

CHAPTER 140.**MENTAL HOSPITAL.**

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SCHEDULE.

CHAPTER 140.

MENTAL HOSPITAL.

An Ordinance to make provision for the care of persons of Unsound Mind and for the administration and management of the Mental Hospital, Berbice. 9 of 1930.

[8TH MARCH, 1930.]

1. This Ordinance may be cited as the Mental Hospital Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :— Interpretation.

“ person of unsound mind ” means an idiot or a person who is suffering from mental derangement ;

“ Medical Superintendent ” means the Medical Superintendent of the Mental Hospital appointed as hereinafter provided ;

“ registered medical practitioner ” means a person qualified to practise medicine and surgery and registered as such under the Colonial Medical Service Ordinance : Cap. 134.

“ schedule ” means the schedule to this Ordinance.

3. The buildings at Fort Canje, Berbice, now actually occupied as a mental hospital, and such other buildings as may hereafter be erected for the same purpose, shall be the Mental Hospital of this Colony, hereinafter referred to as the Mental Hospital. Establishment of Mental Hospital.

4. The Mental Hospital shall be under the charge of the Medical Superintendent, who shall be a registered medical practitioner, and such number of medical officers as may from time to time be appointed by the Governor. Charge of the Mental Hospital.

5. The Medical Superintendent shall be appointed by the Governor, and shall be responsible for the proper conduct and management of the Mental Hospital, and shall, under and subject to the direction of the Director of Medical Services and the approval of the Governor, regulate the Mental Hospital and have control of all the subordinate officers employed at the Mental Hospital. Duties of the Medical Superintendent.

Official
visitors of
the Mental
Hospital.

6. (1) The members of the Executive Council and of the Legislative Council, the Director of Medical Services, and such other persons as the Governor may be pleased from time to time to appoint as a Board of Official Visitors, shall be official visitors of the Mental Hospital.

(2) Each official visitor, on the occasion of his visit to the Mental Hospital shall enter in a book to be kept for that purpose, such remarks as he may think fit.

(3) The Medical Superintendent shall at once forward through the Director of Medical Services to the Chief Secretary a copy of all such entries.

Making of
rules and
regulations.

7. The Director of Medical Services may from time to time make rules and regulations for the management and good order of the mental hospital but no rules or regulations shall come into operation until they have been confirmed by the Governor.

Duties of
Director of
Medical
Services.

8. The Director of Medical Services shall visit the Mental Hospital whenever he may think necessary.

Annual
report on
Mental
Hospital.

9. The Medical Superintendent shall send in at the end of each year to the Governor through the Director of Medical Services a full report of all matters connected with the Mental Hospital during the preceding twelve months.

Inquiry as
to unsound-
ness of
mind.
Schedule.
Form I.

10. (1) The magistrate of the judicial district in which any person alleged to be of unsound mind is living, upon the information, in Form No. 1 in the schedule on the oath of any informant that such informant has good cause to believe and does believe that such person is of unsound mind and a proper subject for confinement, may in any convenient place examine such person and in the same or in some other place may hold an inquiry as to the state of mind of such person.

(2) For the purpose of such inquiry the magistrate shall have the same powers as if the person alleged to be of unsound mind were a person against whom a complaint had been made for an offence punishable upon summary conviction: Provided that the magistrate may, if he thinks fit, proceed with such inquiry in the absence of the person alleged to be of unsound mind.

(3) Every constable, poor law commissioner, district commissioner*, or Guardian of the Poor who has knowledge that any person, whether a pauper or not and whether wandering at

*For the meaning of "district commissioner" in this section see Cap. 56, s. 9 (2).

large or not, is alleged to be of unsound mind, and is not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him shall within seven days after obtaining such knowledge give information thereof upon oath in Form No. 1 in the schedule to the magistrate of the judicial district in which such person is or is residing.

11. (1) If during such inquiry it shall appear to the magistrate that there is reason to believe that the person alleged to be of unsound mind is of unsound mind, he shall appoint two registered medical practitioners to examine the person and each such medical practitioner shall, if the facts appear to him to warrant him in so doing, sign a certificate in Form No. 2 in the schedule certifying that in his opinion such person is a person of unsound mind. Such certificate shall specify in full detail the facts upon which the medical practitioner signing it founds his opinion, and shall clearly distinguish facts which he himself has observed, from facts communicated by others. Such medical practitioners shall inquire of any person able to give information as to the previous history of the person and shall state in their certificates all matters known to them which in their opinion appear likely to be of service with reference to the medical treatment of the person. No certificate shall have any effect under this Ordinance which purports to be founded wholly on facts communicated by others.

Medical
certificates.

Schedule.
Form 2.

(2) When the person alleged to be of unsound mind is in any place where it is impossible without great delay to obtain two registered medical practitioners to examine him, it shall be a sufficient compliance with the provisions of this section if the magistrate appoints one medical practitioner to examine him.

12. (1) Where upon such inquiry it appears to the magistrate that any person is a person of unsound mind and a proper subject for confinement, and the registered medical practitioners appointed to examine him have given their certificates, or where only one such practitioner has been so appointed, he has given his certificate of the unsoundness of mind of such person the magistrate may adjudge such person to be of unsound mind and a proper subject for confinement, and may proceed to make an order for the care and custody of such person, and by warrant under his hand in Form No. 3 in the schedule commit such person to the Mental Hospital to be taken charge of.

Adjudication
of insanity
and com-
mitment to
the Mental
Hospital.

Schedule.
Form 3.

(2) Any person who has been adjudged a person of unsound mind under this section shall be delivered into the custody of the police or other authorised person together with the warrant and the medical certificates or certificate of his unsoundness of mind, and they shall be responsible for his safe conduct to the Mental Hospital where he shall be delivered to the Medical Superintendent who shall receive him and be responsible for his safe keeping under this Ordinance.

Patient in hospital becoming of unsound mind and urgent cases. Schedule. Form 2.

13. (1) If any person becomes of unsound mind whilst under treatment in any Public Hospital, the Resident Surgeon of such Hospital may give a certificate in Form No. 2 in the schedule and may thereupon cause such person to be removed to the Mental Hospital the certificate being sent with him, and the Medical Superintendent shall receive such person into the Mental Hospital.

(2) In any case which the Medical Superintendent considers urgent, he may admit into the Mental Hospital any person whom on examination he believes to be of unsound mind.

(3) Where any person of unsound mind has been admitted into the Mental Hospital under this section, the Medical Superintendent shall within four days after such admission make a full report on the case to the Director of Medical Services, who may order such person to be further examined by any one or more registered medical practitioner or practitioners whom he may appoint for the purpose, and after such further inquiry, if any, as he may think proper, he shall report the case to the Governor, who may make such order as to the custody and care of the person as he may think fit.

Admission of voluntary patients. Form 4.

14. In the event of suitable accommodation being at any time available at the Mental Hospital, the Medical Superintendent may receive as a voluntary patient any person suffering from mental neurosis due to alcohol, drugs, vice, or any other cause, for care and treatment on payment or guarantee of payment by a responsible person in Form No. 4 in the schedule of such sum or sums as the Governor may see fit to fix for his maintenance and treatment in the Mental Hospital: Provided always that such person shall remain for treatment in the Mental Hospital for a minimum period of one month and that reasonable notice of his removal or intended removal shall be given to the Medical Superintendent.

Governor to order examination by medical practitioners.

15. (1) An order for the examination of any patient in the Mental Hospital by any two registered medical practitioners authorised by the Governor may be obtained from the Governor, upon the application of any person, whether a relative or friend

or not, who satisfies the Governor that it is proper for him to grant such order ; and on the production to the Governor of the certificates of the medical practitioners so authorised certifying that after two separate examinations with at least seven days intervening between the first and the second examinations, they are of opinion that the patient may without risk to himself or the public, be discharged, the Governor may, in his discretion, order the patient to be discharged at the expiration of ten days from the date of the order.

(2) All the costs of and incidental to any examination made under this section shall be borne by the person applying for such examination.

16. If any person confined in the Mental Hospital is possessed of any property, whether movable or immovable, the Director of Medical Services shall fix what weekly or other rate shall be charged to his estate for his maintenance and care during his confinement in the Mental Hospital, and the Director of Medical Services is hereby authorised to demand payment thereof from the person in charge of the estate of the said person and if the amount is not paid within ten days after such demand the Director of Medical Services may proceed by parate execution for the recovery thereof as a debt due to the Colony.

Maintenance to be charged to estate of person of unsound mind.

17. (1) No person who is legally responsible for the maintenance of any child or relative or of any other person, shall, by reason of the unsoundness of mind and removal of such child or relative or such other person to the Mental Hospital under the authority of this Ordinance, be absolved from his responsibility in that respect, but every such person shall be liable to pay such monthly sum towards the maintenance of such child, relative or other person, while an inmate of the Mental Hospital as the Director of Medical Services shall, looking to the circumstances of the person of unsound mind, think just and reasonable, and the Director of Medical Services is hereby authorised to demand payment thereof from such person, and if not paid within ten days after such demand, the Director of Medical Services may proceed by parate execution for the recovery thereof as a debt due to the Colony.

Responsibility for maintenance of person of unsound mind.

(2) The husband or wife of any inmate of the Mental Hospital shall be deemed to be a person legally responsible for the maintenance of such inmate within the meaning of this section.

Discharge
of patient
on recovery.

18. (1) The Medical Superintendent shall forthwith upon the recovery of a patient, send notice thereof to the husband or wife or nearest relative or failing such to any person known to be a friend of such patient, and where no husband or wife, relative or friend is known then to the poor law commissioners.

(2) The notice shall state that the patient will be discharged within seven days from the date of the notice.

Absence of
person of
unsound
mind from
the Mental
Hospital
on trial.

19. (1) The Governor may allow any person of unsound mind confined in the Mental Hospital to absent himself from the Mental Hospital upon trial for any period which he thinks fit, and may at any time extend such period. If such person does not return to the Mental Hospital at or before the expiration of such period or extended period of trial he may be apprehended as if he had escaped from the Mental Hospital.

(2) No person of unsound mind shall be allowed to be absent on trial unless some person shall enter into an undertaking to take charge of him in Form No. 5 in the schedule.

Schedule.
Form 5.

Transfer of
person of
unsound
mind from
Mental
Hospital to
some other
place.

20. (1) The Governor may, when it appears necessary, order any person adjudged to be of unsound mind under the provisions of this Ordinance or confined in the Mental Hospital to be removed to some place other than the Mental Hospital and there detained for treatment and care.

Recapture
of escaped
person of
unsound
mind.

21. Any person of unsound mind who escapes from the Mental Hospital may at any time be apprehended by any officer, attendant or servant of the Mental Hospital, or by any peace officer, and be conveyed to the Mental Hospital for detention therein as if he had not escaped.

OFFENCES.

Signing of
certificate
by person
not a
registered
medical
practitioner.

22. Any person, not being a registered medical practitioner, who knowingly and wilfully signs a certificate under this Ordinance shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment with or without hard labour, for any period not exceeding twelve months.

False
medical
certificate.

23. Any registered medical practitioner who knowingly and wilfully in any certificate under this Ordinance falsely certifies anything, shall be guilty of a misdemeanour and on conviction thereof shall be liable with or without hard labour for any period not exceeding two years.

24. Any person who rescues any person of unsound mind while being conveyed to or while confined in the Mental Hospital, or who hides any person of unsound mind who has escaped from the Mental Hospital, shall, on summary conviction thereof, be liable to a penalty not exceeding ninety-six dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Rescue of person of unsound mind from Mental Hospital.

25. Any attendant or servant of the Mental Hospital who through wilful neglect or connivance permits any person of unsound mind confined therein under this Ordinance to escape shall, on summary conviction thereof, be liable to a penalty not exceeding ninety-six dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Servant of Mental Hospital permitting escape of patient.

26. Any person employed at the Mental Hospital who strikes, ill-treats or neglects any person of unsound mind confined in the Mental Hospital, shall, on summary conviction thereof, be liable to a penalty not exceeding ninety-six dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Ill-treating patients in Mental Hospital.

27. Any person who strikes or ill-treats any person of unsound mind absent from the Mental Hospital on trial knowing him to be of unsound mind, or obstructs any officer of the Mental Hospital engaged in the execution of his duty in connection with such person of unsound mind, shall, on summary conviction thereof, be liable to a penalty not exceeding ninety-six dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Ill-treating patients absent on trial and obstructing officer.

28. Any person who, without the consent of the Medical Superintendent, gives, sells, or barter any article or commodity of any kind to any inmate of the Mental Hospital either inside or outside the grounds of the Mental Hospital shall, on summary conviction thereof, be liable to a penalty not exceeding ninety-six dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Selling articles to inmates of Mental Hospital.

29. (1) Any person who is found trespassing upon any grounds, buildings, yards, offices or any other premises whatever belonging to or appertaining to the Mental Hospital, or who enters upon the same without being duly authorised to do so, shall, on summary conviction thereof, be liable to a penalty not exceeding fifty dollars or to imprisonment with or without hard labour for any period not exceeding three months.

Trespassing on Mental Hospital premises.

(2) Any such person may be apprehended by any officer, servant or attendant of the Mental Hospital, or by any police or rural constable and be taken before a magistrate to be dealt with according to law.

Saving of
civil
remedy.

30. Nothing in this Ordinance shall operate to prevent any person from bringing any action or obtaining any redress for an act or omission whereby he or she has suffered any injury or wrong by reason only that such act or omission is an offence punishable under this Ordinance.

MISCELLANEOUS PROVISIONS.

Fee payable
or
certificate.

31. (1) Every registered medical practitioner in the receipt of public pay shall be bound to give certificates under this Ordinance without charge to any person whom he is required by any law or regulation to attend free of charge and he shall be entitled to a fee of five dollars from every other person for any such certificate.

(2) Every registered medical practitioner not in receipt of public pay shall be entitled to receive from the poor law commissioners, out of the funds under their control for providing medical aid for the poor in the rural districts, the sum of five dollars for every certificate given by him under this Ordinance in respect of any pauper alleged to be of unsound mind.

Conveyance
of person of
unsound
mind to
Mental
Hospital.

32. All officers of police shall give proper assistance in the conveyance to the Mental Hospital of persons of unsound mind; and all reasonable expenses incurred by persons, except the relatives or friends of persons of unsound mind, in conveying them to the Mental Hospital, shall be repaid to such persons by the poor law commissioners out of the funds under their control in respect of any pauper alleged to be of unsound mind.

Criminal
persons of
unsound
mind.

33. All persons in custody under the provisions of any Ordinance for the time being in force relating to persons of unsound mind charged with or convicted of offences, and confined elsewhere than in the Mental Hospital may, subject to the provisions of the said Ordinance, at any time be removed there by order of the Governor, and may also, at any subsequent time by order of the Governor, be replaced in the custody in which they formerly were.

Inquiry as
to means of
person of
unsound
mind.

34. The poor law commissioners or other persons duly appointed by the Governor shall, when requested by a magistrate or the Medical Superintendent, make inquiries and report as to the means of any person of unsound mind or person

alleged to be of unsound mind or as to whether he has any relatives able to maintain or assist in maintaining him.

35. The Lunatic Asylum Ordinance is hereby repealed: Provided that such repeal shall not affect any certificate given or any act lawfully done or thing suffered under the said Ordinance before the passing of this Ordinance; and all persons lawfully detained in the Mental Hospital at the time of the coming into operation of this Ordinance shall be deemed to be detained under the provisions of this Ordinance.

Repeal of
Cap. 188
of the 1929
Edition.
Saving.

SCHEDULE.

s. 10.

FORM No. 1.

Information as to Insanity.

BRITISH GUIANA.

In the

Judicial District.

In re A.B., person alleged to be of unsound mind.

The information of C.D., of
who saith on his (her) oath that he (she) has good cause to believe and does believe that A.B. is a person of unsound mind and a proper subject for confinement, and that the following particulars as to the said A.B. are true and correct to the best of his (her) information and belief:—

1. Name of person alleged to be of unsound mind.
2. Age. 3. Sex. 4. Native of Colony. 5. Occupation.
6. Place of residence.
7. Married, single or widowed. 8. Any children.
9. How long alleged to be of unsound mind?
10. Supposed cause.
11. Whether present is first attack.
12. Whether dangerous to others.
13. Whether suicidal.
14. Whether subject to epilepsy (fits).
15. Have any of the relatives been of unsound mind?
16. Is the person temperate?
17. Is the person a relation, if so degree of relationship, or friend?
18. How long has the person been known to you?
19. Name and address of nearest relative or friend.

Sworn before me this
day of

19

(Signature) C.D.,
Informant.

(Signature)

Magistrate.

ss. 11 and 13.

FORM No. 2.

*Medical Certificate of Unsoundness of Mind.**In re* A.B., person alleged to be of unsound mind.

I, the undersigned _____ a Registered Medical Practitioner of British Guiana do hereby declare that I have this day separately from any other Medical Practitioner visited and personally examined at

A.B., with respect to whom I have obtained certain particulars of information detailed below, and I certify that the said A.B. is of unsound mind and is a proper person to be detained under the care and treatment in the Mental Hospital, and I declare that I have formed this opinion on the following grounds :

- (1) Facts indicating unsoundness of mind observed by myself.
- (2) Other facts (if any) indicating unsoundness of mind communicated to me by others.
- (3) Particulars of information.

1. What is the apparent age of the patient ?
2. How many times visited ?
3. Has the patient been violent to others, if so state the nature of the violence ?
4. Has the patient been violent to himself (herself), if so, state particulars ?
5. Is he (she) dirty, destructive, untidy or obscene ?
6. Has the patient been subject to any illness, if so, what ?
7. Any further information that may be of advantage, and that it may be considered desirable to give.

(Signature)

Medical Practitioner.

s. 12.

FORM No. 3.

Warrant to commit person of unsound mind to Mental Hospital.

BRITISH GUIANA.

In the

Judicial District.

In re A.B., a person of unsound mind.

To all Police Constables and to the Medical Superintendent of the Mental Hospital.

Whereas it has been made to appear to my satisfaction that A.B., of _____ is a person of unsound mind and a proper subject to be confined under care and treatment in the Mental Hospital ;

Now, therefore, I do hereby adjudge the said A.B., to be a person of unsound mind ;

And do order and direct that the said A.B. shall be conveyed by some police constable or (see Sec. 12 (2)) to the Mental Hospital and there delivered together with this warrant and with the Medical Certificate given of his (her) unsoundness of mind to the Medical Superintendent of the said Mental Hospital, there to be kept until he (she) is lawfully removed or discharged therefrom under the provisions of the Mental Hospital Ordinance.

Dated the

day of

19

(Signature)

Magistrate.

FORM No. 4.

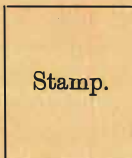
s. 14.

Letter of Obligation for Payment.

Sir,—

In consideration of your admitting _____ into the Mental Hospital as a patient, I hereby oblige myself to pay to the Director of Medical Services (or direct to you) the said patient's board monthly, and in advance, at the rate of \$ _____ per month or such other rate as may from time to time be determined by the Governor, to provide the requisite supplies of clothes for the patient, or, in the event of such clothes being supplied by you, to pay the Director of Medical Services (or you) for the same. I also oblige myself to receive the patient when discharged, to defray, in case of death, the funeral charges, and to fulfil any other condition incumbent on me as surety for the patient, according to the regulations of the Mental Hospital.

Signature



To the Medical Superintendent,
Mental Hospital,
Berbice.

FORM No. 5.

s. 19.

Undertaking by Relative or Friend.

In the event of _____ being delivered over to my care and custody by the Medical Superintendent of the Mental Hospital, I hereby undertake that _____ shall not become chargeable to any charitable institution in this Colony, and that _____ shall be properly taken care of in every way, and shall be prevented from doing injury to _____ or others and this I shall insure, as far as possible, by having him (her) under constant observation.

Witness my hand this _____ day of _____ 19 .
Signature.

Taken and acknowledged before me
this _____ day of _____ 19 . Signature.

Magistrate.