



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE MENTAL HEALTH ACT

CHAPTER 248

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CHAPTER 248

MENTAL HEALTH ACT

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CHAPTER 248

MENTAL HEALTH ACT

*[Date of assent: 27th November, 1989.]**[Date of commencement: 1st May, 1991.]*

An Act of Parliament to amend and consolidate the law relating to the care of persons who are suffering from mental disorder or mental subnormality with mental disorder; for the custody of their persons and the management of their estates; for the management and control of mental hospitals; and for connected purposes

[Act No. 10 of 1989, Legal Notice 143 of 1991, Act No. 11 of 1993.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Mental Health Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Kenya Board of Mental Health established under section 4;

"court" means the High Court;

"Director" means the Director of Medical Services;

"magistrate" means a magistrate holding a subordinate court of the first class;

"manager" means any person appointed under Part XII;

"medical practitioner" has the meaning assigned to that term in sections 2 and 3 of the Medical Practitioners and Dentists Act (Cap. 253);

"mental hospital" means a mental hospital established under section 9;

"person in charge", in relation to a mental hospital, means the person for the time being authorized by the Director to be in medical charge of the mental hospital;

"person suffering from mental disorder" means a person who has been found to be so suffering under this Act and includes a person diagnosed as a psychopathic person with mental illness and person suffering from mental impairment due to alcohol or substance abuse;

"substance abuse" means the maladaptive pattern of use as indicated by either recurrent or continued use of any psychoactive substances (such as alcohol, amphetamines, cannabis sativa, cocaine, hallucinogens, inhalants, opioids, sedatives, hypnotics, or anxiolytics) where such use causes or exacerbates persistent or recurrent social, occupational, psychological or physical problems;

"treatment" includes medical treatment, nursing and care and training under medical supervision.

[Act No. 11 of 1993, Sch.]