

**Fourth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 14 of 1999

[L.S.]

**AN ACT to amend the Mental Health Act,
Chap. 28:02**

[Assented to 16th August, 1999]

ENACTED by the Parliament of Trinidad and Tobago as **Enactment**
follows:

1. This Act may be cited as the Mental Health Short title
(Amendment) Act, 1999.

Interpretation
Chap. 28:02

2. In this Act “the Act” means the Mental Health Act.

Section 2 amended

3. Section 2 of the Act is amended—

(a) by inserting after the definition of the words “mental subnormality” the following definition:

“next of kin” means in the order of priority, a—

- (a) spouse;
- (b) child;
- (c) parent;
- (d) grand-parent; or
- (e) brother or sister;

(b) in the definition of the word “patient” by deleting all the words after the word “subnormal”; and

(c) by deleting subsection (2) and substituting the following:

“ (2) For the purposes of this Act—

(a) ‘spouse’ includes a cohabitant as defined in the Cohabitational Relationships Act;

(b) ‘child’ includes a step child, adopted child and in relation to the parties in a cohabitational relationship as defined by the Cohabitational Relationships Act, a child of either party or both parties; and

(3) The psychiatric Hospital Director, every duly authorised medical officer and every mental health officer shall be *ex officio* a Justice of the Peace in and for the whole of Trinidad and Tobago and shall take the oath as such Justice.”.

Act No. 10 of
1998

4. Section 36 of the Act is amended by—

Section 36 amended

- (a) deleting subsection (1) and substituting the following:

“ 36. (1) The High Court may, subject to this Part, and subject to section 44 on application by originating summons from—

(a) a public officer; or

(b) a next-of-kin of the patient,

exercise control over the property and affairs of such patient who has been admitted to a hospital or psychiatric ward, an approved home or a private hospital.”;

- (b) inserting the following new subsections:

“ (3) The High Court may, subject to this Part on application by the next-of-kin of any patient, by originating summons exercise control over the property and affairs of such patient.

(4) An application made under subsection (1) or (3) shall be supported by an affidavit to the effect that the patient is incapable, by reason of mental disorder, of managing and administering his property and affairs.”.

5. Section 37 of the Act is amended—

Section 37 amended

- (a) by deleting the words “36(1)” occurring in line one and substituting the word “36”;
- (b) in subsection (1), by deleting in paragraph (a) the words “Director or a duly authorised medical officer” and substituting the words “Director, a duly authorised medical officer or qualified psychiatrist”;

(c) in subsection (1), by deleting paragraph (b) and substituting the following paragraph:

“(b) a statement by the applicant giving a detailed description of the patient’s property and the value thereof;”

(d) in subsection (2) by—

(i) deleting the word “Prior” and substituting the words “Where the applicant is not the next-of-kin referred to in section 36, prior”;

(ii) deleting the word “must” in line two and substituting the word “shall”.

New section inserted **6.** The Act is amended by inserting the following new section:

“Statements
and Medical
Certificate to
be produced

37A. (1) Notwithstanding the certificate produced under section 37(1)(a), the High Court may require the person appointed as the committee of the patient’s property to file—

(a) periodic statements of the status of the patient’s estate; and

(b) periodic medical certificates issued by the relevant persons referred to in section 37(1)(a), stating the mental condition of the patient and if necessary the probable duration of the disorder.

(2) The High Court shall on production of such statements and medical certificate referred to in subsection (1), decide whether to continue with or discharge the committee of the patient’s property appointed under section 37.”

7. Section 38(1) of the Act is amended by deleting Section 38 amended the words “36 and 37” and substituting the words “36, 37 and 37A”.

8. Section 44(1) of the Act is amended by inserting Section 44 amended after the word “patient” the following words “who has been admitted to a hospital, psychiatric ward, an approved home or a private hospital”.

9. The Act is amended by repealing section 48. Section 48 repealed

Passed in the Senate this 15th day of June, 1999.

N. COX
Clerk of the Senate

Passed in the House of Representatives this 16th day of July, 1999.

J. SAMPSON-JACENT
Clerk of the House