

PROJET DE LOI

ENTITLED

The Mental Treatment (Amendment) (Guernsey) Law, 1972 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

* Ordres en Conseil Vol. XXIII, p. 328. This Law was repealed by the Mental Health (Bailiwick of Guernsey) Law, 2010 (No. XV of 2011).

©States of Guernsey

REPEALED

PROJET DE LOI

ENTITLED

The Mental Treatment (Amendment) (Guernsey) Law, 1972

ARRANGEMENT OF ARTICLES

1. Amendments to Law of 1939.
2. Amendment to Law of 1961.
3. Citation.
4. Collective title.

PROJET DE LOI

ENTITLED

The Mental Treatment (Amendment) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-eighth day of July, nineteen hundred and seventy-one, 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.

Amendments to Law of 1939.

1. The Mental Treatment Law (Guernsey), 1939, as amended^a, is hereby further amended as follows –

(a) in Article 16 thereof –

(i) in paragraph (4) immediately after the words "to the President of the Board" the words "and to a Law Officer" are inserted,

(ii) paragraph (5) is repealed,

(b) Article 28 thereof and the heading thereto are repealed and the following Article and heading are substituted therefor –

^a Ordres en Conseil Vol. XI, p. 405; Vol. XVII, p. 64; Vol. XVIII, p. 355 and Vol. XIX, p. 269.

"ARTICLE 28.—LEAVE OF ABSENCE OF CERTIFIED
PATIENT OR TEMPORARY PATIENT.

(1) The Consultant Psychiatrist may grant to any certified patient or temporary patient of a mental hospital leave to be absent from the hospital subject to such conditions, if any, as he considers necessary in the interests of the patient.

(2) Leave of absence may be granted to a certified patient or temporary patient under the provisions of this Article either indefinitely or on specified occasions or for any specified period; and where leave is so granted for a specified period, that period may be extended by further leave granted in the absence of the patient from hospital.

(3) In any case where a certified patient or temporary patient is absent from a mental hospital in pursuance of leave of absence granted under the provisions of this Article, and it appears to the Consultant Psychiatrist that it is necessary so to do in the interests of the patient's health or safety or for the protection of other persons, the Consultant Psychiatrist may by notice in writing given to the patient or to the person for the time being in charge of the patient, revoke the leave of absence and recall the patient to a mental hospital.

(4) If a certified patient or temporary patient allowed to be absent for any period under the provisions of this Article does not return to a mental hospital at the expiration of the permitted period of absence and a medical certificate certifying that his detention as a certified patient or temporary patient is no longer necessary is not received by the Board, the patient may at any time within the fourteen days next following the expiration of the permitted period of absence be retaken as in the case of an escape.¹

(5) If a certified patient or temporary patient whose leave of absence has been revoked under the provisions of paragraph (3) of this Article does not return to a mental hospital, he may at any time within the fourteen days next following the date of revocation of the leave of absence be retaken as in the case of an escape."²

(c) sub-paragraph (a) of paragraph (1) of Article 29 thereof is repealed and the following sub-paragraph is substituted therefor –

"(a) by an order signed by the Consultant Psychiatrist, or",

(d) in Article 31 thereof –

(i) in paragraph (1) the words "a written application to the Consultant Psychiatrist in the prescribed form" are

repealed and the words "a request in that behalf to the Consultant Psychiatrist" are substituted therefor,

(ii) in paragraph (2) the words "a written application in the prescribed form" are repealed and the words "a request in that behalf" are substituted therefor, and the words "on his own application" are repealed and the words "at his own request" are substituted therefor,

(iii) in sub-paragraph (a) of paragraph (3) the word "application" is repealed and the word "request" is substituted therefor,

(iv) in paragraph (5) –

(a) the words "seventy-two hours' notice in writing" are repealed and the word "notice" is substituted therefor,

(b) the full stop at the end of that paragraph is deleted and a colon is substituted therefor and immediately thereafter the following Proviso is inserted –

"Provided that if it appears to the Consultant Psychiatrist that the mental state of the patient is such that steps should be taken to deal with him under the provisions of Part II of this Law as a person of unsound mind or under Article 34 of this Law as a person who is likely to

benefit by temporary treatment, the patient may be detained in a mental hospital for up to seventy-two hours and the Consultant Psychiatrist shall forthwith furnish to the Board a report in writing to that effect.",

- (v) immediately after paragraph (6) there is inserted the following additional paragraph –

" (7) Nothing in this Law shall be construed as preventing a patient who requires treatment for mental illness from remaining in a mental hospital as a voluntary patient in pursuance of a request made under the provisions of paragraph (1) of this Article after he has ceased to be liable to be detained under any of the provisions of this Law.",

- (e) in Article 32 thereof –

- (i) the heading thereto is repealed and the following heading is substituted therefor –

"ARTICLE 32.—PROVISIONS REGARDING
VOLUNTARY PATIENTS.",

- (ii) paragraphs (1), (2) and (5) are repealed,
 - (iii) in paragraph (3) the words "as aforesaid" are repealed and the words "as a voluntary patient under Article 31 of this Law" are substituted therefor,

- (f) in Article 34 thereof –
 - (i) paragraph (6) is repealed,
 - (ii) in paragraph (9) the words "paragraph (6) or" are repealed,
- (g) in paragraph (2) of Article 37 thereof the comma after the words "render such employment necessary" is deleted and a full stop is substituted therefor and all the words beginning with the words "but such person in charge" to the end of that paragraph are repealed,
- (h) in paragraph (2) of Article 38 thereof the full stop at the end of that paragraph is deleted and a colon is substituted therefor and immediately thereafter the following Proviso is inserted –

"Provided that the provisions of this paragraph shall not be deemed to prohibit any such medical practitioner from attending professionally upon a patient in that hospital at the request of the Consultant Psychiatrist for the purpose of consultation or treatment for a condition other than a mental ailment.";
- (i) Article 40 thereof is repealed.³

Amendment to Law of 1961.

2. In section eight of the Criminal Justice (Special Verdicts) (Guernsey)

Law, 1961, as amended^b, the words "Article forty (which provides for the visitation of patients)" are repealed.

Citation.

3. This Law may be cited as the Mental Treatment (Amendment) (Guernsey) Law, 1972.

Collective title.

4. This Law, the Mental Treatment (Amendment) (Guernsey) Law, 1964, and the Mental Treatment (Guernsey) Laws, 1939 and 1956, may be cited together as the Mental Treatment (Guernsey) Laws, 1939 to 1972.

NOTE

The Law received Royal Sanction on 28th April, 1972 and was registered on the Records of the Island of Guernsey and came into force on 6th June, 1972.

¹ For subsequent amendments, see the consolidated text of the Mental Treatment Law (Guernsey) 1939.

² For subsequent amendments, see the consolidated text of the Mental Treatment Law (Guernsey) 1939.

³ For subsequent amendments, see the consolidated text of the Mental Treatment Law (Guernsey) 1939.

^b Ordres en Conseil Vol. XVIII, p. 355 and Vol. XIX, p. 269.