

(Enregistré sur les Records le 26 septembre 1939)

1939

AT THE COURT AT BUCKINGHAM PALACE,

The 5th day of September, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT SAMUEL

EARL DE LA WARR

LORD MACMILLAN

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 1st day of August, 1939, in the words following, viz. :—

The Mental
Treatment
Law (Guern-
sey), 1939.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘ 1.—That on the 20th day of May, 1939, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ The Mental Treatment Law (Guernsey), 1939,” and requested the Bailiff to submit the same to the States of Deliberation for their approval: 2. That on the 7th day of July, 1939, the said Bill or “ *Projet de Loi* ” was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 3. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey intituled “ The Mental Treatment Law (Guernsey), 1939,” and to order and direct that the same should have the force of Law within the Bailiwick of the Island of Guernsey, the Island of Alderney excepted.’

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“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HIS MAJESTY having taken the said report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of the Island of Guernsey, the Island of Alderney excepted.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

RUPERT B. HOWORTH.

PROJET DE LOI referred to in the foregoing
Order in Council.

PROJET DE LOI

INTITULÉ

“ THE MENTAL TREATMENT LAW
(GUERNSEY) 1939 ”.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi dans toutes les Iles du Bailliage, à l’exception de l’Ile d’Auregny.

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The Law.

Part I.—Preliminary and General Provisions.

ARTICLE I.—INTERPRETATION.

In this Law, unless the context otherwise requires, or it is otherwise specially provided, the following expressions have the meanings hereby respectively assigned to them, namely :—

Words importing the masculine gender shall include females :

Words in the singular shall include the plural, and words in the plural shall include the singular :

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“ Assisted patient ” means a patient, whether a certified patient, a voluntary patient or a temporary patient, any part of the cost of whose care, treatment and maintenance in a mental hospital or authorised place is borne by the States’ Public Assistance Authority :

“ Authorised place ” and “ other authorised place ” each mean any place other than a mental hospital, in which, under the authority of an Act of the Royal Court, a patient may be detained :

* “ The Board ” means the States’ Mental Health Services Board constituted under this Law :

“ Certified patient ” means a patient who has been medically certified in accordance with the provisions of Part II (entitled “ Certification of Patients ”, etc.) of this Law as a person of unsound mind and as being, by reason of mental ailment, in need of care and treatment, and who has not been discharged as cured of that ailment :

“ Medical practitioner ” means a person authorised to practise the profession of medicine in the Island of Guernsey and actually engaged in the practice of that profession :

“ Medical Superintendent ” means the medical practitioner in charge of the States’ Mental Health Services and the expression includes any medical practitioner authorised by the Board to perform the duties of the Medical Superintendent as Acting Medical Superintendent :

“ Mental ailment ” means any affection of the mind in virtue of which a person may be, for the purposes of this Law, a certified patient, a voluntary patient or a temporary patient :

“ Mental hospital ” means a place provided by the States for the care and treatment of persons suffering from any mental ailment :

* The powers and duties assigned to the Board were transferred to the States Board of Health by the States Committees (Amendment) Law, 1948.

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“ Patient ” means a person suffering from a mental ailment and by reason thereof admissible under this Law to a mental hospital or authorised place :

“ Prescribed ” means prescribed by Ordinance of the Royal Court :

“ Private patient ” means a patient, whether a certified patient, a voluntary patient or a temporary patient, no part of the cost of whose care, treatment and maintenance in a mental hospital or authorised place is borne by the States’ Public Assistance Authority :

“ Royal Court ” means, except in Article 3 (entitled “ General powers and duties of the Board ”) and in Article 46 (entitled “ Power of Royal Court to pass ordinances ”) of this Law, the Royal Court sitting as an Ordinary Court :

“ Single patient ” means a patient who, not being a voluntary patient, is suffering from a mental ailment and is detained in private care and not in a mental hospital :

“ Temporary patient ” means a person susceptible of being dealt with under Part VI (entitled “ Voluntary and Temporary Patients ”) of this Law otherwise than as a voluntary patient :

“ Voluntary patient ” means a person susceptible of being dealt with under Part VI (entitled “ Voluntary and Temporary Patients ”) of this Law otherwise than as a temporary patient.

*ARTICLE 2.—ESTABLISHMENT AND COMPOSITION OF STATES’ MENTAL HEALTH SERVICES BOARD.

(1) In pursuance of this Law, there shall be established a States’ Mental Health Services Board (hereinafter referred to as “ the Board ”), which shall be invested with the powers, and charged with the duties, assigned to it by this Law :

* Repealed by the States Committees (Amendment) Law, 1948.

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Provided that such powers and duties, other than those mentioned in paragraphs (5), (6) and (8) of Article 3 (entitled "General Powers and Duties of the Board") of this Law shall not be exercised until a day (hereinafter referred to as "the appointed day") which shall be appointed by Ordinance of the Royal Court.

(2) On the appointed day, any powers and duties heretofore exercisable or to be performed by the Hospital Board of the States' Public Assistance Authority in relation to any matter for which this Law makes provision shall be transferred to the Board and shall thereupon and thereafter be exercisable and performed exclusively by the Board.

(3) The Board shall be composed of a President and nine other members.

(4) The President shall be elected by the States from among members of the States and shall, subject to the provisions of this Article, hold office for a period of three years.

(5) Six of the other members (in this Article referred to as States-elected members) of the Board shall be elected by the States from among members of the States.

(6) The remaining three members of the Board shall be persons co-opted to the Board by the President and the States-elected members thereof.

(7) The President shall appoint from time to time a Vice-President of the Board from among the States-elected members of the Board, and the person so appointed shall hold office as Vice-President of the Board until the expiration of the calendar year in which he is so appointed.

(8) Two States-elected members and one co-opted member shall retire from the Board on the 31st day of December in each year. In the case of States-elected members, the two members who, since being

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last elected to the Board, have held office longer than the other States-elected members shall be the members to retire; and the co-opted member to retire shall be the co-opted member who has held office longest since he was last co-opted to the Board. In the case of members elected or co-opted on the same date, the order of their retirement shall be determined by lot.

(9) Upon the President or any other States-elected member of the Board ceasing to be a member of the States, he shall cease to be a member of the Board.

(10) The President and every other retiring member, if not otherwise disqualified, shall be eligible for re-election or re-co-option, as the case may be.

(11) In the event of a member, other than the President, ceasing to hold office on the Board otherwise than by effluxion of time, a new member shall be elected or co-opted, as the case may require, for the unexpired portion of the term of office of the member to be replaced.

(12) No Jurat shall be eligible for membership of the Board.

(13) The Secretary to States' Committees or a deputy in his behalf shall be the Secretary of the Board.

ARTICLE 3.—GENERAL POWERS AND DUTIES OF THE BOARD.

(1) The Board shall direct the management and generally supervise the affairs and maintain the efficiency of any and every mental hospital and other institution provided by the States for the purposes of this Law and of the States' Mental Health Services.

(2) The Board may, in accordance with this Law or any Law amending the same—

(a) admit, treat, care for and detain in any such hospital or other institution as aforesaid, and

(b) treat in any authorised place,

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any patient, and may, except in the case of a criminal¹ of unsound mind, authorise the discharge from such mental hospital, institution or authorised place of any such person fit to be discharged therefrom, and, when the Board deems it necessary, determine conditions to be attached to such discharge.

(3) The Board may, within the limits of its expenditure as approved by the States, purchase all such equipment, stores and other supplies as are necessary for the efficient maintenance and conduct of any such hospital or other institution as aforesaid in its charge and of the States' Mental Health Services.

(4) The Board may

- (a) authorise the engagement of the services of a medical consultant in regard to the case of any patient if the Board is satisfied that it is proper so to do ;
- (b) make arrangements for the treatment as out-patients, either gratuitously or on such terms as to payment as it thinks fit, of persons suffering from mental illness ;
- (c) make provision for the after-care of any persons who have undergone treatment for mental illness.

(5) (a) The Board shall, as soon as may be after it is established, prepare regulations for the conduct of the affairs of the Board and the care and treatment of patients in any such hospital or other institution as aforesaid or other authorised place and such regulations shall include

- (i) regulations for ordering the management and conduct of any such hospital or institution or service as aforesaid in the charge of the Board ;
- (ii) regulations prescribing terms and conditions respecting the reception and treatment of patients and the payments to be

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made therefor either by or on behalf of the patients and the discharge of patients ;

- (iii) provisions determining the classification and number of staff to be employed in any such hospital or institution and service in the charge of the Board. The staff thus determined is in this Article referred to as the " authorised staff " ;
- (iv) provisions determining the instruments and appliances to which, in this Law, the expression " mechanical means of bodily restraint " is to apply and governing the use thereof ; and
- (v) provisions prescribing penalties for the contravention of any of its Regulations.

(b) Thereafter the Board may at any time and from time to time prepare any regulations which it deems advisable in the exercise of its powers and fulfilment of its duties.

(c) Regulations prepared as aforesaid shall have no effect until they have been submitted to and approved by the Royal Court sitting as a Court of Chief Pleas, and upon such regulations being so submitted, the Royal Court may modify or amend the same before giving its approval thereto. The Royal Court may by Ordinance modify and repeal any regulations previously approved.

(6) The Board may appoint any person who is, in the opinion of the Board, the fit and proper person to be appointed to any vacancy in the authorised staff, other than a vacancy for which the Appointments Board selects the person to be appointed.

(7) The Board shall submit to the President of the States, in the month of February in every calendar year, a report on the work of the Board during the twelve months ended on the preceding thirty-first day of December and, when the Board thinks it

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desirable may submit, and if requested by the President of the States to do so shall submit to him reports at other times on the work of the Board or on matters within the scope of the Board's powers and duties.

(8) The Board may appoint, from amongst its members, any such standing and occasional or special committees as it deems advisable, and may determine the number of members of any such committee to form a quorum thereof, or may leave to the committee the determination of the number to form its quorum.

ARTICLE 4.—MEETINGS OF THE BOARD AND COMMITTEES.

(1) The Board shall meet at least once in every calendar month.

(2) The President, or in the event of his absence from the Island or incapacity, the Vice-President, or if, in such event, the Vice-President is absent from the Island or under incapacity, any Acting-President elected by the Board, may call a meeting of the Board at any time.

(3) If three members of the Board sign a requisition for the calling of a meeting of the Board and the signed requisition is delivered to the secretary of the Board, the secretary shall, with all convenient dispatch, call a meeting accordingly. Upon receiving such a requisition, the secretary shall report it to the President, Vice-President or any Acting-President elected by the Board, as the case requires.

(4) For the purposes of a meeting of the Board, any five members shall form a quorum.

(5) (a) If the President is absent from a meeting of the Board, the Vice-President, if present, shall preside.

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(b) If both the President and Vice-President are absent from a meeting of the Board, such member of the Board present as the members present choose shall preside.

(6) (a) Any matter to be decided at a meeting of the Board or of any Committee thereof shall be decided by a majority of the members present and voting thereon.

(b) In the case of an equality of votes, the person presiding at the meeting shall, in addition to his original vote as a member of the Board or the said Committee, have a second or casting vote.

ARTICLE 5.—AUTHORISATION OF USE OF NEW MENTAL HOSPITAL.

(1) Whereas a new mental hospital is, by direction of the States, in course of construction at Le Vauquédor in the Island of Guernsey :

It is hereby provided that when, in the opinion of the States' Engineer and the Medical Superintendent, such hospital is ready for the reception of patients, the said Engineer and Superintendent shall jointly give the Board a certificate to that effect.

(2) The Board, if satisfied that the certificate provided for in paragraph (1) of this Article is justified, shall report accordingly to the Royal Court, sitting as a Full Court, and thereupon the said Court, after taking the opinion of the Board in the matter, may authorise—

- (a) the use, from a date mentioned in the Order of the Court, of the said new mental hospital for the reception of patients ; and
- (b) the transfer to such new mental hospital of all patients who, at the time of the Order, are patients in, or on leave of absence from, any other mental hospital or institution to which the Order relates and who, at the time of their intended transfer under the

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Order, are, in the opinion of the Medical Superintendent, in a fit condition to be transferred ; and any such patient whose transfer is postponed by the advice of the Medical Superintendent may be transferred in virtue of this Article and the said Order of Court so soon as the Medical Superintendent is of opinion that the patient is fit to be transferred.

(3) Upon the Royal Court making an order in accordance with the provisions of sub-paragraph (b) of paragraph (2) of this Article, any previous admission order under which any of the patients referred to in the said paragraph has been admitted to a mental hospital or institution specified in such admission order shall have effect as though the said admission order had been an order for the admission of the patient to whom it relates to the new mental hospital.

ARTICLE 6.—PROHIBITION OF ADMISSION
AND DETENTION, ETC. OF PATIENTS
EXCEPT IN COMPLIANCE WITH THIS
LAW.

(1) Except as authorised by this Law, it shall be an offence punishable as a contravention of this Law for any person—

- (a) to detain in that person's house or dwelling for more than forty-eight hours, without informing a medical practitioner of the facts of the case, any person certifiable or admissible as a temporary patient under this Law, whether that person is a member of the aforesaid person's own family, or his parent or other relation, or his guest or a stranger or any other person ; or
- (b) so to detain any such person as aforesaid for more than seven days without the

authority of the Royal Court, and the authority of the Royal Court shall be required notwithstanding that information has been given to a medical practitioner in compliance with the provisions of subparagraph (a) of this paragraph.

(2) Subject to the provisions of the foregoing paragraph of this Article, no person shall as a patient be admitted to or detained in any mental hospital or other authorised place—

(a) except as

- (i) a certified patient, or
- (ii) a voluntary patient, or
- (iii) a temporary patient ; and

(b) unless the provisions of this Law which are applicable to the case of that person have been and are being complied with.

(3) Except as provided in this Article, it shall be unlawful for any person to admit, detain, care for or treat any patient in any place other than a mental hospital or an authorised place.

ARTICLE 7.—REQUIREMENTS IN MEDICAL CERTIFICATES.

Every medical certificate under this Law shall be made and signed by a medical practitioner.

ARTICLE 8.—EVIDENTIARY EFFECT OF MEDICAL CERTIFICATES.

Every medical certificate made under and for the purposes of this Law shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioner on such facts, as if the matters therein appearing had been verified on oath.

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**Part II.—Certification of Patients and
Admission and Detention of Certified
Patients.**

**ARTICLE 9.—PROCEEDINGS PREPARATORY
TO ADMISSION OF CERTIFIED PATIENTS.**

(1) A person who has been certified as a person of unsound mind shall not be admitted or detained as a patient in any place except under an admission order made by one of the Law Officers.

(2) A Law Officer may make an admission order upon an application by way of petition accompanied by a statement of particulars and by two separate medical certificates certifying that the person to whom the certificates relate is a person of unsound mind and is, by reason of mental ailment, in need of care and treatment. Such petition, statement of particulars and medical certificates shall be in accordance with prescribed forms.

(3) The petition shall be presented, if possible, by the husband or wife or by a near relative or by the guardian of the patient. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the patient and the circumstances under which he presents the petition.

(4) No person shall present a petition unless he is at least twenty years of age and has within seven days before the presentation of the petition personally seen the patient.

(5) The petitioner shall in the petition undertake that he will personally, or by someone specially appointed by him, visit the patient once at least in every six months during the detention of the patient in a mental hospital or other authorised place.

(6) The petition shall be signed by the petitioner and the statement of particulars shall be signed by the person making the statement.

ARTICLE 10.—DUTY OF LAW OFFICER ON
PRESENTATION OF PETITION.1939

(1) Upon the presentation of the petition, the Law Officer dealing therewith shall consider the allegations in the petition and statement of particulars and the evidence of unsoundness of mind appearing by the medical certificates and, if he is satisfied that an admission order may properly be made, he may make the same accordingly.

(2) If the Law Officer declines to make an admission order, he shall deliver to the petitioner a statement in writing under his hand of his reasons for declining to make such order.

ARTICLE 11.—STATEMENT OF FACTS IN
MEDICAL CERTIFICATE ACCOMPANYING
PETITION.

(1) Every medical certificate upon which an admission order is founded shall state the facts upon which the certifying medical practitioner has formed his opinion that the patient is a person of unsound mind, distinguishing facts observed by himself from facts communicated by others; and an admission order shall not be made upon a certificate founded only upon facts communicated by others.

(2) In cases where the certifying medical practitioner considers that it is expedient for the welfare of the patient or for the public safety that the patient should be placed forthwith under care and treatment, the medical certificate shall contain a statement to that effect.

ARTICLE 12.—PERSONS PROHIBITED FROM
SIGNING MEDICAL CERTIFICATE ACCOM-
PANYING PETITION.

A medical certificate accompanying a petition for an admission order shall not be signed by the petitioner, or by the husband or wife, father or father-in-

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law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner.

ARTICLE 13.—USUAL MEDICAL ATTENDANT TO SIGN ONE CERTIFICATE IF POSSIBLE.

One of the medical certificates accompanying a petition for an admission order shall, whenever practicable, be signed by the usual medical attendant, if any, of the patient. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing in the petition.

ARTICLE 14.—TIME AND MANNER OF MEDICAL EXAMINATION PREPARATORY TO ORDER.

(1) An admission order shall not be made as regards any certified patient unless each of the medical practitioners who signs a certificate relating to that patient has personally examined the patient not more than seven clear days before the date of the presentation of the petition for the admission order.

(2) An admission order shall not be made unless each of the medical practitioners signing a certificate has examined the patient separately from the other.

ARTICLE 15.—PATIENTS NOT TO BE ADMITTED UNDER CERTIFICATES BY INTERESTED PERSONS.

(1) No person shall be received or detained as a certified patient in any mental hospital or other place where any certificate accompanying the admission order has been signed by any of the following persons :—

- (a) Any member of the Board;
- (b) The Medical Superintendent;
- (c) Any member of the medical staff of the mental hospital;

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- (d) The person who is to have charge of the patient in any place other than a mental hospital;
- (e) Any person interested in the payments on account of the patient;
- (f) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of any of the foregoing persons.

(2) Neither of the persons signing a medical certificate in support of a petition for an admission order shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or partner or assistant, of the other of them.

ARTICLE 16.—AUTHORITY FOR ADMISSION AND DETENTION AND NOTICES RESPECTING CERTIFIED PATIENTS.

(1) An admission order signed by a Law Officer, if the same appears to be in conformity with this Law, shall be sufficient authority for the petitioner or any person authorised by him, to take the patient to whom the order refers and convey him to the place mentioned in such order and for his admission and detention therein.

(2) The admission order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered to the person on whose petition the order was made and shall by him or his agent be delivered to the person in charge of the mental hospital or authorised place in which, or to the person by whom, the patient is to be received.

(3) Where a patient is received into a place as a single patient, it shall be the duty of the person receiving the patient, within twenty-four hours after the

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reception of the patient, to deliver the admission order, petition, statement of particulars and medical certificates to the Medical Superintendent, who shall retain the same in his possession.

(4) Where a person is received as a certified patient in a mental hospital or where a person who has been received as a certified patient in a mental hospital dies in or is discharged from the hospital, notice of such reception, death or discharge, as the case may be, shall, before the expiration of the second day after the day of the reception, death or discharge, be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board and if any person fails to give any notice required to be given by him under this paragraph, he shall for each day or part of a day during which the default continues be liable to a penalty not exceeding One Pound.

ARTICLE 17.—DURATION OF ADMISSION ORDERS.

(1) Where an admission order has been made but the removal of the patient thereunder has been suspended by reason of a medical certificate that the patient is not in a fit state for removal, the patient may be received in the place named in the order within three days after the date of a medical certificate that the patient is in a fit state to be removed.

(2) In all other cases, an admission order shall cease to be of any force unless the patient has been received thereunder before the expiration of three clear days from its date.

ARTICLE 18.—AMENDMENT OF ORDERS AND CERTIFICATES.

(1) If an order or certificate relating to the admission of a certified patient is, after such admission, found to be in any respect incorrect or defective, such

order or certificate may within thirty days next after the date of such admission be amended by the person who signed the same. No amendment shall be allowed without the sanction of the Law Officer who signed the admission order or, if he be unable to deal with the matter, of another Law Officer.

(2) Every order and certificate amended under this Article shall take effect as if the amendment had been contained therein when it was signed.

ARTICLE 19.—ADMISSION AND DETENTION OF CERTIFIED PATIENT ELSEWHERE THAN IN MENTAL HOSPITAL.

(1) An Order for the admission and detention as a single patient of any person certified to be of unsound mind shall not be made by a Law Officer except under the authority of an Act of the Royal Court, and every such order shall contain a reference to the Act of Court under the authority of which it is made.

(2) Application for such authority shall be made to the Royal Court, through the intermediary of a Law Officer, in the joint names of the person who has signed the petition for the admission and detention of the patient or of the natural or legally appointed guardian of the patient and of the person in whose charge it is proposed to place the patient.

(3) Before granting the application, the Royal Court shall hear the Medical Superintendent with regard to the application and shall hear such other evidence as may be submitted to or required by the Royal Court and shall satisfy itself that the premises in which it is proposed to detain the patient are suitable for the purpose, that proper care and attention will be provided for the patient therein, and that it is in the interests of the patient that the application should be granted.

(4) The Royal Court may grant any such application upon such terms and conditions as, in the interests of the patient, may to the Royal Court seem proper.

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(5) The Medical Superintendent shall at least once in every three months, and may so much oftener as he thinks desirable, visit every patient certified to be of unsound mind who is detained in any place as a single patient.

(6) If, at any time, the Medical Superintendent deems it undesirable, in the interests of the patient or in the public interest, that a patient detained as a single patient in any authorised place should any longer be detained as a single patient in that place, the Medical Superintendent shall report the matter to one of the Law Officers and thereupon, if the Law Officer concurs in the report so made to him, he may make an order for the transfer of the patient to a mental hospital or other authorised place.

Part III,—Guardianship.

ARTICLE 20.—ASCERTAINMENT OR APPOINTMENT OF GUARDIAN OF CERTIFIED PATIENT.

(1) Upon the making of an admission order, it shall be the duty of the Law Officer making it to ascertain whether the patient is under natural or legal guardianship, and if there is no natural or legally appointed guardian to the patient, or if by reason of absence, incapacity or other cause, the natural or legally appointed guardian is unable to supervise the interests of the patient, to make arrangements for the appointment of a guardian to act generally or ad hoc to the patient, as the case may require.

(2) Such appointment shall be made at the earliest opportunity after the making of the admission order and not later than thirty days after the making thereof.

(3) Upon the appointment of a guardian under this Article, it shall be the duty of the person appointed, either personally or by someone specially appointed by him, to visit the patient once at least in every six

months during the detention of the patient in a mental hospital or authorised place and, as from such appointment, the obligation of the person (if other than the person appointed as guardian) who signed the petition on which the order for the admission of the patient was made to visit the patient, shall cease.

Part IV.—Classification of Certified Patients.

ARTICLE 21.—CERTIFIED PATIENTS TO BE CLASSIFIED.

(1) Any certified patient admitted for care and treatment to a mental hospital shall be classified as—

- (a) a private patient, or
- (b) an assisted patient.

(2) No patient shall be classified as a private patient unless there is received by the person in charge of the mental hospital an undertaking in writing by some responsible person that he will defray the whole cost, as fixed by the Board, of the care, treatment and maintenance of the patient in the mental hospital.

(3) A private patient as regards whose care, treatment and maintenance the undertaking referred to in paragraph (2) of this Article expires and is not renewed or is unfulfilled may be re-classified as an assisted patient; and an assisted patient whose circumstances appear, subsequently to his reception, to warrant or require his re-classification as a private patient may be re-classified accordingly.

(4) Where a patient is being detained in a mental hospital as an assisted patient and it appears to the President of the States' Public Assistance Authority that some person who is legally responsible for, or to contribute to, the cost of the care, treatment and maintenance of that patient, is able to pay, or to contribute to, such cost or to contribute a greater proportion of that cost than is being contributed by that person, the said President may take proceedings against that person for the purpose of obtaining an order of the

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Court directing that person to make such payments to the President of that Authority in respect of the care, treatment and maintenance of the patient as the Court deems just.

(5) Any order made under paragraph (4) of this Article may be varied by the Court from time to time at the instance of the President of the States' Public Assistance Authority or of the person against whom the order was made.

(6) Where more than one person is legally liable to contribute towards the cost of the care, treatment and maintenance in a mental hospital of an assisted patient and an order has been made by the Court directing that one or more of such persons shall contribute towards such cost, the person or persons against whom such order has been made shall be entitled to enforce the contribution by the other or others of such persons of such proportions of such cost as the Court deems just.

(7) The provisions of Section 20 of the Married Women's Property Law, 1928, shall have effect as against a married woman having separate property whose husband is or has been an assisted patient in a mental hospital in the same way as they have effect against a married woman having separate property in the circumstances set forth in that section, and the President of the States' Public Assistance Authority is empowered by this Article to take proceedings accordingly.

ARTICLE 22.—RE-CLASSIFICATION NOT TO AFFECT ORDERS AND CERTIFICATES.

An order for the admission of a patient as an assisted patient shall extend to authorise his detention though it may afterwards appear that he ought to be classified as a private patient, and an order for the admission of a private patient shall authorise his detention although it may afterwards appear that he ought to be classified as an assisted patient.

**Part V.—Transfer, Temporary Removal,
Absence and Discharge of Certified Patients.**

**ARTICLE 23.—TRANSFER OF CERTIFIED
PATIENT WITHIN THE ISLAND OF
GUERNSEY.**

Subject to the provisions of Article 5 (entitled "Authorisation of use of new mental hospital") of this Law, the transfer within the Island of Guernsey of a certified patient shall be made only on the authority of the Acts and orders respectively prescribed in the ensuing paragraphs, that is to say—

- (1) for transfer from a mental hospital to another mental hospital, an order made by a Law Officer (such order being hereinafter referred to as a "transfer order");
- (2) for transfer from detention as a single patient to a mental hospital, a transfer order;
- (3) for transfer from a mental hospital to detention as a single patient, an Act of the Royal Court and a transfer order.

**ARTICLE 24.—TRANSFER OF CERTIFIED
PATIENT FROM THE ISLAND OF
GUERNSEY.**

(1) A certified patient who is detained in any place in this Island shall not be transferred to a place outside this Island except under the authority of an Act of the Royal Court and a transfer order.

(2) Before granting such authority, the Royal Court shall hear the evidence of the Medical Superintendent and such other evidence as may be submitted to or required by the Royal Court concerning the application for the authority and may grant authority upon such terms and conditions as may to the Court appear proper.

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ARTICLE 25.—TRANSFER OF PATIENT TO
THE ISLAND OF GUERNSEY FROM
ELSEWHERE.

A patient who is a certified patient within the meaning of this Law or who has been duly certified as a person of unsound mind by the competent authority elsewhere than in this Island shall be received for care and treatment in this Island in accordance with this Law only on the authority of the Acts and orders respectively prescribed in the ensuing paragraphs, that is to say—

- (1) for transfer from an institution for the care and treatment of mental ailments elsewhere than in this Island to detention as a single patient in this Island, an admission order in pursuance of this Law and an Act of the Royal Court;
- (2) for transfer from an institution as aforesaid, or from detention as a single patient elsewhere than in this Island, to a mental hospital, an admission order in pursuance of this Law;
- (3) for transfer from detention as a single patient elsewhere than in this Island to detention as a single patient in this Island, an admission order in pursuance of this Law and an Act of the Royal Court.

ARTICLE 26.—REQUIREMENT OF MEDICAL
CERTIFICATES FOR TRANSFER OF PATIENTS.

Every application for authority for the transfer of a certified patient shall be accompanied by a certificate by a medical practitioner stating whether or not, in his opinion, the state of health of the patient is such that the transfer can be effected without ill-effect to the patient.

ARTICLE 27. — TEMPORARY REMOVAL
WITHIN THE ISLAND OF GUERNSEY OF
CERTIFIED PATIENT.

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If a patient is removed temporarily under the provisions of this Law from the place within the Island of Guernsey in which he is under care and treatment, or is transferred from one such place to another such place, the original order and certificates upon which he was received shall remain in force.

ARTICLE 28.—ABSENCE OF CERTIFIED
PATIENT ON TRIAL OR FOR HEALTH,
ETC.

(1) Any two Jurats of the Royal Court, with the advice in writing of the Medical Superintendent, may permit a certified patient of a mental hospital to be absent on trial or for the benefit of his health for so long as they think fit.

(2) The States' Public Assistance Authority may make a weekly allowance to or for the benefit of an assisted certified patient absent from the mental hospital as aforesaid, not exceeding the weekly cost to that Authority of the care, treatment and maintenance in the mental hospital of that patient.

(3) The Medical Superintendent may, of his own authority, from time to time permit any certified patient in a mental hospital to be absent from the mental hospital for a period not exceeding seventy-two hours.

(4) If a certified patient allowed to be absent on trial, or for the benefit of his health, or in virtue of paragraph (3) of this Article, for any period does not return at the expiration thereof and a medical certificate certifying that his detention as a certified patient is no longer necessary is not received by the Board, the patient may at any time within fourteen days after the expiration of the permitted period of absence be retaken as in the case of an escape.

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ARTICLE 29.—DISCHARGE OF CERTIFIED PATIENT.

(1) A certified patient may be discharged from a mental hospital or from any other place where such patient is detained—

(a) on the recommendation of the Medical Superintendent, by the authority of the Board, and such recommendation and authority shall be evidenced by an entry in a book styled “The Discharge Book” which shall be kept by the Board and wherein shall be entered particulars of the discharge of every certified patient, and such entry shall be signed by two members of the Board and by the Medical Superintendent; or

(b) by order of the Royal Court.

(2) The Secretary to the Board shall, upon the discharge of a person who considers himself to have been unjustly detained as a certified patient, furnish to him, upon his signed request and free of cost, a copy of the admission order and certificate or certificates upon which he was detained, and of the petition and statement of particulars upon which the admission order was made.

ARTICLE 30.—APPLICATION OF ARTICLE 19 TO THIS PART.

The provisions of Article 19 (entitled “Admission and detention of certified patient elsewhere than in mental hospital”) of this Law shall, so far as they are applicable to measures and proceedings under this Part of this Law, apply accordingly.

Part VI.—Voluntary and Temporary Patients.**ARTICLE 31.—ADMISSION, ETC., OF VOLUNTARY PATIENTS.**

(1) Any person suffering from mental illness who is desirous of voluntarily submitting himself to treatment for such illness and who makes a written applica-

tion to the Medical Superintendent in the prescribed form may without an admission order be received as a voluntary patient in a mental hospital.

(2) Any person under the age of sixteen whose parent or guardian is desirous of submitting him to treatment for mental illness, may, if the parent or guardian makes to the Medical Superintendent a written application in the prescribed form accompanied by a medical recommendation, be received as a voluntary patient under this Article, but such a person shall not be so received on his own application.

(3) The medical recommendation referred to in the last paragraph shall—

(a) be signed by a medical practitioner, who shall be either the usual medical attendant of the person to whom the application relates or the Medical Superintendent; and

(b) state the qualifications of the said medical practitioner, the date or dates on which he examined the said person, and that the said person is likely to be benefited by being received as a voluntary patient for treatment for mental illness under this Article.

(4) A medical recommendation shall cease to have effect for the purposes of this Article on the expiration of fourteen days from the last date on which the person to whom the recommendation relates was examined by the medical practitioner for the purposes of making the recommendation.

(5) Any person received in a mental hospital as a voluntary patient under this Article may leave the hospital upon giving to the Medical Officer in charge thereof seventy-two hours' notice in writing of his intention so to do, or, if he is a person under the age of sixteen, upon such notice being given by his parent or guardian.

(6) For the purposes of this Article, the expression "guardian" in relation to a person under the

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age of sixteen includes any person having the charge of the person under sixteen.

ARTICLE 32.—NOTICES, ETC., RESPECTING
VOLUNTARY PATIENTS AND PROVISIONS
REGARDING THEIR DISCHARGE.

(1) Where a person is received as a voluntary patient under Article 31 of this Law (entitled "Admission, etc., of Voluntary Patients"), notice of his reception shall before the expiration of the second day after the day on which he was so received be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board.

(2) If a person received as aforesaid dies in or departs from the hospital, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board.

(3) If any person received as aforesaid becomes at any time incapable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be retained as a voluntary patient for a longer period than twenty-eight days and shall, if he has not been previously discharged, be discharged on the expiration of twenty-eight days from the date on which he became incapable of so expressing himself, unless in the meantime (a) he has again become capable of so expressing himself, or steps have been taken to deal with him under Article 34 (entitled "Admission of temporary patients", etc.) of this Law as a person who is likely to benefit by temporary treatment, or (b) an order for his admission as a certified patient has been completed.

(4) If a person who is under the age of sixteen and who has been received as aforesaid ceases to have any

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parent or guardian, or if his parents or guardians are incapable of performing, or refuse or persistently neglect to perform, their duty as such, the Medical Superintendent shall send to the President of the Board a report as to the circumstances of the case and the condition of the patient, and the Board shall forthwith consider the report and give such directions with respect to the case as it thinks fit.

(5) If any person fails to give any notice required to be given by him under paragraph (1) or paragraph (2) of this Article, he shall for each day or part of a day during which the default continues be liable to a penalty not exceeding One Pound.

ARTICLE 33.—VISITATION OF VOLUNTARY PATIENTS.

(1) Any Jurat of the Royal Court may at any time visit a person received as a voluntary patient under this Part of this Law and report to the Board on the case.

(2) If the Board is of opinion that the mental state of any such voluntary patient is such as to render him unfit to remain as a voluntary patient, the Board may order the Medical Officer in charge of the hospital either to discharge the patient or to take steps to deal with him under Part II (entitled "Certification of Patients", etc.) of this Law as a person of unsound mind or under Article 34 (entitled "Admission of temporary patients", etc.) of this Law as a person who is likely to benefit by temporary treatment.

ARTICLE 34.—ADMISSION OF TEMPORARY PATIENTS AND REQUIREMENTS REGARDING THEM

(1) Subject to the provisions of this Article, a person who is suffering from mental illness and is likely to benefit by temporary treatment may, on a

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written application duly made in accordance with the provisions of this Article but without an admission order, be received as a temporary patient for the purpose of treatment—

- (i) into a mental hospital ; or
- (ii) with the consent of the Board into charge as a single patient.

(2) An application under this Article shall be made in the prescribed form to the Medical Superintendent ; 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 of a relative, by a Constable of the parish in which the said person then is, and if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connexion of the applicant with the person to whom it relates and of the circumstances in which he makes the application.

(3) The application shall be accompanied by a recommendation made in the prescribed form signed by two medical practitioners, of whom one shall be, if practicable, the usual medical attendant of the person to whom the application relates.

(4) Each of the medical practitioners by whom a recommendation under this Article is made shall, before signing the recommendation examine the person to whom the recommendation relates, either separately or in conjunction with the other medical practitioner, and shall specify in the recommendation the date on which he so examined the said person and the grounds on which he bases his recommendation.

(5) A recommendation shall be of no effect for the purposes of this Article if there is a greater interval than five clear days between the dates on which the person to whom the recommendation relates was examined by the two medical practitioners respectively, and any such recommendation shall cease

to have effect on the expiration of fourteen days from the date on which the person to whom the recommendation relates was examined by the two medical practitioners, or, if he was examined by those practitioners on two different dates, on the expiration of fourteen days from the later of those dates.

(6) Where a person is received in a mental hospital as a temporary patient under this Article, notice of his reception, together with a copy of the application on which he was received and of the recommendation accompanying the application, shall, before the expiration of the second day after the day on which he was received, be sent by the Medical Officer in charge of the hospital or other officer designated by the Board to the President of the Board and to the Secretary to the Bailiff. The Board shall upon the signed request of any person who considers himself to be unjustly detained under such application and recommendation furnish to him or to his authorised representative, free of cost, a copy of such application or recommendation.

(7) If a person so received dies in or departs from the hospital, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent by the Medical Officer in charge of the hospital or other officer designated by the Board to the President of the Board and to the Secretary to the Bailiff.

(8) If any person fails to comply with any of the provisions of paragraph (6) and paragraph (7) of this Article with which he is thereby required to comply he shall, for each day or part of a day during which the default continues, be liable to a penalty not exceeding One Pound.

(9) Within one month of the reception of any person received as a temporary patient under this Article he shall be visited by two at least of the Jurats of the Royal Court, unless he has in the meantime

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been discharged or dealt with under Part II (entitled "Certification of Patients and Admission and Detention of Certified Patients") of this Law as a person of unsound mind.

If the persons making the said visits are of opinion that it is proper that the patient should continue to be detained they shall sign a statement to that effect and shall leave it with the Medical Officer in charge of the hospital or the person in charge of the authorised place, but if they are of opinion that it is not proper that he should continue to be detained, they shall, before the expiration of the second day after the day of the said visit, send to the President of the Board a report stating their said opinion and the grounds on which it is based, together with any other observations which they think fit to make. The President shall communicate the said report to the Board, together with any observations in writing which the Medical Superintendent wishes to make thereon. If the Board, after considering the case, decides not to discharge the temporary patient, it shall cause the facts, including the report and the observations (if any) referred to above and the reasons for the decision of the Board, to be placed before a Law Officer, in order that he may take such action within the purview of this Law as he may deem to be advisable in the interest of the patient and in the public interest.

(10) Subject to the provisions of this Article 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, without the special sanction of the Board.

(11) Where it is anticipated that a person who is undergoing treatment as a temporary patient under this Article will not recover within the period of six months, but his early recovery appears reasonably probable, that period may from time to time be extended for further periods of such length not

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exceeding three months as may be specified in directions given by the Board upon the application of one of the persons mentioned in paragraph (2) of this Article, made in such form and accompanied by such evidence or recommendations as the Board may prescribe, provided that such further periods shall in no case exceed six months in all.

(12) The Board may at any time order—

- (i) that any person received as a temporary patient shall be discharged ; or
- (ii) that steps shall be taken to deal with him under Part II (entitled “ Certification of Patients and admission and detention of certified patients ”) of this Law as a person of unsound mind.

(13) Without prejudice to the provisions of paragraphs (11) and (12) of this Article, the provisions of Article 29 (entitled “ Discharge of certified patient ”) of this Law shall apply to any person received as a temporary patient under this Article as they apply to persons detained under Part II (entitled “ Certification of Patients”, etc.) of this Law, subject, however, to such modifications and adaptations as may be prescribed by rules made by Ordinance of the Royal Court under Article 46 (entitled “ Power of Royal Court to pass ordinances ”) of this Law.

(14) Any consent granted by the Board under paragraph (1) of this Article may be granted subject to such conditions as the Board thinks proper and may be revoked at any time.

Part VII.—Special Provisions regarding Care and Treatment and Recovery.

ARTICLE 35.—ORDERS FOR EXAMINATION OF PATIENTS.

An order for the examination by two medical practitioners, authorised by the Court, of any person detained as a certified patient or as a temporary

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patient in a mental hospital or in any other place in this Island, may be obtained from the Royal Court upon the application of any person, whether a relative or friend of the patient or not, who satisfies the Court that it is proper for them to grant such an order ; and on production to that Court 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 second examination, they are of opinion that the patient may, without risk of injury to himself or the public, be discharged, the Court may order the patient to be discharged.

ARTICLE 36.—MECHANICAL RESTRAINT.

(1) Mechanical means of bodily restraint shall not be applied to any patient unless the restraint is necessary for purposes of surgical or medical treatment, or to prevent the patient from injuring himself or others.

(2) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and the reasons for the application of the same.

(3) The certificate shall be signed, in the case of a patient in a mental hospital, by the medical officer thereof, and in the case of a patient detained elsewhere, by his medical attendant.

(4) A full record of every case of restraint by mechanical means shall be kept from day to day by the master or matron of a mental hospital or by the person in charge of a patient in any other place.

ARTICLE 37.—PROVISIONS RESPECTING EMPLOYMENT OF MALES IN CONTROLLING FEMALE PATIENTS.

(1) Subject to the provisions of paragraph (2) of this Article and to any special directions given by

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the Royal Court respecting a single patient, it shall be unlawful to employ any male person in any mental hospital or other authorised place in the personal custody or restraint of any female patient ; and any person employing a male person contrary to the provisions of this Article shall be liable to a fine not exceeding twenty pounds.

(2) Notwithstanding the provisions of paragraph (1) of this Article, it shall be lawful to employ male persons in the personal custody or restraint of female patients on such occasions of urgency as, in the judgment of the person in charge of the mental hospital, or, where the female patient concerned is in some other authorised place, in the judgment of the Medical Superintendent or the medical practitioner attending the patient, render such employment necessary, but such person in charge, Medical Superintendent or medical practitioner, as the case may be, shall in each case report such employment to the visiting Jurats at their next visit.

ARTICLE 38.—PERSONS DISQUALIFIED TO BE MEDICAL ATTENDANTS OF PATIENTS.

(1) A medical practitioner who has signed a certificate upon which an admission order in the case of a certified patient has been made shall not be the regular professional attendant of the patient while detained under the order.

(2) A medical practitioner who is a member of the Board controlling a mental hospital shall not professionally attend upon a patient in that hospital.

ARTICLE 39.—RECOVERY OF PATIENTS.

(1) The Medical Officer of a mental hospital shall forthwith, upon the recovery of a patient detained therein as a certified patient or as a temporary patient, send notice thereof (hereinafter referred to as a " notice of recovery ") in the case of a private

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patient, to the person on whose petition the admission order was made or by whom the last payment on account of the patient was made, and in the case of an assisted patient, to the Secretary to the States' Public Assistance Authority.

(2) The notice of recovery shall state that unless the patient is removed within seven days of the date of the notice he will be discharged.

(3) In case the patient is not removed within seven days from the date of the notice of recovery he shall be forthwith discharged.

(4) The detention of a patient as a certified single patient shall be terminated upon the granting of a certificate by the Medical Superintendent to the effect that the patient has recovered and that his detention is no longer necessary.

ARTICLE 40.—VISITATION OF PATIENTS.

(1) During each quarterly session of the Ordinary Court it shall be the duty of two of the Jurats of the Royal Court performing duty during that session, to visit together at least once during that session every mental hospital and other place wherein any patient is detained.

(2) Previous notice of the date and hour of any such visit shall not be given.

(3) Any two Jurats of the Royal Court shall be entitled, at any time of the day or night, without previous notice, to visit together any such mental hospital or other place.

(4) On the occasion of their visit to any such mental hospital or other place, the Jurats shall be entitled to visit every part of that mental hospital or place and to interview any person detained as a patient therein, with a view to ascertaining

(a) whether such patient is properly cared for in all respects ;

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(b) whether mechanical means of bodily restraint have been or are being applied in the case of such patient and the reasons for the application thereof ;

(c) whether such patient has suffered from any maltreatment ;

and, if the Jurats so require, no person other than the Jurats and the patient interviewed shall be present during such interview.

(5) The visiting Jurats shall be entitled to inquire into the occupations and recreations provided for the patients in any mental hospital or other authorised place and generally to ascertain such facts and matters concerning such mental hospital or place, the patients therein and the administration of the hospital or place as they may deem proper.

(6) The visiting Jurats shall examine the books kept under the provisions of this Law or of Regulations made thereunder and may require the production of the documents concerning any patient whereunder that patient is detained.

(7) On the occasion of any such visit, the Jurats shall be entitled, at the cost of the States, to be accompanied by a medical practitioner appointed by them to advise them.

(8) The visiting Jurats shall address to the Board administering a mental hospital or to the person in charge of any other place wherein a patient is detained, in a book to be provided for the purpose, or otherwise, a memorandum concerning each such visit and may make therein such representations as they may deem desirable.

Part VIII.—Miscellaneous Provisions.

ARTICLE 41.—ESCAPE AND RETAKING.

If any person detained as a certified patient or as a temporary patient escapes, he may be retaken at any time within fourteen days after his escape by—

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- (a) any officer of the mental hospital in which he was detained ; or
- (b) the person in charge of such other place as he was detained in ; or
- (c) anyone authorised by any such officer or person ; or
- (d) any police officer.

ARTICLE 42.—PROTECTION TO PERSONS ACTING ACCORDING TO LAW.

(1) Where a person has presented a petition for an admission order, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be an admission order or any report, application, recommendation or certificate purporting to be a report, application, recommendation or certificate under this Law or any Law amending this Law, or has done anything in pursuance of this Law or any Law amending this Law, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in respect of any such matter as is mentioned in paragraph (1) of this Article without the leave of the Royal Court, sitting as a Full Court, and leave shall not be given unless the Royal Court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application to the Royal Court for leave to bring proceedings, conformably to the provisions of paragraph (2) of this Article, shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) This Article shall not affect any civil or criminal proceedings pending at the commencement of this Law.

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ARTICLE 43.—FALSE DECLARATIONS AND OTHER MISSTATEMENTS.

Any person who knowingly makes a false declaration or any wilful misstatement of any material fact in any petition, statement of particulars, admission order, medical or other certificate, or in any statement or report of bodily or mental condition, under this Law, shall be guilty of an offence and shall, in respect of every such offence, be liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and such imprisonment.

ARTICLE 44.—PENALTIES.

Except as otherwise provided in this Law, or in any Ordinance passed in pursuance of this Law, any person contravening any of the foregoing provisions of this Law or any of the provisions of any such Ordinance shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to both such fine and such imprisonment.

ARTICLE 45.—DISCONTINUANCE OF TERMS “ASYLUM”, “PAUPER” AND “LUNATIC”, ETC.

(1) The expression “asylum” shall not henceforth be used for any official purpose in relation to any institution provided in the Island of Guernsey for the reception of persons of unsound mind, and for references in any Law or Ordinance or in any order, regulation or other document issued under

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any such Law or Ordinance to any such institution as an asylum there shall be substituted references to a mental hospital.

(2) The word "pauper" or its French equivalent shall not henceforth be used for any official purpose in relation to any person of unsound mind, or alleged to be of unsound mind, and for references in any Law or Ordinance or in any order, regulation or other document issued under any such Law or Ordinance relating to persons of unsound mind there shall be substituted for the word "pauper" or its French equivalent the expression "assisted person", "assisted patient" or "assisted", or the French equivalent thereof, as the context may require.

(3) The word "lunatic" shall not henceforth be used for any official purpose in relation to any person of unsound mind or alleged to be of unsound mind, and there shall be substituted for that word wherever it occurs in any Law or Ordinance, or in any order, regulation or other document issued under any Law or Ordinance, the expressions "person of unsound mind", "criminal of unsound mind", "person", "patient", "patient of unsound mind" or "of unsound mind" or such other expression consistent with the provisions of this Article as the context may require.

ARTICLE 46.—POWER OF ROYAL COURT TO PASS ORDINANCES.

The Royal Court shall have power to make from time to time, by Ordinance, Regulations prescribing the forms to be used for the purposes of this Law, for the government of any mental hospital or other place wherein any patient is detained or to be detained and for prescribing the books and other records to be kept in any mental hospital or other place for the purposes of this Law and to repeal and

vary any Regulations so made and generally, to make such Rules and Regulations and other provisions, as that Court may deem advisable for assuring the full and efficient operation of this Law or any Law amending the same.

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ARTICLE 47.—REPEAL.

The Law entitled “Loi relative aux Aliénés” sanctioned by Order of His Majesty in Council registered on the Records of this Island on the 9th day of July, 1910, is hereby repealed, but notwithstanding such repeal every petition, medical certificate, admission order, or Order of the Court whereunder any person is being detained as a certified patient at the time of such repeal shall continue to be as valid and effectual as if the same had been made under the provisions of this Law.

ARTICLE 48.—COMMENCEMENT.

(1) Articles 1 to 5, inclusive, and Article 46 (entitled “Power of Royal Court to pass Ordinances”) of this Law shall come into operation on the day on which the Order of His Majesty in Council giving it sanction is registered on the Records of the Island of Guernsey.

(2) The Articles of this Law other than those mentioned in paragraph (1) of this Article shall come into operation on the day or days which the Royal Court by Ordinance fixes for that purpose.