

No. 14 OF 1931.

*For Rules of Court
See C.G. of 1932 p. 282
p. 425.*

A LAW RELATING TO THE CUSTODY AND MAINTENANCE OF MENTAL PATIENTS, CRIMINAL MENTAL PATIENTS AND INSANE PRISONERS AND THE ADMINISTRATION OF THE PROPERTY OF SUCH PATIENTS. A.D. 1931.
14 of 1931.

RONALD STORRS.]

[May 20, 1931.]

BE it enacted :—

1. This Law may be cited as the Mental Patients Law, Short title. 1931.

2. In this Law unless the context otherwise requires the following expressions have the meanings respectively assigned to them (that is to say) :— Interpre-
tation.

“ Court ” means a Magisterial Court or any Judge thereof.

“ Criminal mental hospital ” means a criminal mental hospital appointed under this Law.

“ Criminal mental patient ” means a person found to be insane upon enquiry directed to be made by a Magisterial Court or any Assize Court before which such person is being tried and shall include a person who has been acquitted by a Magisterial Court or any Assize Court or the Supreme Court on the ground of insanity under the provisions of the Cyprus Courts of Justice Order, 1927, or of the Cyprus Criminal Code Order in Council, 1928.

“ District Court ” includes any Judge thereof.

“ Medical practitioner ” means any medical practitioner duly registered under the Medical Registration Law, 1917, or any amendment thereof.

“ Mental hospital ” means any mental hospital appointed under this Law.

“ Mental patient ” means a lunatic and includes an idiot or any other person of unsound mind.

“ Offence ” means an act, attempt or omission punishable by Law or enactment.

Enquiry as to the mental state of any person.

3. Any Court, upon the information on oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be mentally afflicted and a proper subject of confinement may, in any place which such Court deems convenient, examine such suspected person, and, in the same place or elsewhere, may hold an enquiry as to the state of mind of such suspected person. For the purposes of such enquiry, the Court shall have the same powers as if the suspected person were a person against whom a complaint for an offence had been made :

Provided that such Court may, if it thinks fit, proceed with such enquiry in the absence of the suspected person, and without proof of the service of a summons upon him.

Medical certificate.

4.—(1) The Court shall also appoint a medical practitioner to examine the suspected person. Such medical practitioner if he considers that the facts warrant him so doing shall sign a certificate (in this Law referred to as the certificate) certifying that in his opinion the suspected person is in fact mentally afflicted and a proper subject of confinement as a mental patient.

(2) The medical practitioner before giving the certificate shall enquire of any person able to give him information as to the previous history of the suspected person and shall state in the certificate all matters known to him which he deems likely to be of service with reference to the medical treatment of such person.

(3) The certificate shall specify in full detail the facts upon which the medical practitioner founds his opinion and shall distinguish facts which he has himself observed from facts communicated to him by others.

(4) No certificate shall have any effect under this Law which purports to be founded on facts wholly communicated to the medical practitioner by others.

Offences with respect to certificates.

5.—(1) Any person, not being a medical practitioner, who knowingly and wilfully signs any certificate under this Law in which he is described as a medical practitioner, shall be guilty of an offence and shall be liable to imprisonment for any term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(2) Any medical practitioner, who knowingly and wilfully in any certificate under this Law falsely states or falsely certifies anything shall be guilty of an offence and shall be liable to imprisonment for any term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

6.—(1) Where, upon such enquiry as is provided for by this Law, it appears to the Court that any person is a mental patient and a proper subject of confinement, and a certificate as by this Law is required of his unsoundness of mind has been given, the Court may adjudge such person to be a mental patient and a proper subject of confinement, and shall proceed to make an order according to this Law for the care and custody of such patient.

Adjudication
of person
as mental
patient and
rescission
thereof.

(2) Any Court may, upon the application of any person, upon being satisfied that a person who has been adjudged to be a mental patient and a proper subject of confinement is of sound mind or has regained his sanity, rescind such adjudication and shall thereupon revoke any such order made in consequence thereof.

7. Where, under this Law, any person has been duly adjudged a mental patient and a proper subject of confinement, any Court may order such patient to be confined in a mental hospital or by some person to whom a licence has been issued under the provisions of section 19 of this Law.

Custody
of mental
patient.

8. Any Court may make an order adjudging any person to be a mental patient and a proper subject of confinement notwithstanding that none of the facts constituting such person a mental patient happened in the district of such Court.

Jurisdiction
of Court.

9.—(1) If any Court under this Law adjudge any person to be a mental patient and a proper subject of confinement, or make any order under section 7 of this Law, an appeal by or on behalf of the patient affected thereby shall lie to the Supreme Court, subject to the same conditions as if such patient had been convicted of an offence punishable on summary conviction in respect of which an appeal would lie. Upon the hearing of any such appeal the Supreme Court may confirm, vary or set aside any order of the Court,

Appeals.

(2) The Court may, if it thinks fit, suspend the execution of any order made by it until the decision of the appeal or for any shorter period, and upon such terms and conditions, if any, as it thinks fit.

(3) The Supreme Court or any Judge thereof, upon the application by or on behalf of the appellant, may, at any time, and notwithstanding any previous order of a Court, make such order, subject to such terms and conditions, if any, as it thinks fit, as to the care and custody or allowing to be at large, until the decision of the appeal, or for any shorter period, of the person adjudged to be a mental patient and a proper subject of confinement.

The Supreme Court or any Judge thereof may vary or revoke any such order.

Mental patient not to be confined except under this Law.

10. No person shall confine, detain or take charge of any person adjudged to be a mental patient and a proper subject of confinement or of a criminal mental patient otherwise than in a mental hospital or a criminal mental hospital or under a licence issued under the provisions of section 19 of this Law :

Provided that the provisions of this section shall not apply to any mental patient or criminal mental patient who is absent on parole or is discharged from such hospital under and in accordance with the provisions of this Law.

MENTAL HOSPITALS.

Appointment of mental hospitals.

11. The Governor may, by proclamation, appoint the whole or any part of any building, together with any ground or any other premises thereto belonging, to be a mental hospital.

Retaking mental patient who has escaped.

12. The Medical Superintendent of any mental hospital or any officer or servant thereof, or any peace officer may retake any mental patient who is escaping from such mental hospital, and may, within fourteen days after his escape, retake any mental patient who has escaped from such mental hospital, and may return to the mental hospital any mental patient so retaken, where he shall revert to his former custody.

13.—(1) The Director of Health may order the discharge from any mental hospital of any mental patient whether recovered or not, detained under this Law, or may, subject to the provisions of this Law, allow any mental patient to be absent from any mental hospital on parole for such period as he thinks fit, and may at any time grant an extension of such period.

Discharge or absence on parole of mental patient.

(2) No mental patient shall be allowed to be absent on parole under this section unless some person enter into an agreement approved by the Director of Health to take charge of such mental patient.

(3) If any mental patient allowed to be absent on parole under this section does not return at or before the expiration of the allowed period of absence, such patient may, at any time within fourteen days from the expiration of such period, be retaken as if he had escaped from the mental hospital.

CRIMINAL MENTAL HOSPITALS.

14. The Governor may, by proclamation, appoint the whole or any part of any building, together with any ground or any other premises thereto belonging, to be a criminal mental hospital.

Appointment of criminal mental hospital.

15. Criminal mental patients may be confined in a mental hospital or a criminal mental hospital as the Governor in Council may by Order direct.

Confinement of criminal mental patients.

16.—(1) The Governor may order the discharge absolutely or upon conditions of any criminal mental patient detained in a mental hospital or criminal mental hospital whether recovered or not.

Discharge of criminal mental patient.

(2) Where, upon information upon oath of a peace officer not below the rank of sergeant, it appears to a Court that a condition, subject to which a discharge under this section was granted, has been broken, such Court may order the person discharged to be conveyed to the mental hospital or the criminal mental hospital from which he was discharged.

(3) An order made under sub-section (2) hereof shall be final and conclusive and no appeal therefor shall lie to the Supreme Court.