

ORDER IN COUNCIL

IX
1979

ratifying a Projet de Loi

ENTITLED

The Mental Treatment (Amendment) (Guernsey) Law, 1979

(Registered on the Records of the Island of Guernsey
on the 1st October, 1979.)



1979.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 1979, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire and Sydney Haydn Heard, Esquire, M.B.E., Jurats.

The Bailiff having this day placed before the Court an Order dated the 26th day of July, 1979 of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 16th day of July, 1979, ratifying a *Projet de Loi* entitled "The Mental Treatment (Amendment) (Guernsey) Law, 1979", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court of Saint James

The 26th day of July 1979

PRESENT,

The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 20th day of July 1979 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 30th day of November 1978, the States of Deliberation at a meeting held on the 1st day of March 1979 approved a Bill or “Projet de Loi” entitled “The Mental Treatment (Amendment) (Guernsey) Law, 1979”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto. 2. That the Chief Pleas

of the Island of Sark at a meeting held on the 18th day of April 1979 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark.

3. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. 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 entitled "The Mental Treatment (Amendment) (Guernsey) Law, 1979", and to order that the same shall have force of law in the Islands of Guernsey, Sark, Herm and Jethou.'

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."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of and ratify the said Projet de Loi, and order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Sark, Herm and Jethou.

AND do 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her 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.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

The Mental Treatment (Amendment) (Guernsey) Law, 1979

THE STATES, in pursuance of their Resolution of the thirtieth day of November, nineteen hundred and seventy-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Sark, Herm and Jethou.

1. In Article 1 of the Mental Treatment Law (Guernsey) 1939, as amended (a), the definition of the expression "Mental ailment" is hereby repealed and the following definition is hereby substituted therefor—

Amendment
to Law
of 1939.

"Mental ailment" means mental illness, arrested or incomplete development of mind, psychopathic disorder, and any other disorder or disability of 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; and in this definition the expression "psychopathic disorder" means a persistent disorder or disability of mind which results in abnormally aggressive or seriously irresponsible conduct on the part of the patient, and requires or is susceptible to medical treatment:

(a) Ordres en Conseil Vol. XI, p. 405; Vol. XIII, p. 245; Vol. XVII, p. 64; Vol. XVIII, p. 355; Vol. XIX, p. 269 and Vol. XXIII, p. 328.

Provided that nothing in this definition shall be construed as implying that a person may be dealt with under this Law as suffering from mental ailment by reason only of promiscuity or other immoral conduct".

Citation.

2. This Law may be cited as the Mental Treatment (Amendment) (Guernsey) Law, 1979.

Collective
title.

3. This Law and the Mental Treatment (Guernsey) Laws, 1939 to 1972, may be cited together as the Mental Treatment (Guernsey) Laws, 1939 to 1979.

R. H. VIDELO,

Her Majesty's Greffier.