

# CHAPTER L13 - LUNACY LAW

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#### SCHEDULE

### LUNACY LAW

**A Law to provide for the custody and removal of lunatics.**

[NN 1963, Cap. 69, 10 of 1977, KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: *21st December, 1916*]

### *Title, Definitions*

**1. Short title**

This Law may be cited as the Lunacy Law.

**2. Interpretation**

Definitions—

"**asylum**" means a lunatic asylum appointed or established under this Law;

"**Commissioner**" means the Commissioner assigned with the responsibility for Social Welfare;

[No. 4 of 2006.]

"**community**" includes house, family, town, village, and quarter of a town or village;

"**lunatic**" includes an idiot and any other person of unsound mind; "State" means the Kwara State of Nigeria;

"**visiting committee**" includes any two members of the visiting committee of an asylum sitting together.

*Asylums, Officers and Visitors*

**3. Power to declare an asylum**

(1) (a) The Commissioner may by notice in the State Gazette appoint the whole or part of any building with any outhouses, grounds or premises thereto belonging to be a lunatic asylum.

(b) all places declared to be lunatic asylums before the commencement of this Law, shall be deemed to have been appointed under this Law.

(2) The Commissioner may in like manner declare that any place shall cease to be a lunatic asylum.

**4. Establishment of asylums by local government councils**

(1) Except with consent of the Commission first obtained, a local government council shall not establish or maintain any place for the confinement of lunatics.

(2) The Commissioner may direct any local government council to establish and maintain one or more lunatic asylums for the confinement of lunatics subject to his jurisdiction.

(3) A lunatic asylum established by a local government with the approval, or on the direction, of the Commissioner shall, unless and until ordered by the Commissioner to be closed, be an asylum for the purposes of this Law.

**5. Superintendent of asylum**

Such medical officer as the Commissioner may appoint and in the absence of any such appointment the medical officer in charge of the district in which any asylum is situated shall be in charge of and shall generally superintend the management of such asylum, and shall be termed the superintendent of such asylum.

**6. Power to appoint officers**

The Civil Service Commission may appoint to any asylum a chief warder, a matron and also such subordinate officers and servants as may be necessary:

Provided that, in the case of asylums established by a local government council, the warders, matrons and subordinate officers shall be appointed by the Local Government Service Board.

[KWS LN 1 of 1982.]

7. (1) *Visitors of asylums.*—All Commissioners, all registered medical practitioners in the service of the Government whether in the medical or health branch of the service, and magistrates and such other persons as the Commissioner may nominate during pleasure shall be visitors of any asylum.

[KWS LN 1 of 1982.]

(2) *Powers of visitors.*—Any visitors may enter and inspect an asylum at any hour of the day and night, and see and examine any inmate, and may examine into and give directions concerning any complaint.

**8. Visitors book to be kept**

A book shall be kept in every asylum called the visitors book, in which every visitor who visits the asylum shall enter his name, with the date and hour of his visit, and any remarks he may deem necessary respecting any matter connected with the management of the asylum.

9. (1) *Visiting committee to be appointed.*—The Commissioner shall appoint three or more of the visitors to be a visiting committee for each asylum.

(2) *Meetings of committee.*—The committee shall meet once a year or oftener if necessary at such asylum, and shall inspect the wards, cells, stores and every other place, and shall receive and inquire into any complaints which shall be preferred by or against any officer, servant or inmate.

(3) *Power of committee to administer oaths.*—The committee may in any inquiry administer an oath to the superintendent of the asylum or to any officer or servant employed in the asylum.

(4) *Reports of Commission committee.*—After each inspection, the committee shall make a report to the Commissioner, and shall draw up and transmit to the Commissioner such other reports or returns as they shall from time to time deem necessary, or which the Commissioner may call for in respect of any matter relating to the asylum.

*Adjudication of Persons as Lunatics*

**10. Temporary detention of a suspected lunatic on a medical officer's certificate**

Whenever a medical officer has cause to suspect that any person is a lunatic and considers it expedient that such person should be placed forthwith under observation in an asylum, he may grant a certificate of emergency as in Form A in the Schedule, and shall cause such person to be taken to an asylum; and it shall be lawful for any person acting on the instruction of the medical officer to take such person to the asylum specified, and for the superintendent of the asylum to receive and detain such person in the asylum.

Provided that no person shall be detained in an asylum under any such certificate for a longer period than seven days except with the authority of a magistrate.

[Form A.]

**11. Magistrate may hold inquiry**

(1) Any magistrate, upon information on oath in the terms of Form B in the Schedule, may examine the suspected person therein referred to and hold an inquiry as to his state of mind.

[Form B.]

(2) For the purposes of such inquiry the magistrate shall have the same powers of summoning witnesses and administering oaths as in summary trial.

(3) The magistrate may, if necessary, issue a warrant for the arrest of the suspected person in terms of Form C in the Schedule.

[Form C]

**12. Medical certificate**

The magistrate shall also appoint a qualified medical practitioner to examine the suspected person, and such practitioner shall examine such person, and, if he think the facts warrant him in so doing, sign a certificate in terms similar to Form D in the Schedule.

[Form D.]

**13. Adjudication of lunacy**

Where, upon any such examination and inquiry as aforesaid, it appears to the magistrate that the suspected person is a lunatic and a proper subject for confinement, and where a medical practitioner has signed a certificate as required in section 12, the magistrate may adjudge such suspected person to be a lunatic and proper subject for confinement, and shall thereupon issue an order in terms of Form E in the Schedule.

[Form E.]

14. (1) *Procedure where no medical practitioner in district.*—Where there is no qualified medical practitioner within the district the magistrate shall proceed as required by section 11 and if it appears to him that the suspected person is a lunatic and proper subject for confinement, he may send such person in custody, under a warrant in terms of Form F in the Schedule, together with a certified copy of the notes of his inquiry, to a magistrate of a district where there is a qualified medical practitioner. The latter magistrate shall examine the suspected person and consider the notes of the inquiry, and shall also follow the procedure laid down in sections 12 and 13, and issue an order as in Form G.

[Form F, Form G.]

(2) *Discharge of suspected persons.*—If the suspected person be not adjudged a lunatic then he shall be sent back or allowed to return to the district from which he came.

(3) *Expenses incurred with regard to suspected persons.*—All expenses which may be necessarily incurred in the sending of any suspected person from one district to another, or the lodging or subsistence of any suspected person, shall be paid in the first case out of the revenue of the State from which he came, and in the second case out of the revenue of the State in which he is lodged or subsisted.

**15. Suspected person not to be detained for longer than one month**

(1) Any magistrate before whom a suspected person may be brought may detain such person in safe custody for the purpose of inquiring as to his state of mind, for a period

not exceeding one month.

(2) The forms of criminal summons and warrants prescribed by the Criminal Procedure Code for use in criminal cases, may be used mutatis mutandis in inquiries under this Law.

[Cap. C23.]

#### **16. Fees to medical practitioners**

Every qualified medical practitioner not being in the employ of the Federal Government of Nigeria or of a State who shall be appointed to make an examination of a suspected lunatic under the provisions of this Law shall be entitled for the examination and certificate to the sum of five hundred naira.

[KWS LN 1 of 1982, No. 4 of 2006.]

#### *Discharge of Lunatic*

#### **17. Discharge on certificate of sanity**

A magistrate shall grant an order of discharge as in Form H in the Schedule in respect of any person detained in an asylum with regard to whom a certificate of sanity as in Form I in the Schedule has been granted by the superintendent of the asylum in which such person is detained or by any two qualified medical practitioners of whom one at least shall be a medical officer, and the superintendent shall discharge such person in accordance with such order.

Provided that no such order of discharge shall be made in respect of any person detained in an asylum under the authority of an order made under section 320 or section 327 of the Criminal Procedure Code or under the provisions of any Act or Law establishing a magistrate's court.

[Cap. C23.]



[Form H, Form I.]

**18. Power of Commissioner to order discharge of lunatic**

(1) The Commissioner may order the discharge from any asylum of any person detained therein under this Law whether recovered or not, and may allow any lunatic to be absent on trial for such period as he thinks fit, and may at any time grant an extension of such period. In respect of any lunatic absent on trial, the Commissioner may order the payment out of the revenue of any sum not exceeding the sum of two thousand naira per month to the person taking charge of such lunatic.

[No. 4 of 2006.]

(2) No person shall be allowed to be absent on trial under this section unless some other person enters into an agreement to take charge of such person, in terms of Form J in the Schedule.

[Form J.]

(3) If any lunatic allowed to be absent on trial does not return at or before the expiration of the allowed period of absence, such lunatic may at any time after the expiration of such period be retaken as if he had escaped from the asylum.

*Property of Lunatic*

**19. Property found on lunatic liable for his support**

If any property be found on any lunatic at the time of his admission into any asylum the same shall be taken in charge by the chief warder, who shall enter full particulars in a book to be kept by him, and such property or a sufficient portion thereof shall be liable for the medical treatment and support of such lunatic at a rate approved by the Commissioner and for his funeral expenses in the case of death, and may be sold to defray the same. Any

property or surplus money remaining shall be delivered up and paid to the patient on his discharge, or in case of his death to the party legally entitled thereto upon application.

**20. Power of court to apply property of lunatic towards maintenance of the lunatic or his family**

(1) The High Court, upon the petition of any person, may make any order as to the application of any property of a lunatic subject to the jurisdiction of the court, or the income thereof, in or towards defraying the expenses of the maintenance and support of the lunatic, any wife, child or children of the lunatic, and, in the case of a lunatic who is not a citizen of Nigeria, the expenses of the removal of the lunatic, any wife, child or children of the lunatic from Nigeria, or in case any person undertakes to pay the expenses aforesaid the court may suspend the making of such order for such time and upon such terms as the court may determine.

[KWS LN 1 of 1982.]

(2) (a) Any petition under this section shall be served upon such persons and in such manner as the court directs.

(b) Where any order under this section is made or refused, the court shall make such order as is just as to the costs of the petitioner and may in its discretion allow such costs out of the estate of the lunatic.

(3) When payment of any money is made in or towards defraying the expenses of the past or future maintenance of any lunatic confined in an asylum, such money shall be paid into the treasury of the State maintaining such asylum.

21 .....

[No. 4 of 2006.]

**22. Removal of non-Nigerian lunatics out of Nigeria**

Where any person not a citizen of Nigeria is in Kwara State adjudged to be a lunatic

and the Commissioner is satisfied that the life of the lunatic may be endangered or his recovery hindered by detaining him in Nigeria, the Commissioner may report the case to the Federal Minister charged with responsibility for Immigration and if a report is so made the Federal Minister may take such action under the Immigration Act, 1963 as he thinks fit.

[KWS LN 1 of 1982, No. 6 of 1963.]

### *Miscellaneous*

#### **23. Escape of lunatic**

Any person may arrest any lunatic who is escaping or who has escaped from lawful custody, and may return such lunatic into such custody.

#### **24. Power to remove lunatic to hospital**

(1) In the case of illness of any lunatic confined to an asylum, the superintendent of such asylum may cause such lunatic to be removed to a Government hospital, and as soon as it shall appear to such superintendent that it is no longer necessary for such lunatic to remain in the Government hospital, he may be removed back to the asylum where he shall revert to his former custody.

(2) The superintendent shall before removing a lunatic to a Government hospital notify the medical officer in charge of the hospital, and shall, if the case should so require, make arrangements for the safeguarding of the lunatic whilst in the hospital.

(3) Any lunatic removed under this section to a Government hospital and escaping therefrom shall be liable to arrest in the same manner as if he had escaped from an asylum.

#### **25. Removal of lunatics to new asylum**

Any lunatic confined in an asylum may by order of the Governor be removed from any one asylum to any other asylum in the State, and to any asylum in another State with

the agreement of the Governor of such other State.

**26. Notice of death of lunatic**

Notice of death of any lunatic in an asylum shall forthwith be given by the chief warder of such asylum to the coroner of the district and to the nearest known relative of the deceased.

*Offences*

**27. Officers ill-treating lunatics or violating rules**

Any officer or servant employed in an asylum who strikes or wilfully neglects any lunatic confined in such asylum, or wilfully violates or neglects any rule or regulation made under this Law, shall be guilty of an offence and shall be liable on conviction thereof before the superintendent to a fine of five hundred naira, which may be recovered by deductions from the offender's salary and allowances, or, on conviction before a magistrate, to a fine of two thousand naira or imprisonment for one month, or both.

[No. 4 of 2006.]

**28. Offences by persons in charge of lunatic on trial**

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

[KWS LN 1 of 1982.]

- (a) ill-treats or neglects to provide such lunatic with suitable lodging, clothing, food, medical attendance when required, or other necessities, or fails to exercise proper care and control over such lunatic; or
- (b) refuses to allow such lunatic to be visited by the superintendent or any officer or servant or visitor of the asylum in which such lunatic

was confined; or

(c) refuses or neglects to answer according to the best of his knowledge, information, and belief any questions put to him such superintendent or visitor or to attend and conform to any directions of a medical officer; or

(d) without reasonable excuse, the proof of which shall lie upon such person, fails duly to return such lunatic to such asylum,

shall be liable to a fine of five thousand naira or imprisonment for three months.

[No. 4 of 2006.]

### *Regulations and Forms*

#### **29. Power to make regulations**

The Governor may make regulations—

(a) as to the government of asylums and the custody of the lunatics therein;

(b) as to the class of lunatics to be confined in different asylums;

(c) as to the fees to be charged for the maintenance and support of lunatics;

(d) altering or adding to the forms in the Schedule;

(e) generally for the better carrying out of the provisions of this Law.

### **SCHEDULE**

[No. 4 of 2006.]

### **FORM A**

[Section 10.]

*Certificate of Emergency*

I certify that it is expedient for the welfare of.....that he  
should

be forthwith placed under observation and treatment for a period not  
exceeding.....days.

My reasons for this conclusion are as  
follows:.....

.....

....

FORM B

[Section 11.]

*Information*

In .....the.....Court  
of.....District  
of.....

A.B. of .....informs the undersigned magistrate that he has good  
cause to

suspect and believe, and does suspect and believe, that CD. of.....is a  
lunatic

and a proper subject for confinement.

.....

*Signature of Informant*

Taken and sworn at.....this.....day of ....., 20.....before  
me.

.....

*Signature and title of Magistrate*

FORM C

[Section 11.]

*Warrant of Arrest of Suspected Person*

In the.....Court of  
.....

District of.....

To.....and other officers of this Court and to.....  
superintendent of prison.

Whereas an information has been sworn by A.B. alleging that CD. is a lunatic and a proper subject for confinement.

And Whereas the attendance of the said CD. is necessary at an inquiry which I propose to hold as to his state of mind, and it appears likely that the said CD. will not attend unless compelled.

This is to command you the said officers of the court in the Governor's name to arrest the said CD. and have him before me at .....on the  
.....day of.....,

20 ...., at.....of the clock in the.....noon.

And the said superintendent of prison is hereby authorised and required to receive the said CD. into custody and to deliver him up from time to time as required.

Issued at.....this.....day  
of.....,20.....

.....  
*Signature of Magistrate*

FORM D

[Section 12.]

*Medical Certificate*

I, A.B., a duly qualified medical practitioner hereby certify that I, on the  
.....day

Of.....at.....in the district of  
.....

personally examined CD. of .....and I hereby certify that the  
said CD. is a lunatic and a proper subject for confinement, and I have formed this opinion  
upon the following grounds, namely—

1. Facts indicating insanity observed by myself (here state the facts).
2. Other facts (if any) indicating insanity communicated by others (here state  
the facts and by whom communicated).
3. I have made inquiries of all persons known to me who seem likely to be able  
to give information as to any facts of the previous history of the said CD.  
likely to be of service with reference to his medical treatment. The following  
statement contains all such facts known to me:

Statement

[KWS LN 1 of 1982.]

(If any particulars in this statement are not known, this to be stated.)

Name of patient and forename at length.

Sex and age.



Married single or widowed.

Condition of life and previous occupation, if any.

The religious persuasion as far as known.

Previous place of abode.

Whether first attack. Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack. Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Name and forename and place of abode of nearest known relative of the patient and degree of relationship.

(Add any other facts proper to be stated.)

Dated this .....day of....., 20.....

.....

*Signed A.B.*

*(Place of abode)*

FORM E

[Section 13.]

[No. 9 of 1919.]

*Adjudication of Lunacy and Order of Committal to Asylum*

In ..... the.....Court  
of.....

District

of.....

Whereas on the.....day of....., 20....., A.B.  
of.....

.....informed me, the undersigned E. F., a magistrate of the district  
of..... that he had good cause to suspect and believe that CD.  
of.....

was a lunatic and a proper subject for confinement: and whereas I have held the  
examination and

inquiry mentioned in section 11 of the Lunacy Law, and whereas, as required by the said  
Law, the medical certificate hereunto annexed of the unsoundness of mind of the said CD.  
has been given; now, therefore, I, the said E. F., as such magistrate aforesaid, do hereby  
adjudge the said CD. to be a lunatic and a proper subject for confinement, and do hereby  
order that the said CD. be detained in the lunatic asylum at .....subject to the  
provisions of the Lunacy Law.

FORM E—continued

Dated this.....day of .....20.....

.....

E.F.

*Signature and Title of Magistrate*

FORM F

[Section 14.]

*Warrant of Removal of Suspected Lunatic where no Medical Practitioner in District*

District

of.....

To.....

.....

Whereas on the.....day of.....,20.....A.B. of

.....

.....informed me, the undersigned E. F., magistrate of the district

of

.....that he had good cause to suspect and believe, and did

suspect

and believe CD., of..... to be a lunatic and a proper subject for  
confinement:

and whereas it appears to me that the said CD. is a lunatic and a proper subject for  
confinement:

And Whereas there is no medical practitioner within this district: You are hereby ordered to  
take

the said CD. and deliver him up to the..... of the district of

.....

Dated at.....this.....day of .....,

20.....

.....

E.F.

Signature and Title of Magistrate

FORM G

[Section 14.]

In \_\_\_\_\_ the.....Court  
of.....  
District  
of.....

Whereas on the.....day of.....20 .....A.B.  
of.....

..... informed E. F., a magistrate of the district  
of  
.....that he had good cause to suspect and believe that  
CD.

Of.....was a lunatic and a proper subject for  
confinement;

And Whereas the said E.F. duly held the examination and inquiry mentioned in section 11  
of the

Lunacy Law; and whereas the said E.F. has informed me the undersigned G.H., a magistrate  
of the district of.....that there is no medical practitioner in the  
said district, and has sent the said CD. to me, together with a certified copy of the notes of  
the said inquiry; And Whereas I have examined the said CD. and perused and considered  
the said notes;

And Whereas as required by the said Law, the medical certificate hereunto annexed of the  
un-

soundness of mind of the said CD. has been given; now, therefore, I, the said G.H. as such  
magistrate aforesaid, do hereby adjudge the said CD. to be a lunatic and a proper subject for

confinement, and do hereby order that the said CD. be detained in the lunatic asylum  
at.....subject to the  
provisions of the Lunacy Law.

FORM G—continued

Dated this.....day of.....20.....

.....

*G. H.*

*Signature and Title of Magistrate*

FORM H

[Section 17.]

[No. 54 of 1933.]

*Order of Discharge of Lunatic*

I, A.B., magistrate at .....(or as the case may be),  
do  
hereby order the discharge of .....from the  
lunatic asylum  
at.....

...

To .....the .....superintendent  
.....

## CHAPTER L13

### LUNACY LAW

#### SUBSIDIARY LEGISLATION

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##### *List of Subsidiary Legislation*

1. Lunacy Regulations.

#### LUNACY REGULATIONS

[Section 31.]

[Reg. 4 of 1917, Order 47 of 1951, NR LN 17 of 1958.]

[Date of commencement: 1st March, 1917]

1. These regulations may be cited as the Lunacy Regulations.

##### *Regulations for the Superintendent of a Lunatic Asylum*

2. The superintendent of an asylum shall not leave his station without writing in a book, to be kept at the asylum for the purpose, where he will be found if required. This book is at all times to be accessible to the attendants on duty.
3. He shall have the general management, and be responsible for the professional care of the patients, and for the discipline, cleanliness and good order of the asylum; and subject to the provisions of the Law, all officers and servants attached to or employed in connection with the asylum shall be bound to obey his directions.
4. He shall visit the wards at least once daily between the hours of 7 a.m. and 4 p.m. He shall also make surprise visits to the wards at other hours – day and night – and shall in addition visit them whenever he may be called upon by the senior attendant on duty, or when he considers it necessary. Every visit shall be recorded in a book to be kept for the purpose.

5. He shall sign or countersign all requisitions emanating from, and receipts given on behalf of, the asylum, after satisfying himself that the quantities therein specified are correct, and, in the case of receipts, that the articles received are of good quality, and in proper condition, and correspond to the invoice, where there is one.

*Regulations for the Attendants and Servants of the Lunatic Asylum*

6. Attendants shall be appointed to the charge of wards and patients by the Principal Medical Officer, Curative Services Division.

7. No asylum attendant or servant shall, in any circumstances, take any money or other present from a patient or friend of a patient under treatment.

8. Smoking by attendants and servants in the wards, or ward compound, is strictly forbidden.

9. No visitors to attendants, servants or patients shall be admitted on any pretence except with the written sanction of the superintendent.

10. A report must be made at once to the superintendent, or in his absence to the senior attendant, of any change or noticeable feature in the condition of a patient.

11. The strictest order is to be maintained in the wards and compounds. The introduction of tobacco or spirits or provisions in the wards is strictly prohibited.

12. The attendants and servants of the asylum are strictly charged to see that there shall be no communication between the patients and the outside public except through the superintendent and that no person shall visit or give any article whatever to any patient unless authorised in writing to do so by the superintendent.

13. The gate-keeper shall permit no one, except the superintendent, the Principal Medical Officer, Curative Services Division, or any person authorised to visit the asylum officially, to enter or leave the asylum without the sanction of the superintendent.

### *Fees*

14. When a lunatic is a member of any community bound by native law or custom to support such lunatic a sum at the rate of one shilling a day for his maintenance and support shall be paid monthly into the Treasury by the native community during the detention of such lunatic in the asylum.