by a medical officer, and, if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connection of the applicant with the person to whom it relates and of the circumstances in which he or she makes the application.

(3) The application shall be accompanied by a recommendation in the Form 23 in the Schedule signed by a medical officer.

(4) The medical officer by whom a recommendation under this section is to be made shall, before signing the recommendation, examine the person to whom the recommendation relates, and shall specify in the recommendation the date on which he or she examined the person and the grounds on which he or she bases his or her recommendation.

(5) Where a person is received as a temporary patient under this section, notice of his or her reception together with a copy of the application on which he or she was received and of the recommendation accompanying the application shall, before the expiration of forty-eight hours after the time at which he or she was received, be sent to the Chief Medical Officer by the Medical Superintendent. The Chief Medical Officer shall upon the signed request of any person who considers himself or herself to be unjustly detained under such application or recommendation furnish to him or her or to his or her authorised representative free of cost a copy of such application or recommendation.

(6) If a person so received dies in, or departs from, a mental hospital where he or she was residing, notice of the fact shall, before the expiration of forty-eight hours after the time of the death or departure, be sent to the Chief Medical Officer by the Medical Superintendent.

(7) Within one month of the reception of any person received as a temporary patient under this section he or she shall be visited by the Chief Medical Officer or some other medical officer appointed in writing by the Chief Medical Officer for the purpose.

(8) If the person making the visit is of opinion that it is proper that the patient should continue to be detained he shall sign a statement to that effect and shall leave it with the Medical Superintendent, but if he or she is of opinion that it is not proper that the patient should continue to be detained he or she shall, before the expiration of forty-eight hours after the time of the said visit submit a report to the Chief Medical Officer stating his or her said opinion, and the grounds on which it is based together with such other observations as he or she thinks fit.

(9) Subject to the provisions of this section a person received as a temporary patient may be detained for a period not exceeding six months but shall not be detained as such for any longer period.

(10) If a person who has been received as a temporary patient becomes capable of expressing himself or herself as willing or unwilling to continue to receive treatment, he or she shall not thereafter be detained for more than twenty-eight days unless in the meantime he or she has again become incapable of so expressing himself or herself.

(11) Where it is anticipated that a person who is undergoing treatment as a temporary patient under this section will not recover within the period of six months, but his or her early recovery appears reasonably probable, that period may, from time to time, be extended for further periods of such length not exceeding three months as may be specified in directions given by the Chief Medical Officer upon the application of one of the persons mentioned in subsection (2) of this section, but such further periods shall in no case exceed six months in all.

(12) The Chief Medical Officer may at any time order—

- (a) that any person received as a temporary patient shall be discharged; or
- (b) that steps shall be taken to deal with him or her under this Act as a lunatic.

## 52. Forms

The forms contained in the Schedule may be used in all cases to which they are applicable, but except as provided in section 51(2) and (3) no form shall be obligatory.

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### Schedule

#### *Forms*

#### FORM 1

#### MENTAL HOSPITALS ACT

#### *Information of Lunacy*

[Section 3.]

District .....  
A.B., of ..... informs the undersigned Magistrate that he or she has good cause to suspect and believe and does suspect and believe that D.E. of ..... is a



FORM 3

MENTAL HOSPITALS ACT

*Adjudication of Lunacy and Committal to Mental Hospital*

[Section 6.]

District .....  
A.B., *Informant* ..... D.E., *Respondent*  
(Date)

Whereas on the ..... day of ..... A.B. of ..... informed me the undersigned R.D.M. Magistrate in and for ..... that he or she had good cause to suspect and believe that D.E. of ..... was a lunatic and a proper subject for confinement.

And whereas it appears to me that the said D.E. is a lunatic and a proper subject for confinement.

And whereas as required by the Mental Hospitals Act the medical certificate hereunto annexed of the unsoundness of mind of the said D.E. has been given.

And whereas the consent in writing of the medical officer of the mental hospital at ..... to receive the said D.E. into the said hospital has been produced to me.

Now therefore I the said R.D.M. as such Magistrate as aforesaid do hereby adjudge the said D.E. to be a lunatic and a proper subject for confinement, and do hereby order that the said D.E. be detained in the said hospital, subject to the provisions of the Mental Hospitals Act and the rules and regulations of the said hospital.

.....  
*Signature of Magistrate*

R.D.M.

FORM 4

MENTAL HOSPITALS ACT

*Adjudication of Lunacy and Committal to Licensed House*

[Section 7.]

District .....  
A.B. *Informant* ..... D.E. *Respondent*  
(Date)

Whereas on the ..... day of ..... A.B. of ..... informed me the undersigned R.D.M., Magistrate in and for that he or she had good cause to suspect and believe and did suspect and believe D.E. of ..... to be a lunatic and a proper subject for confinement.

And Whereas as required by the Mental Hospitals Act, the medical certificate hereunto annexed of the unsoundness of mind of the said D.E. has been given.

And Whereas F.G. of has ..... offered to undertake the care and custody of the said D.E. in his or her house situate at ..... within the said district and has requested me to have a licence granted to him or her for that purpose.

And Whereas I am of the opinion that the said F.G. is a proper person to have the care and custody of the said D.E. and that his or her said house is suitable for the reception of the said D.E.

Now Therefore I the said R.D.M. as such Magistrate as aforesaid do hereby adjudge the said D.E. to be a lunatic and a proper subject for confinement and I do hereby grant to the said F.G. a licence to receive the said D.E. into his or her said house and there to take care and custody of him or her the said D.E., and I do hereby order that the said D.E. be detained as a lunatic in the said house of the said F.G. in the care and custody of the said F.G. subject to the provisions of the



.....  
*Signature of Magistrate*

FORM 5

MENTAL HOSPITALS ACT

*Order of Committal of Pauper Lunatic*

[Section 7.]

District .....

A.B. *Informant* ..... D.E. *Respondent*

(Date)

Lunatics

Whereas on the ..... day of ..... A.B. of ..... informed me the undersigned R.D.M. Magistrate in and for that he or she had good cause to suspect and believe and did suspect and believe that D.E. was a pauper lunatic and a proper subject for confinement.

And whereas, as required by the Mental Hospitals Act, the medical certificate hereunto annexed of the unsoundness of mind of the said D.E. has been given.

Now therefore I the said R.D.M. as such Magistrate as aforesaid do hereby adjudge the said D.E. to be a pauper lunatic and a proper subject for confinement and I do hereby order that the said D.E. be detained in a mental hospital at ..... as a pauper lunatic subject to the provisions of the Mental Hospitals Act.

*Signature of Magistrate*

R.D.M.

FORM 6

MENTAL HOSPITALS ACT

*Adjudication of Lunacy and Transfer of Proceedings*

[Section 6.]

A.B. *Informant* ..... D.E. *Respondent*

(Date)

Whereas on the ..... day of ..... A.B. of ..... informed me the undersigned R.D.M. Magistrate in and for ..... that he or she had good cause to suspect and believe and did suspect and believe D.E. of ..... to be a lunatic and a proper subject for confinement.

And Whereas it appears to me that the said D.E. is a lunatic and a proper subject for confinement.

And Whereas, as required by the Mental Hospitals Act, the medical certificate hereunto annexed of the unsoundness of mind of the said D.E. has been given.

Now Therefore I the said R.D.M. as such Magistrate as aforesaid do hereby adjudge the said D.E. to be a lunatic and a proper subject for confinement and being of opinion that the question of the care and custody of the said D.E. may be more conveniently decided by the Magistrate of District I do hereby order that further proceedings in this matter be had before the Magistrate of the said district.

.....  
*Signature of Magistrate*

R.D.M.

---

FORM 7

MENTAL HOSPITALS ACT

*Committal to a Licensed House upon an Adjudication by another Magistrate*

[Section 8.]

District .....

A.B. Informant ..... D.E. Respondent

(Date)

Whereas D.E. of ..... was on the ..... day of  
of ..... by R.D.M., Esquire, Magistrate in and for ..... District  
adjudged to be a lunatic and a proper subject for confinement and the further proceedings in the  
matter of the said lunacy were directed to be had before the Magistrate in and for .....  
..... District

And whereas F.G. of ..... has offered to undertake the care  
and custody of the said D.E. in his or her house situate at ..... within the  
last-mentioned district and has requested to have a licence granted to him or her for that purpose.

And whereas I, H.P.H. Magistrate in and for the last-mentioned district am of opinion that the  
said F.G. is a proper person to have the care and custody of the said D.E. and that his or her house  
is suitable for the reception of the said D.E.

Now therefore I the said H.P.H. as such Magistrate as aforesaid do hereby grant to the said F.G.  
a licence to receive the said D.E. into his or her said house and there to take care and custody of  
the said D.E. and I do hereby order that the said D.E. be detained as a lunatic in the said house of  
the said F.G. in the care and custody of the said F.G. subject to the provisions of the Mental  
Hospitals Act.

.....  
*Signature of Magistrate*

H.P.H.

---

FORM 8

MENTAL HOSPITALS ACT

*Undertaking as to Lunatic Absent on Trial*

[Section 13(3).]

Date .....

To the Medical Superintendent  
Sir,

I beg to apply for the removal of ..... an inmate of the  
..... Mental Hospital, to ..... at ..... in the  
parish of ..... for a period of ..... from the  
date of removal; and I hereby undertake and agree to take charge of and to exercise proper care  
and control over him/her during such period of absence on trial.

*Applicant's Signature* .....

*Address* .....

*Occupation* .....

I agree

.....  
*Medical Superintendent* .....

(Date) .....

Date of Removal .....

(Form for use where the period is extended)

Date .....

It is hereby agreed between the said Applicant and the Medical Superintendent that the above-mentioned period of ..... be extended till the .....  
(Date) .....

.....  
*Signature of Applicant*

.....  
*Signature of Medical Superintendent*

---

FORM 9

MENTAL HOSPITALS ACT

*Notice of Licensee desiring to be Discharged*

[Section 20.]

To T.M., Esquire, Magistrate for ..... District.  
I, E.F., to whom on the ..... day of ..... a licence was granted by you to receive into my house situate in the said District one A.B., a lunatic and there to take care and custody of the said A.B., do hereby give you notice that I desire to be discharged of the care and custody of the said A.B.

..... E.F.  
Witness G.H. of, etc.

---

FORM 10

MENTAL HOSPITALS ACT

*Order for Removal of Lunatic from Licensed House at request of Friends*

[Section 21.]

District .....

.....  
(Date)

Whereas by an order made on the ..... day of ..... by H.P.H. then the Acting Magistrate in and for ..... district a licence was granted to E.F. of ..... in the said district to receive one A.B. a lunatic into his or her house situate in the said district and there to take the care and custody of the said A.B.

And whereas it appears to me G.H.C. Magistrate in and for the said District that the said A.B. is maintained in the said licensed house of the said E.F. at the expense of J.H. and K.L. and that the said J.H. and K.L. are desirous that the said A.B. should be removed from the licensed house of the said E.F. to the house of one Q.R. situate within the said district.

And whereas the said Q.R. has applied to me for a licence to enable him or her to receive the said A.B. at his or her said house and there to take the care and custody of the said A.B.

And whereas I am of opinion that the said Q.R. is a proper person to have the care and custody of the said A.B. and that his or her said house is suitable for the reception of the said A.B.

Now therefore I, the said G.H.C., Magistrate in and for the said district do hereby discharge the said E.F. of the care and custody of the said A.B. and do hereby order that the said A.B. be removed from the licensed house of the said E.F. to the house of the said Q.R. And I do hereby grant to the said Q.R. a licence to receive the said A.B. into his or her said house and there to take the care and custody of him or her the said A.B. And I do hereby order that the said A.B. be detained as a lunatic in the said house of the said Q.R. in the care and custody of the said Q.R. subject to the provisions of the Mental Hospitals Act.

.....  
*Signature of Magistrate*

---

FORM 11

MENTAL HOSPITALS ACT

*Complaint of Ill-treatment (or neglect) of a Lunatic in a Licensed House*

[Section 22.]

District .....

L.M.F. of ..... informs R.D.M. Magistrate in and for .....  
District that A.B. a lunatic confined in the licensed house of E.F. situate at .....,  
is ill-treated (or neglected).

.....  
*Signature of Informant*

Taken and sworn this ..... day of ..... before me

---

FORM 12

MENTAL HOSPITALS ACT

*Order for Removal on ground of Ill-treatment (or neglect) of a Lunatic from a Licensed House*

[Section 22.]

On this ..... day of ..... at ..... complaint was made to me that A.B. a lunatic confined in the licensed house of E.F. situate at ..... within my district as Magistrate is ill-treated (or neglected) and I having heard the complaint do hereby order that the said E.F. be discharged from the care and custody of the said A.B. and the consent in writing of S.L.O. the Medical Officer of the Mental Hospital at ..... having been produced to me do order that the said A.B. be removed from the said licensed house of the said E.F. to the said Mental Hospital at ..... there to be detained as a lunatic subject to the rules and regulations of the said Hospital and to the provisions of the Mental Hospitals Act.

---

FORM 13

MENTAL HOSPITALS ACT

*Warrant for the Removal of a Lunatic from a Licensed House*

[Section 26.]

District .....

To T.S. .... W.V. .... and  
Y.Z. ....

To Q.R. ....

Whereas by an order on the ..... day of ..... by me the undersigned Magistrate in and for ..... I did order that A.B. a lunatic confined in the licensed house of E.F. situate at ..... be removed from the said licensed house of the said E.F. to the house of you the above-named Q.R. situate at ..... in the said district.

These are therefore to authorise you the said T.S., W.V., and Y.Z., or any or either of you to

remove the said A.B. from the said licensed house of the said E. F. and him or her to deliver to you the said Q.R. at the house of you the said Q.R. where you the said Q.R. are to receive and take the care and custody of the said A.B. and for so doing this shall be your Warrant. And if required in this behalf by you or any of you all police officers, peace officers and all other Her Majesty's subjects are to be aiding and assisting in the execution of this Warrant.

Given under my hand this ..... day of .....

.....  
*Signature of Magistrate*

R.D.M.

---

FORM 14

MENTAL HOSPITALS ACT

*Order for Release of a Lunatic from a Licensed House*

[Section 23.]

District .....

On this ..... day of ..... at ..... complaint was made before me the undersigned Magistrate in and for ..... District that A.B. a lunatic confined in the licensed house of E.F. situate at ..... in the said District is no longer a proper subject for confinement and it appearing to me having heard the said complaint that the said A.B. is no longer a proper subject for confinement I do hereby discharge the said E.F. of the care and custody of the said A.B. and do hereby order him or her, he or she said E.F. to release the said A.B. and to suffer him or her to go at large whithersoever he or she will.

.....  
*Signature of Magistrate*

R.D.M.

---

FORM 15

MENTAL HOSPITALS ACT

*Interim Order by a Magistrate after Notice of Appeal*

[Section 27.]

*(This Order may be written at the foot of the Order to which it relates)*

Whereas the above-named D.E. has duly given notice of appeal against the above order:

And Whereas under the circumstances of the case it appears to me to be fit and proper to suspend the execution of the above order for the time and subject to the condition hereinafter mentioned.

Now Therefore, I do order that the above order be suspended until the appeal against it of the said D.E. is heard and determined or is deemed to be abandoned:

Provided that this suspension is subject to the following condition, namely, that the said D.E. do reside with his (*uncle*) P.K. in the village of ..... and in case the said D.E. shall cease to so reside this order of suspension shall become void and the above order shall revive and be in full force and effect.

.....  
*Signature of Magistrate*

R. D. M

---

FORM 16

MENTAL HOSPITALS ACT

*Order for Recommittal of Criminal Lunatic*

[Section 32.]

District .....

A.D.O. Informant ..... D.E. Responden  
(Date)

Whereas on the ..... day of ..... the ..... did order that D.E. a criminal lunatic confined in the Mental Hospital for Criminals at ..... should be discharged from such hospital subject to the condition that before the ..... day of ..... the said D.E. should not at any time be within the town of St. George or within three miles of any part of the boundaries thereof:

And whereas information upon oath has been laid before me by A.D.O. Chief Officer of Police in the district of ..... that the above-mentioned condition has been broken.

Now I, R.D.M., Magistrate in and for ..... having heard the said information do adjudge that the said condition has been broken, and do order that the said D.E. be conveyed to the Mental Hospital for Criminals at ..... and there detained as if he or she had not been discharged therefrom.

.....  
*Signature of Magistrate*

R.D.M.

---

FORM 17

MENTAL HOSPITALS ACT

*Warrant for Recommittal of a Criminal Lunatic*

[Section 32.]

District .....

A.B. Informant ..... D.E. Respondent  
(Date)

To all police officers and to W.P., Keeper of the Mental Hospital for Criminals at .....

Whereas by an order dated the ..... day of ..... and made by R.D.M. Esquire, Magistrate in and for ..... it is ordered that D.E. be conveyed to the Mental Hospital for Criminals at ..... and there detained as if he had not been discharged therefrom.

These are therefore to authorise and require you police officers or any of you to arrest the said D.E. and convey him or her to the said Mental Hospital for Criminals at ..... and there deliver him or her to W.P. the Superintendent of the hospital, and for so doing this shall be your Warrant. And you the said W.P. are to receive D.E. into your custody, and him or her safely to keep in the said Mental Hospital for Criminals at ..... as if he or she had not been discharged therefrom.

Given under my hand this ..... day of .....

.....  
*Signature of Magistrate*

C.F.

---

FORM 18

MENTAL HOSPITALS ACT

*Order of Magistrate for Application of Income of Lunatic's Real Estate towards His Maintenance*

[Section 34.]

In the matter of A.B. a Lunatic

.....  
(Date)

Upon the application of S.L.C., Medical Officer of the Mental Hospital at ..... it appearing to me that A.B. has since the ..... day of ..... been maintained and that he is still maintained at the said Mental Hospital as a lunatic, and that he or she is entitled to certain ..... situate at ..... in the parish of ..... and now let to ..... at rents amounting in the aggregate to the sum of ..... per annum and that the total annual value of such ..... is less than fifty dollars and that the said A.B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A.B. in the said Mental Hospital exceed the amount of the rents in arrear of the said ..... and that the yearly expenses of his or her future maintenance and support will exceed the yearly rents which will accrue to him or her.

Now therefore, I, R.D.M., Magistrate in and for ..... District do order that the said rents in arrears be applied in discharge of the past maintenance and support of the said A.B. and that the said rents hereafter to accrue be applied in payment of the expenses of the future maintenance and support of the said A.B. so long as he or she lives and continues to be an inmate of the said mental Hospital and I do declare that the said A.B. holds the said property and the rights to receive the said rents accrued or hereafter to accrue on trust to obey this order and accordingly I do order that the right to sue for and recover the said rents in arrear and the rents that shall accrue vest in the said S.L.C. and upon the discharge of the said A.B. from the said Mental Hospital or upon his or her death are to be held upon trust for the said A.B., his or her executors, administrators and assigns.

.....  
*Signature of Magistrate*  
R.D.M.

---

FORM 19

MENTAL HOSPITALS ACT

*Order for Sale of Lunatic's Real Estate and Application of Proceeds for his or her Maintenance*

[Section 34.]

In the Matter of A.B. a Lunatic

.....  
(Date)

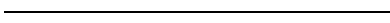
District .....

Upon the application of S.L.C., Medical Officer of the Mental Hospital at ..... it appearing to me, R.D.M., Magistrate in and for ..... District that A.B. has since the ..... day of ..... been maintained and that he or she is still being maintained in the Mental Hospital at ..... as a pauper lunatic and that he or she is seised for an estate in fee simple in possession of one undivided moiety of a certain cottage, premises and plantation with the appurtenances situate at ....

to the other undivided moiety of which E.F. of ..... is entitled for an estate in fee simple in possession and that the value of the said undivided moiety of the said A.B. is less than the sum of five hundred dollars, and that the said A.B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A.B. in the said Mental Hospital from the day of ..... to the ..... day of ..... amount to the sum of (*amount*). And the said E.F. offering to purchase the undivided moiety of the said A.B. for the sum of (*amount*). I being of opinion that the said offer is fair and reasonable and that it is expedient to accept the same, do order that the same be accepted and carried into effect and do declare that the said A.B. holds the said undivided moiety upon trust to obey this order, and the said E.F. having paid the sum of (*amount*) to the said S.L.C. and the said S.L.C. undertaking to apply the sum of (*amount*) part thereof in payment of the expenses of the past maintenance and support of the said A. B. from the ..... day of ..... to the ..... day of ..... and from time to time to apply the sum of (*amount*) residue of the said sum of (*amount*) in or towards the expenses of the maintenance and support of the said A.B. from the last-mentioned day and upon the discharge from the said Mental Hospital or death of the said A.B. to hold any unapplied surplus in his or her hands upon trust for the said A.B., his executors, administrators or assigns, I do order that the said undivided moiety of the said A.B. of the said cottage premises and plantation with the appurtenances do vest in the said E.F. his or her heirs and assigns for all the estate and interest which the said A.B. hath therein.

.....  
*Signature of Magistrate*

R.D.M.



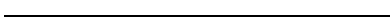
FORM 20  
 MENTAL HOSPITALS ACT

*Urgency Order*  
 [Section 47.]

1. I, the undersigned, being a person not under twenty-one years of age, hereby authorise you to receive and detain in the Mental Hospital (Mr, Mrs or Miss) ..... as a lunatic whom I last saw at ..... on the ..... (*some day within two days of the date of the order*) day of ..... (*date*) .....
  2. I am a relative, namely, the ..... (*here state relationship*) of the above-named alleged lunatic,  
*or*  
 I am not a relative of the above-named alleged lunatic and ..... (*here state why the order is not signed by the husband or wife or a relative of the patient. Also state your connection with the patient and the circumstances under which you sign*).
  3. The certificate of a medical officer is annexed hereto.
- Dated this ..... (date).....

.....  
*Signature of*  
*Superintendent, Mental Hospital*

To .....



FORM 21  
 MENTAL HOSPITALS ACT



*Statement of Medical Officer to be Added to Certificate (Form 2) When Accompanying an Urgency Order*

[Section 47.]

I certify that it is expedient for the welfare of the said .....  
(or for the public safety) that the said ..... should be forthwith placed  
under care and treatment.

My reason for this conclusion are as follows: *(state them)* .....  
.....  
.....

---

FORM 22

MENTAL HOSPITALS ACT

*Form of Application for Reception of Temporary Patient*

[Section 51(2).]

1. I, ..... hereby request you to receive  
..... as a temporary patient into .....
2. I am related to the said ..... in the following manner—

*(state relationship)*

*or*

I am the Medical Officer of the ..... District. And I make this application  
at the request of ..... who is related to the said .....  
in the following manner—

*(state relationship)*

*or*

I am not related to the said.....  
The reasons why this application is not made by a relative of the said .....  
and my connection with him or her, and the circumstances under which I make this  
application, are as follows—

*(state reasons and circumstances)*

3. Annexed hereto is a recommendation for the temporary treatment of the said  
.....  
*(Signed)*

To .....

Date

---

FORM 23

MENTAL HOSPITALS ACT

*Form of Recommendation for Temporary Treatment*

[Section 51(3).]

Recommendation for the temporary treatment of .....  
of .....

1. I, ....., of ..... hereby declare, that  
I am the Medical Officer of .....
2. I examined the said ..... on ..... (*date*).....
- \*3. I have come to the conclusion stated below on the following grounds, namely—  
(*here state grounds*) .....
4. And I further declare and conclude that the said .....  
(*a*) is suffering from mental illness;  
(*b*) is likely to benefit by temporary treatment;  
(*c*) is for the time being incapable of expressing himself or herself as willing or unwilling to receive such treatment.
5. It is expedient with a view to the recovery of the said ..... that  
he or she should be received into for a period not exceeding six months.

.....  
(*Signed*)  
(*State Medical Qualifications*)

.....  
Date

- \* A person, in specifying the grounds on which his or her conclusions are based, must carefully distinguish between statements of fact which are based upon his or her own observations and statements of fact which are based upon communications made to him or her by others.

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**CHAPTER 190  
MENTAL HOSPITALS ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

1. Mental Hospital (Industries Fund) Regulations
  2. Mental Hospital Regulations
- 

**Mental Hospital (Industries Fund) Regulations**

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Mental Hospital Industries Fund.
3. Trustees of Fund.
4. Composition of Fund.
5. Payments from Fund.
6. Prices to be paid for products.
7. Produce used at Mental Hospital.
8. Authority for payments from Fund.
9. Purchases from Government Contractors.
10. Remuneration of patients.
11. Purchase of amenities.
12. Accounts to be kept.

13. Annual balance sheet.
14. Auditor of accounts.

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## **MENTAL HOSPITAL (INDUSTRIES FUND) REGULATIONS**

[Section 10.]

[9th October, 1948.]

### **1. Citation**

These Regulations may be cited as the Mental Hospital (Industries Fund) Regulations.

### **2. Mental Hospital Industries Fund**

There shall be established a Fund to be called the Mental Hospital Industries Fund (hereinafter referred to as "the Fund").

### **3. Trustees of Fund**

The following persons shall be appointed Trustees of the Fund—

The Chief Medical Officer;

The Medical Superintendent, Mental Hospital; and one other person to be appointed by the Minister.

### **4. Composition of Fund**

The following monies shall be paid into the Fund and deposited in the Government Savings Bank—

- (a) the balance of the Lalbeharrisingh bequest fund at the time the Fund is established;
- (b) all accumulated profits of Mental Home Industries lying in the Treasury or elsewhere at the time the Fund is established; and
- (c) the gross receipts from the sale of the products of any commercial, industrial or agricultural ventures carried on at the Mental Hospital for the benefit of the patients and chiefly as a result of their efforts. These ventures shall include the making of mats, the cultivation of gardens and the raising of pigs.

### **5. Payments from Fund**

Monies may be paid out of the Fund for the following purposes, subject to the safeguards provided in these Regulations—

- (a) the purchase of materials required to carry on the various ventures;
- (b) the remuneration of patients employed on the work;
- (c) the provision of amenities for the patients.

### **6. Prices to be paid for products**

The prices charged for products shall be fixed by the Trustees, and shall receive the approval of the Government Tenders Board in any case in which sales are made to Government.

## **7. Produce used at Mental Hospital**

Any produce used for the maintenance of the Mental Hospital shall be charged for and debited to the appropriate expenditure votes.

## **8. Authority for payments from Fund**

All payments shall be vouched and shall be authorised by the Chief Medical Officer.

## **9. Purchases from Government Contractors**

Purchases shall be made as far as possible from Government Contractors at Government contract rates.

## **10. Remuneration of patients**

Remuneration of patients shall be made at rates agreed by the Trustees each year.

## **11. Purchase of amenities**

Amenities may only be purchased from the Fund provided that funds are available after allowance has been made for all outstanding commitments and for sufficient working capital. Such purchases shall be approved by the Trustees.

## **12. Accounts to be kept**

The following accounts shall be kept by the Steward of the Mental Hospital as part of his or her normal duties—

- (a) a Cash Book;
- (b) receipt and Payment Vouchers;
- (c) stock Records;
- (d) inventories of Tools and Animals.

## **13. Annual balance sheet**

An annual balance sheet shall be prepared and published in the *Gazette*.

## **14. Auditor of accounts**

The accounts shall be audited by the Director of Audit or any other suitable person appointed by the Cabinet.

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## **Mental Hospital Regulations**

### ARRANGEMENT OF REGULATIONS

- 1. Citation.
- 2. Consent of Medical Superintendent.
- 3. Powers of Magistrate.
- 4. Charges.
- 5. Admission.
- 6. Rules.
- 7. Discharge.
- 8. Notice.

9.	Expenses.
10.	Diet scale.
First Schedule	Transfer of Lunatics
Second Schedule	Charges for Transfer of Lunatics
Third Schedule	Agreement for Payment of Mental Hospital Fees
Fourth Schedule	Hospital Diet Scale

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## MENTAL HOSPITAL REGULATIONS

[Section 10.]

[9th October, 1948.]

### 1. Citation

These Regulations may be cited as the Mental Hospital Regulations.

### 2. Consent of Medical Superintendent

The Medical Superintendent of the Mental Hospital shall not give the consent mentioned in section 7(a) of the Act, unless there be sufficient accommodation available for the intended inmate; and, in all cases other than those in which admission is sought for a pauper lunatic or for a dangerous lunatic, such consent shall only be given subject to the condition that the Magistrate shall obtain a written agreement signed by two good and sufficient sureties (or signed by one surety where in the opinion of the Magistrate an agreement signed by such surety affords sufficient security for the payment of the asylum fees) before making the order for the detention of the lunatic. Such agreement shall be in the form set out in the Third Schedule hereunder and, when signed, shall be forwarded with the order of detention to the Medical Superintendent.

### 3. Powers of Magistrate

(1) A Magistrate, before exercising the power conferred by section 7(c) of the Act shall, either at the inquiry or subsequent thereto, obtain evidence of the pauperism of the lunatic and shall annex a copy of such evidence to the warrant of committal.

(2) Where a pauper lunatic has been committed to the Mental Hospital and the Cabinet is of the opinion that the property of such lunatic is sufficient for the payment of the whole or a part of the expenses of his or her maintenance and support, he or she may order that the expenses of such maintenance and support shall be deemed to be at the rate of such sum not exceeding twenty-five cents per day as may be fixed by such order.

### 4. Charges

Lunatics transferred to this State from any other State of the Windward Islands may be cared for and treated in the Mental Hospital of Grenada at an annual charge of one hundred dollars to be charged in the Treasury accounts monthly against the State to which such lunatics belong, upon the certificate of the Medical Superintendent of the Mental Hospital in the form set out in the First Schedule hereunder, when authorised by the Minister, in the form set out in the Second Schedule hereunder.

### 5. Admission

Upon the production to the Medical Superintendent, or officer in charge of the Mental Hospital, of an order signed by the appropriate Minister representing the Government of the State from which any lunatic is transferred, authorising such transfer, and indorsed by the

Minister, the Medical Superintendent or other officer in charge shall admit such lunatic into the Mental Hospital.

**6. Rules**

The rules relating to the care and treatment in the Mental Hospital of lunatics belonging to the State of Grenada shall apply to the care and treatment of lunatics from the other States of the Windward Islands.

**7. Discharge**

The Minister may, upon the certificate of the Medical Superintendent of the Mental Hospital, order the discharge of any lunatic transferred from another State who may at any time after his or her confinement become of sound mind, and such discharged patient shall thereupon be sent back with all convenient speed to the State from which he or she was transferred, a copy of the above certificate and of the Minister's order being sent to the appropriate Minister of the Government of such State by the same opportunity.

**8. Notice**

Notice of the intention to discharge any lunatic shall be sent to the appropriate Minister of the Government of the State concerned by the Minister by the first convenient opportunity before the patient is sent back.

**9. Expenses**

All expenses incurred in the landing and transport and in the return of any lunatic from another State shall be charged in the Treasury Accounts to such State upon the certificate of the Minister.

**10. Diet scale**

The diet scale shall be that set out in the Fourth Schedule hereunder.

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**First Schedule**

**MENTAL HOSPITALS ACT**

**MENTAL HOSPITAL REGULATIONS**

*Transfer of Lunatics*

[Regulation 4.]

Voucher No. ....

Head .....

Return of Lunatics from the State of ..... under treatment in the Richmond Hill Mental Hospital, Grenada, during the month ended ..... , 20 ..... with statement of amount payable by that State.

<i>Name of lunatic</i>	<i>Date of admission</i>	<i>Date of discharge</i>	<i>Period charged for</i>	<i>Annual rate</i>	<i>Amount</i>

Certified correct



we further agree as aforesaid, if such fees and expenses be not paid, that on our or either of us being sued in any Court of Law the production of this shall be sufficient proof of the debt, and that judgement may be entered up in favour of the Permanent Secretary (Finance) as aforesaid and execution may issue against us or either of us.

Signed in my presence this ..... day of ....., 20.....

**Fourth Schedule**  
**MENTAL HOSPITALS ACT**  
**MENTAL HOSPITAL REGULATIONS**

*Hospital Diet Scale*  
 [Regulation 10.]

I. Ordinary		II. Milk	
Monday, Wednesday and Friday.	Tuesday, Thursday, Saturday and Sunday.		Extra or special diet allowed at the discretion of the Medical Superintendent.
<i>Breakfast, 8 a.m.</i>			Biscuits may be substituted for bread.
Milk ..... 2 ozs.	Milk ..... 2 ozs.	1 pint Milk.	Spirits or wine may be ordered by the Medical Superintendent in writing.
Cocoa ..... ½ oz.	Cocoa ..... ½ oz.		Tobacco allowed at the discretion of the Medical Superintendent.
Sugar ... 1½ ozs.	Sugar ..... 1½ ozs.		4 ozs. beef free from bone to equal 6 ozs. with bone.
Bread ..... 6 ozs.	Bread ..... 6 ozs.		
Hot water 1 pint.	Hot water .. 1 pint.		
<i>Dinner, 2 p.m.</i>			Sweet oil (not to exceed ½ oz.) or coconut oil (not to exceed 1 oz.) allowed with each ration of salt fish.
Salt fish.... 6 ozs.	Fresh beef (free from bone). 4 ozs.	1 pint Milk. Arrowroot 1 oz. Sugar ½ oz.	1 tin condensed milk to equal 3 pints ordinary milk.
Rice ..... 2 ozs.	Cornmeal ... 2 ozs.		Onions (not to exceed ¼ oz.) allowed with each ration of fresh beef.
Ground provisions .. 1 lb.	Ground provisions . 1 lb.		Barley (not to exceed ½ oz.) allowed with each ration of fresh beef.
Monday and Friday.	Tuesday, Wednesday, Thursday, Saturday and Sunday.		Salt and pepper allowed to taste.
<i>Supper, 5 p.m.</i>			Pork (fresh or corned) from the piggery may be substituted for fresh beef.
Bread ..... 6 ozs.	Bread ..... 6 ozs.		Fresh beef may be substituted for salt fish whenever the price of the latter exceeds \$5.00 per pound.
Soup..... 1 pint.	Sugar ... 1½ ozs.		6 ozs. cornmeal, rice or flour may be substituted for 1 lb. of ground provisions at the discretion of the Medical Superintendent.
	Cocoa .... ½ oz.	1 pint Milk.	
	Milk ..... 1 pint.		



			<p>6 ozs. jack fish or pickled mackerel may be substituted for salt fish.</p> <p>1 pint soup to consist of 3 ozs. split peas, <math>\frac{1}{4}</math> oz. onions, and <math>\frac{1}{4}</math> oz. salt beef or salt pork.</p> <p><i>Note.—All quantities uncooked.</i></p>
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