



**BELIZE**

**UN SOUNDNESS OF MIND ACT  
CHAPTER 122**

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**CHAPTER 122**

**UNSOUNDNESS OF MIND**

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**CHAPTER 122****UNSOUNDNESS OF MIND**

Ch. 191.  
 R.L., 1958.  
 CAP. 83,  
 R.E. 1980-1990.  
 40 of 1963.  
 3 of 1978.

*[8th August, 1953]*

*Preliminary*

Short title.

**1.** This Act may be cited as the Unsoundness of Mind Act.

Interpretation.

**2.** In this Act, unless the context otherwise requires,

“Board” means the Board of Control constituted under this Act;

“certified institution” has the meaning assigned to it under the Certified Institutions (Children’s Reformation) Act, Cap. 121;

“court” means the Supreme Court;

“defective” means,

- (a) an idiot, that is to say, a person in whose case there exists mental defectiveness of such a degree that he is unable to guard himself against common physical dangers;
- (b) an imbecile, that is to say, a person in whose case there exists mental defectiveness which, though not amounting to idiocy, is yet so pronounced that he is incapable of managing himself or his affairs or, in the case of a child, of being taught to do so;
- (c) a feeble-minded person, that is to say, a person in whose case there exists mental defectiveness which, though not amounting to imbecility, is yet so pronounced that he requires care,

supervision and control for his own protection or for the protection of others or, in the case of a child, that he appears to be permanently incapable by reason of such defectiveness of receiving proper benefit from the instructions in ordinary schools;

- (d) a moral defective, that is to say, a person in whose case there exists mental defectiveness coupled with strongly vicious or criminal propensities and who requires care, supervision and control for the protection of others, and includes every person affected by section 19 of this Act;

“institution” means an institution for persons of unsound mind or defectiveness approved under this Act;

“judicial authority” means a judge, a magistrate, or a justice of the peace specially appointed for the purposes of Part III;

“mental defectiveness” means a condition of arrested or incomplete development of mind existing before the age of eighteen years, whether arising from inherent causes or induced by disease or injury;

“person of unsound mind” means a person inflicted with a total or partial defect of the reason, or the perturbation thereof to such a degree that he is incapable of managing himself or his affairs.

## PART I

### *Inquisition and Order for Custody of Unsound Person, etc.*

3.-(1) The court may make orders for the custody of persons of unsound mind so found by inquisition, and every such order shall take effect as to the custody of the person immediately.

Jurisdiction to make orders as to person.

(2) Where upon an inquisition it is specially found or certified that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it shall not be necessary, unless in the discretion of the judge it appears proper to do so, to make any order as to the custody or commitment of the person of unsound mind.

Order for inquisition as to person of unsound mind.

**4.**-(1) The court may upon application by order direct an inquisition whether a person is of unsound mind and incapable of managing himself and his affairs.

(2) Where the person who is alleged to be of unsound mind is within the jurisdiction, he shall have notice of the application and shall be entitled to demand an inquiry before a jury.

(3) Upon the hearing of the application, the person alleged to be of unsound mind may withdraw any demand for a jury made by him.

Demand of a jury by person alleged to be of unsound mind.

**5.**-(1) Where the person alleged to be of unsound mind demands a jury, the court shall in its order for an inquisition direct the return of a jury, unless it is satisfied, by examination of that person, that he is not mentally competent to form and express a wish for an inquisition before a jury.

(2) The court may, where it thinks it necessary, and for the purpose of examination, require the person alleged to be of unsound mind to attend it at such convenient time and place as it may appoint.

Cases where a jury may be dispensed with.

**6.** Where the person alleged to be of unsound mind does not demand a jury, or the court is satisfied by examination that he is not mentally competent to form and express a wish in that behalf, and it appears to the court, upon consideration of the evidence, and of the circumstances of the case, to be unnecessary or inexpedient that the inquisition should be before a jury, and it accordingly does not in its order for an inquisition direct the return of a jury, then the Registrar or other person appointed for the purpose shall, without a jury, personally examine the person

alleged to be of unsound mind and take such evidence upon oath or otherwise, and call for such information as he thinks fit or the court directs, in order to ascertain whether or not the person alleged to be of unsound mind is of unsound mind, and shall certify his finding thereon.

7. Where the court does not in its order for inquisition direct the return of a jury, but the Registrar or other person, upon consideration of the evidence, certifies that in his opinion an inquisition before a jury is expedient, he shall, without further order, summon a jury for that purpose in accordance with the Juries Act, Cap. 128, and proceed in like manner in all respects, and their proceedings shall be as valid and effectual as if the court had directed the return of a jury in the first instance.

Jury to be had, if Registrar certifies that it is expedient.

8.-(1) Wherever the court orders an inquisition before a jury, or where the Registrar or other person certifies that an inquisition before a jury is expedient, the question at issue shall be whether the person alleged to be of unsound mind is of unsound mind and incapable of managing himself or his affairs, and that issue shall be tried before a judge and jury in the court sitting in its civil jurisdiction.

Inquiries before a jury may be made by means of an issue in the Supreme Court.

(2) The said issue shall be tried in the same manner and form as that in which an issue of fact is triable by a jury in a civil action and, subject to this Act, the Juries Act, Cap. 128 shall apply accordingly.

9. Where the Registrar or other person certifies that the person alleged to be of unsound mind is of unsound mind, and incapable of managing himself or his affairs or that he is of sound mind and capable of managing his affairs, the certificate shall have the same effect as an inquisition taken upon the oath of a jury.

Certificate of Registrar without a jury to have the force and effect of an inquisition.

10. Where the person alleged to be of unsound mind is not within the jurisdiction, it shall not be necessary to give notice of the application for inquisition, and the inquisition shall be before a jury.

Jury to be had if person of unsound mind out of jurisdiction.

11. Every inquisition upon the oath of a jury shall be founded by the oaths of twelve persons.

Number of jury.

Nature and limit of inquisition.

**12.**—(1) The inquisition shall be confined to the question whether or not the person alleged to be of unsound mind is at the time of the inquisition of unsound mind and incapable of managing himself or his affairs, and no demeanour or state of mind at any time being more than two years before the time of the inquisition, shall be receivable in proof of unsoundness of mind, or on the trial of any traverse of an inquisition, unless the person executing the inquisition otherwise directs.

(2) If upon such inquisition it appears that the person alleged to be of unsound mind is of unsound mind, so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be so specially found and certified.

Power of person executing authority.

**13.** The Registrar or other person while executing an inquisition shall, while so employed, have all the powers, authorities and discretion of a judge of the court.

## PART II

### *Managing etc., of Estate of Unsound Person*

Orders for management of estates.

**14.**—(1) The court may make orders for the management of the estates of persons of unsound mind, and every such order shall take effect as to the custody of the estate upon the Registrar's certificate of completion of the committee's security.

(2) Where upon an inquisition it is specially found or certified that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, the court may make such orders as it thinks fit for the commitment of the estate of such person and its management, including all proper provisions for the maintenance of such person.

(3) Any order under this section may be made, notwithstanding that any other proceedings relating to such person are pending in any court, and any person acting upon an order so made shall be indemnified as effectually as if there had been no such other proceedings.

**15.**-(1) The powers and provisions of this Part relating to management and administration apply,

Persons to whom administrative powers apply.

- (a) to persons of unsound mind so found by inquisition;
- (b) to persons of unsound mind not so found by inquisition for the protection or administration of whose property any order has been made before the commencement of this Act;
- (c) to every person lawfully detained as a person of unsound mind though not so found by inquisition;
- (d) to every person not so detained and not found a person of unsound mind by inquisition, with regard to whom it is proved to the satisfaction of the court that such person is through mental infirmity arising from disease or age incapable of managing his affairs;
- (e) to every person with regard to whom it is proved to the satisfaction of the court by affidavit or otherwise, that such person is of unsound mind and incapable of managing his affairs, and that his property does not exceed eight thousand dollars in value, or that the income thereof does not exceed four hundred dollars per annum;
- (f) to every person with regard to whom the court is satisfied by affidavit or otherwise that such person is or has been a criminal person of unsound mind and continues to be insane and in confinement.

(2) In the case of any of the persons mentioned in subsection (1) of this section, not being a person of unsound mind so found by inquisition, any powers which, if such person were of unsound mind so found by inquisition, could be exercised by the committee of the estate, may be exercised by such person in such manner, and with or without security, as the court or, subject to rules of court, the Registrar, may direct.

(3) Any such order may confer on the person therein named authority to do any specified act or exercise any specified power, or may confer a general authority to exercise until further order all or any such powers without further application to the court or the Registrar, and subsection (4) hereof shall apply to every person so appointed.

(4) Every person appointed to do any such act or exercise any such power shall be subject to the jurisdiction and authority of the court as if such person were the committee of the estate of a person of unsound mind so found by inquisition.

(5) The powers of this Act relating to management and administration shall be exercisable in the discretion of the court for the maintenance or benefit of the person of unsound mind or of him and his family, or where it appears to be expedient, in the due course of management of the property of such person.

(6) Nothing in this Act shall subject the property of a person of unsound mind to claims of his creditors further than the same is now subject thereto by due course of law.

**16.** The court may by order authorise and direct the committee of the estate of a person of unsound mind to do all or any of the following things,

Powers exercisable by committee under order of court.

- (a) sell any property belonging to the person of unsound mind;
- (b) make exchange or partition of any property belonging to the person of unsound mind or in which he is interested and give or receive any money for equality of exchange or partition;
- (c) carry on any trade or business of the person of unsound mind;
- (d) grant leases of any property of the person of unsound mind for building, agricultural or other purposes;

- (e) grant leases of minerals forming part of the property of the person of unsound mind, whether the same have been already worked or not, and either with or without the surface of other land;
- (f) surrender any lease and accept a new lease;
- (g) accept a surrender of any lease and grant a new lease;
- (h) execute any power of leasing vested in a person of unsound mind having a limited estate only in the property over which the power extends;
- (i) perform any contract relating to the property of the person of unsound mind entered into by the person of unsound mind before his unsoundness of mind;
- (j) surrender, assign or otherwise dispose of, with or without consideration, any onerous property belonging to the person of unsound mind;
- (k) exercise any power or give any consent required for the exercise of any power where the power is vested in the person of unsound mind for his own benefit or the power of consent is in the nature of a beneficial interest in the person of unsound mind.

**17.** The committee of the estate, or such person as the court approves, shall in the name and on behalf of the person of unsound mind execute and do all such assurances and things for giving effect to any order under this Act or the regulations, as the court directs, and every such assurance and thing shall be valid and effectual, and shall take effect accordingly subject only to any prior charge to which the property affected thereby at the date of the order is subject.

Power to carry orders into effect.

Power for court to settle the beneficial interests of a person of unsound mind or defective.

**18.**—(1) The court may direct a settlement to be made of the property of a person of unsound mind or defective, or any part thereof or any interest therein, on such trusts and subject to such powers and provisions as the court may think expedient, and in particular may give such directions,

- (a) where the property has been acquired under a settlement, a will or an intestacy, or represents property so acquired; or
- (b) where by reason of any change in the law of intestacy or of any change in circumstances since the execution by the person of unsound mind or defective of a testamentary disposition, or of any absence of information at the time of such execution, or on account of the former management of the property or the expenditure of money in improving or maintaining it or for any other special reason the court is satisfied that any person might suffer an injustice if the property were allowed to devolve as undisposed of on the death intestate of the person of unsound mind or defective or under any testamentary disposition executed by him.

(2) The court may direct the committee or receiver of the person of unsound mind or defective, or any trustee for him, to execute any vesting instrument, trust instrument, conveyance or other instrument, and to do any other act or thing which may be required for giving effect to the settlement, in the name and on behalf of the person of unsound mind or defective and, for that purpose, may make a vesting order or appoint a person to convey, and any settlement approved by the court shall be as effectual and binding on all persons interested as if it had been made by the person of unsound mind or defective while of full capacity.

(3) This section applies whether or not the person of unsound mind or defective executed a testamentary disposition and notwithstanding that it is not known whether he has executed such a disposition or not, but does not apply when he is an infant.

(4) Any person who, under any Act relating to the administration of the estate of deceased persons, has a *spes successions*, whether under any testamentary disposition which is known to exist or in the event of the intestacy of the person of unsound mind or defective, or an interest in the property of the person of unsound mind or defective or in any part thereof, as well as the committee or receiver and any other person who may be authorised by rules made under this section, shall have power to apply to the court for an order under this section.

(5) Subject to making due provision for the maintenance of the person of unsound mind or defective in accordance with his station in life, whether out of the capital or income of the property settled or other property or partly in one way and partly in another, and to providing, by means of a power of appointment or revocation or otherwise, for the possibility of the person of unsound mind or defective recovering full capacity, the court may, in making any order under this section, have regard to,

- (a) the manner in which the property has been settled or dealt with on former occasions;
- (b) in the case of land, the welfare of the labourers and other persons employed thereon, and the expediency of settling personal estate to devolve therewith;
- (c) the continuation or provision of any pensions, and the application of any part of the income for charitable purposes;
- (d) the provisions of any testamentary disposition of the person of unsound mind or defective;
- (e) the expediency of providing for,
  - (i) jointures, portions and other annual or capital charges and powers to create the same;

- (ii) discretionary trusts, trusts for effecting or maintaining policies of insurance, powers of appointment, sinking funds for making good loss by fire, in lieu of, or in addition to, insurance, or for any other purpose;
- (iii) the extension of any statutory powers of investment, management or otherwise;
- (iv) the manner in which any costs are to be raised and paid, whether out of the settled property or otherwise;
- (v) any other matter or thing which, having regard to the nature of the settlement, or the property to be settled, and the management, development and enjoyment thereof, and to the persons who are to take either successively or otherwise, the court may consider material.

(6) In this section “testamentary disposition” means an instrument executed by the person of unsound mind or defective while of full testamentary capacity, which, if unrevoked, might, on his death, be proved as a will or codicil, and the court may act on such evidence as to the existence or absence of a testamentary disposition as it thinks fit.

(7) At any time before the death of the person of unsound mind or defective, the court may, as respects any property remaining subject to the trusts of a settlement made under this section, on being satisfied that any material fact was not disclosed to the court when the settlement was made, or on account of any substantial change in circumstances, by order vary the settlement in such manner as it thinks fit, and give any consequential directions.

(8) Rules of court may be made for giving effect to this section, and in particular for compelling information to be furnished respecting, and production of, testamentary dispositions, and the lodgement thereof in court, for prescribing what notices, if any, of the proceedings are to be served, for dispensing with such notices and, when necessary, for making representation orders.

## PART III

*Dealing with Defective Mental Deficiency, etc., of Unsound Person*

**19.**—(1) A person who is a defective may be dealt with under this Part by being sent to or placed in an institution, approved for that purpose by the Minister, or placed under supervision or guardianship,

Circumstances rendering defectives subject to be dealt with.  
40 of 1963.

- (a) at the instance of his parent or guardian, if he is an idiot or imbecile, or at the instance of his parent if, though not an idiot or imbecile, he is under the age of eighteen; or
- (b) if in addition to being a defective he is a person,
  - (i) who is found neglected, abandoned or without visible means of support, or cruelly treated or with respect to whom a representation has been made to the Commissioner of Police by his parent or guardian that he is in need of care or training which cannot be provided in his home;
  - (ii) who is found guilty of any criminal offence, or who is ordered or found liable to be ordered to be sent to an institution;
  - (iii) who is undergoing imprisonment, except imprisonment under civil process, or is undergoing detention in a place of detention by order of a court, or in a certified institution or industrial school, or who is detained in an institution for persons of unsound mind;
  - (iv) who is an habitual drunkard as defined by the Married Persons (Protection) Act, Cap. 175;

3 of 1978.

- (v) in whose case such notice has been given by the Chief Education Officer as is mentioned in subsection (2) of this section; or
- (vi) who is in receipt of poor relief at the time of giving birth to an illegitimate child or when pregnant of such child.

(2) Notice shall, subject to regulations made by the Chief Education Officer to be approved by the Minister, be given by the Chief Education Officer to the Commissioner of Police under this Part in the case of all defective children over the age of seven,

- (a) who have been ascertained to be incapable by reason of mental defectiveness of receiving benefit or further benefit in special schools or classes, or who cannot be instructed in a special school or class without detriment to the interests of the other children, or as respects whom the Chief Education Officer certifies that there are special circumstances which render it desirable that they should be dealt with under this Part by being sent to an institution or placed under supervision or guardianship;
- (b) who, on or before attaining the age of sixteen, are about to be withdrawn or discharged from a special school or class, and in whose case the Chief Education Officer is of the opinion that it would be to their benefit that they should be dealt with under this Part by being sent to an institution or placed under supervision or guardianship.

Power to deal with defectives at instance of parent or guardian.

**20.** The parent or guardian of a defective who is an idiot or imbecile, and the parent of a defective who though not an idiot or imbecile is under the age of eighteen years, may place him in an institution or under supervision or guardianship,

Provided that he shall not be so placed in an institution or under supervision or guardianship, except upon certificates in the prescribed form signed by two duly qualified medical practitioners, one of whom shall be a medical practitioner approved for the purpose by the Minister and, where the defective is not an idiot or imbecile, also signed, after such inquiry as he thinks fit, by a judicial authority for the purposes of this Part, stating that the signatories of the certificates are severally satisfied that the person to whom the certificates relate is a defective and the class of defectives to which he belongs, accompanied by a statement, signed by the parent or guardian, giving the prescribed particulars with respect to him.

**21.** A defective subject to be dealt with under this Part otherwise than under section 19 (1) (a) of this Act may be sent to an institution or placed under supervision or guardianship,

Power to deal with defective otherwise than at instance of parent or guardian.

- (a) under an order made by a judicial authority on a petition presented under this Part; or
- (b) under an order of a court, in the case of a defective found guilty of a criminal offence, punishable in the case of an adult with imprisonment, or liable to be ordered to be sent to a certified institution or an industrial school,

but no such order shall be made except in the circumstances and in the manner specified by regulations.

**22.**—(1) An order of a judicial authority under this Part shall be obtainable upon a private application by petition made by any relative or friend of the alleged defective, or by any officer of the police department under this Part authorised in that behalf by the Commissioner of Police.

Presentation of petitions.  
42 of 1999.

(2) Every petition shall be accompanied by two medical certificates, one of which shall be signed by a medical practitioner approved for the purpose by the Minister, or a certificate that a medical examination was impracticable, and by a statutory declaration made by the petitioner and by at least one other person, who may be one of the persons who gave a medical certificate, stating,

40 of 1963.

- (a) that the person to whom the petition relates is a defective within the meaning of this Part and the class of defectives to which he is alleged to belong; and
- (b) that that person is subject to be dealt with under this Part and the circumstances which render him so subject; and
- (c) if the petition is accompanied by a certificate that a medical examination was impracticable, the circumstances which rendered it impracticable.

42 of 1999.

(3) If a petition is not presented by a relative or by an officer of the police department, it shall contain a statement of the reasons why the petition is not presented by a relative, and of the connection of the petitioner with the person to whom the petition relates and the circumstances under which he presents the petition.

42 of 1999.

(4) Where the Board is satisfied that a petition under this section ought to be presented concerning any person, and that a member of the police department has refused or neglected to cause a petition to be presented, it may direct a particular officer of police to present a petition, and this section shall apply accordingly.

Procedure in cases  
of persons guilty  
of offences, etc.

**23.**—(1) On the conviction by a court of competent jurisdiction of any person of any criminal offence punishable in the case of an adult with imprisonment, or on a child brought before a court under any law, being found liable to be sent to a certified institution or an industrial school, the court, if satisfied on medical evidence that he is a defective within the meaning of this Part, may either,

- (a) postpone passing sentence or making an order for committal to a certified institution or an industrial school, and direct that a petition be presented to a judicial authority under this Part with a view to obtaining an order that he be sent to an institution or placed under supervision or guardianship; or

- (b) in lieu of passing sentence or making an order for committal to a certified institution or an industrial school, itself make any order which if a petition had been duly presented under this Part the judicial authority might have made, which order shall have the like effect as if it had been made by a judicial authority on a petition under this Part,

but if the court is a court of summary jurisdiction and the case is one which the court has power to deal with summarily, the court, if it finds the charge is proved, may give such directions or make such order as specified in paragraph (a) or (b) of this subsection without proceeding to a conviction, and such person shall for the purposes of this Part be deemed to be a person found guilty of an offence.

(2) The court may act either on the evidence given during the trial or other proceedings, or may call for further medical or other evidence.

(3) Where the court so directs a petition to be presented against a person, it may order him to be detained in an institution for defectives or in a place of safety for such time as is required for the presentation of the petition and the adjudication thereof.

(4) Where it appears to any court of summary jurisdiction by which a person charged with an offence is remanded or committed for trial that such person is a defective, the court may order that pending the further hearing or trial he shall be detained in an institution for defectives, or be placed under the supervision or guardianship of any person on that person entering into a recognisance for his appearance.

(5) Where it appears to the Commissioner of Police that any person charged with an offence is a defective, he shall bring before the court such evidence relating to the mental condition of that person as may be available.

(6) Where it is intended to bring such evidence before the court, the Commissioner of Police shall give notice of the intention to the person charged, and to his parent or guardian, if known.

Board of Control  
constituted.  
40 of 1963.

**24.**—(1) The Minister may constitute a Board of Control consisting of not more than five persons, one of whom shall be a attorney-at-law, one a medical practitioner, and one a woman.

(2) The members of the Board may from time to time be appointed by the Minister who shall appoint one of them to be chairman of the Board.

(3) The Board so constituted shall be a body corporate by the name of the “Board of Control”, with perpetual succession and a common seal and the capacity to acquire, hold and alienate real and personal property and to sue and be sued in all courts of law and equity.

40 of 1963.

(4) The members of the Board shall hold office during the Minister’s pleasure.

Officials of the  
Board.

**25.** The Board shall be assisted in the performance of its duties by a secretary and by such other officers and servants as it may think fit to appoint, and such secretary, officers and servants shall receive such salaries, wages and remuneration as may be provided for that purpose by the National Assembly.

General pow-  
ers and duties of  
members of the  
Board.

**26.**—(1) Subject to regulations made by the Minister, the Board shall,

- (a) exercise general supervision, protection and control over defectives;
- (b) supervise any institution in which defectives are detained as well as the administration of any powers and duties conferred and imposed on any person under this Part or regulations;
- (c) certify, approve, supervise and inspect institutions and all arrangements made for the care, training and control of defectives therein;
- (d) visit, either through one or more members or through its officers, defectives in institutions or under supervision or guardianship, or, with a view to

their certification, elsewhere, any persons who have been placed under the care of any person as being defectives;

- (e) provide and maintain institutions for defectives;
- (f) take such steps as may be necessary for ensuring suitable treatment of cases of mental deficiency;
- (g) make annual reports, to be presented to the National Assembly, and such special reports as the Minister may from time to time require;
- (h) administer, in accordance with this Part, grants made out of money provided by the National Assembly under this Part.

(2) Without prejudice to its powers and duties under any regulations which the Minister may make for further or more frequent inspection and visitation, it shall be the duty of the Board through one or more members to inspect every institution in which mental defectives are confined at least once in each year, and either through themselves or its officers to inspect every institution one additional time in each year and every defective under supervision or guardianship, at least twice in every year.

(3) The Board shall have power to discharge at any time any person detained as a defective in an institution or under supervision or guardianship under this Part.

**27.**—(1) An order made under this Part that a defective be sent to an institution or placed under supervision or guardianship shall expire at the end of one year from its date, unless continued in manner provided under subsection (2) of this section.

Duration of detention under orders.

(2) Subject to subsection (3) of this section, an order shall remain in force for a year after the date when under subsection (1) of this section it would have expired, and thereafter for successive periods of five years, if at the date and at the end of each period of one and five years respectively

3 of 1978.

the Board, after considering such special reports and certificates as are mentioned in subsections (6) and (7) of this section and the report of any duly qualified medical practitioner who, at the request of the defective or his parent or guardian or any relative or friend, has made a medical examination of the defective and the means of care and supervision which would be available if the defective were discharged, considers that the continuance of the order is required in his interests and make an order for the purpose.

(3) Where a defective was, at the time of being sent to the institution or placed under guardianship, under eighteen years of age, the case shall be reconsidered by the Board appointed under this Part within three months after he attains the age of eighteen years.

(4) On such reconsideration the Board shall visit the defective or summon him to attend before it and inquire into his mental condition and the means of care and supervision which would be available if he were discharged and into all the circumstances of the case and, if it appears to it that further detention in an institution or under supervision or guardianship is no longer required in the interests of the defective himself, shall order him to be discharged.

(5) If the Board does not order his discharge, the defective or his parent or guardian may, within fourteen days after the decision of the Board has been communicated to the defective and his parent or guardian, appeal to the court.

(6) The special reports mentioned above shall be a special report by two registered medical officers made within one month after having seen the defective as to his mental condition and the means of care and supervision which would be available if he were discharged, and stating whether, in the opinion of the registered medical officers, the defective is still a proper person to be detained in his own interest in an institution or under supervision or guardianship.

(7) A certificate under the hand of the secretary to the Board that an order has been continued to the date therein mentioned shall be sufficient evidence of the fact.

28.—(1) Where a defective has been placed by his parent or guardian in an institution or under supervision or guardianship, such parent or guardian may withdraw him from the institution or supervision or guardianship at any time on giving notice in writing for the purpose to the Board, unless the Board, after considering what means of care and supervision would be available if he were discharged, determines within fourteen days after receiving the notice that the further detention of the defective in the institution or under supervision or guardianship is required in the interests of the defective and, where the Board has so determined, no further notice by the parent or guardian shall be allowed till after the expiration of six months from the last previous notice.

Duration of detention not under orders.

(2) Subject to subsection (1) of this section, a defective who has been placed by his parent or guardian in an institution or under supervision or guardianship, may be detained in the institution or under supervision or guardianship and the case shall be reconsidered by the Board at like intervals, as if he had been ordered to be sent to the institution or placed under supervision or guardianship, and section 27 of this Act shall apply accordingly.

(3) The manager of any institution in which defectives are confined may discharge any defective placed there by his parent or guardian on giving one month's notice to the Board and to the parent or guardian of the defective, if known.

## PART IV

### *Miscellaneous*

29.—(1) The Minister may make regulations for the purpose of carrying the provisions of this Ordinance into effect, and in particular, but without prejudice to the generality of this section, may make regulations relating to,

Power to make regulations.

- (a) the reception, care and control of a person of unsound mind, whether so found by inquisition or not, in an institution or other suitable place and his transfer or discharge therefrom;

- (b) the powers of the person executing an inquisition;
- (c) applications for traverse and supersede as of inquisitions and to new trials of the issue;
- (d) rescission of orders for commitment of a person of unsound mind;
- (e) the management, sale, mortgage or other disposition of the property of a person of unsound mind;
- (f) the provision for the maintenance of a person of unsound mind, or of members of his family dependent upon him for maintenance, where it appears to the court that there is reason to believe that the unsoundness of mind so found by inquisition is in its nature temporary;
- (g) the powers vested in a person of unsound mind in the character of trustee or guardian, or with regard to any necessary consent which a person of unsound mind is empowered to give;
- (h) temporary maintenance of a person of unsound mind or members of his family dependent upon him for maintenance, pending the appointment of committees;
- (i) the possession, sale and realisation of the property of a person of unsound mind which does not exceed in value the sum of two thousand dollars;
- (j) the making of vesting orders in the case of stock standing in the name of a person of unsound mind beneficially entitled thereto, or vested in a committee of the estate of a person of unsound mind in trust for the person of unsound mind or as a part of his property;
- (k) the power to vest the right to transfer stock and sue for chooses in action;

- (l) the powers and duties of a judicial authority in relation to the committal of a defective under Part III and the mode of his exercising and discharging them;
- (m) the presentation and hearing of the petition for an order committing a defective to an institution, or placing him under supervision or guardianship, the variation of such orders and any other matter therewith connected;
- (n) the recovery of a contribution by a defective or any person liable to maintain him to the expenses of his maintenance in an institution;
- (o) the power to deal with defectives under and in accordance with Part III, including the right of visiting defectives;
- (p) the powers and duties of the Board.

**30.**-(1) Rules of court may prescribe the costs and fees payable in proceedings in the court relating to persons of unsound mind and defectives and their estates, and regulate the mode in which they are to be ascertained and paid.

Rules of court to provide for costs and fees, etc.

(2) Except as otherwise provided by rules of court, the costs and fees payable in proceedings relating to unsoundness of mind shall be those provided in ordinary proceedings taken under the Supreme Court of Judicature Act, Cap. 91.

(3) The costs, or a proper proportionate part thereof, as the case may require, shall be charged upon the estate of a person of unsound mind or defective, and be payable there out, although before payment thereof he dies, or the inquisition be superseded, or be vacated and discharged on a traverse, but in either of the two last-mentioned cases the court may, if it thinks fit, remit or reduce the amount of the sum to be paid.

(4) Where it is made to appear to the court that the property of a person of unsound mind does not exceed three thousand five hundred dollars in value, or that the income thereof does not exceed two hundred dollars per annum, it may order, if it thinks fit, that no fee shall be taken or cost levied, in relation to the proceeding in the matter or the property, as from the date of the order or such other time as it directs, during the continuance of the unsoundness of mind or until further order.