



TRINIDAD AND TOBAGO.

No. 12—1946.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,  
*Governor*

6th April, 1946.

AN ORDINANCE to amend the Lunacy and Mental Treatment Ordinance, Ch. 12, No. 8.

[11th April, 1946.]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Lunacy and Mental Treatment (Amendment) Ordinance, 1946, and shall be read as one with the Lunacy and Mental Treatment Ordinance (herein-  
after referred to as the Principal Ordinance). Short title.  
Ch. 12, No. 8

Section 4 of  
Principal  
Ordinance  
repealed and  
replaced.

2. Section 4 of the Principal Ordinance is hereby repealed and replaced by the following :—

Enquiry as  
to lunacy.

4. (1) Any Magistrate, upon the information upon 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 of unsound mind and a proper subject for confinement, may, in any place which he deems convenient, examine such person, and, in the same place or elsewhere, may hold an enquiry as to the state of mind of such person.

For the purposes of such enquiry the Magistrate shall have the same powers as if the person alleged to be of unsound mind were a person against whom a complaint for an offence punishable on summary conviction had been laid: Provided that no person alleged to be of unsound mind shall be required to attend at any Magistrate's Court for examination by a Magistrate nor shall he be taken to any such court for such purpose.

(2) A Magistrate may, if he thinks fit, proceed with an enquiry under this section in the absence of the person alleged to be of unsound mind and without proof of the service of any summons upon such person.

(3) If, at any stage of an enquiry under this section, it shall be shewn to the satisfaction of the Magistrate conducting such enquiry that the person alleged to be of unsound mind is a person whom it is expedient to put immediately under confinement pending the conclusion of the enquiry, it shall be lawful for such Magistrate either *proprio motu* or at the request of the informant :—

- (a) to make a written order for the detention of such person during a period which shall not exceed fourteen days in a colonial mental hospital other than the St. Ann's Mental Hospital whether situated within the district in which the Magistrate exercises jurisdiction or elsewhere in the Colony ;
- (b) from time to time, on good cause shewn to make further orders or such detention, in the like form, for periods none of which

shall exceed eight days: Provided that on such person shall be detained under observation for more than two months at a time ;

(c) at any time, by order under his hand, to direct that the person detained be released.

(4) It shall be lawful for any person to whom the execution of an order made under the last preceding subsection is entrusted, to convey the person alleged to be of unsound mind therein mentioned to the specified place of detention and there to detain him during the period specified unless previous to the expiry of such period the release of the person alleged to be of unsound mind be ordered in due course of law.

Medical  
certificate.

(5) The Magistrate shall also appoint a member of the Medical Board to examine the suspected person and shall furnish such member with all the information bearing on the mental state of such suspected person which he has been able to procure and such member shall, if he considers the facts warrant him in so doing, sign a certificate certifying that in his opinion the suspected person is of unsound mind. Such certificate shall specify in full detail the facts upon which the person signing it founds his opinion, and shall distinguish facts which he has himself observed from facts communicated by others. The person signing the certificate shall enquire of any persons able to give information as to the previous history of the suspected person, and shall state in his certificate all matters known to him which he deems likely to be of service with reference to medical treatment. No certificate shall have any effect under this Ordinance which purports to be founded wholly on facts communicated by others.

Form 2.

(6) The informant referred to in subsection (1) of this section shall, if required by the member of the Medical Board appointed to examine the suspected person, by written notice served personally on him, attend at the time and place specified in such notice and give such information touching the mental condition of the suspected person as shall be in his power to give. Any such person who neglects or refuses to attend as and when so required or refuses to answer any question concerning the mental condition of the suspected person which may be put to him by

the member of the Medical Board enquiring into such mental condition shall on summary conviction be liable to a fine of four hundred and eighty dollars or to imprisonment for six months."

New sections  
4A and 4B  
added to  
Principal  
Ordinance.

3. The following new sections to be numbered 4A and 4B are hereby inserted in the Principal Ordinance immediately after section 4 :—

"Urgency  
orders.

4A (1) Notwithstanding the provisions of the last preceding section of this Ordinance, whenever a Magistrate considers it expedient, either for the public safety or for the welfare of any person with respect to whom an information on oath under the last preceding section has been laid, that such person should be forthwith placed under observation, he may without the production of a medical certificate by written order direct that such person be received into a colonial mental hospital other than the St. Ann's Mental Hospital to be named in the order and be there detained under observation during such period, not exceeding fourteen days, as to the Magistrate may seem expedient: Provided that on good cause shewn such order may be enlarged for further periods none of which shall exceed eight days: Provided further that no such person shall be detained under observation for more than two months at a time.

(2) The Magistrate shall furnish the principal medical officer of the colonial mental hospital with all the information bearing on the mental state of the person so detained which he has been able to procure.

(3) The person who has laid the information on oath referred to in subsection (1) of this section shall, if required by the principal medical officer of the colonial mental hospital by written notice served personally on him, attend at the time and place specified in such notice and give such information touching the mental condition of the person so detained as shall be in his power to give. Any such person who neglects or refuses to attend as and when so required or refuses to answer any question concerning the mental condition of the person detained which may be put to him by the principal medical officer of the colonial mental hospital shall on summary conviction be liable to a fine of four hundred and eighty dollars or to imprisonment for six months.

(4) If the principal medical officer of the colonial mental hospital certifies that any such person so detained under observation is of sound mind, such person shall be discharged therefrom with all convenient speed and the said officer shall notify the Magistrate accordingly within seven days of such discharge.

(5) If the principal medical officer of the colonial mental hospital certifies that any such person so detained is of unsound mind and a proper subject for confinement the Magistrate shall proceed to hold an enquiry into the state of mind of such person in accordance with the provisions of the last preceding section of this Ordinance: Provided that no such person shall be adjudged to be of unsound mind unless the Magistrate has seen and, where circumstances permit, examined such person: Provided further that the certificate of the said medical officer shall be sufficient evidence of the facts therein stated concerning the state of mind of such person and it shall not be necessary to prove the handwriting of such officer, but the Magistrate may examine any members of the staff of the colonial mental hospital who shall have had such person under observation.

Admission of  
accused  
persons for  
observation.

4B (1) Whenever a Judge or a Magistrate has reason to believe that a person committed for trial before him or charged before him with an offence is of unsound mind, he may, for the purpose of obtaining evidence as to whether such person is or is not of unsound mind, by written order direct that such person be received into a colonial mental hospital, to be named in the order, and be there detained under observation during such period, not exceeding fourteen days, as to the Judge or Magistrate may seem expedient: Provided that on good cause shewn such order may be enlarged for a further period or periods each not exceeding eight days at a time: Provided further that no order under this subsection shall be made in respect of persons who are not being kept in custody pending trial.

(2) When an order has been made under the section a certificate under the hand of the principal medical officer of the mental hospital shall be sufficient evidence of the facts therein stated concerning the state of mind of the person kept under observation and

it shall not be necessary to prove the handwriting of such officer, but the Judge or Magistrate may examine any members of the staff of such hospital who shall have had the patient under observation.

(3) Every person ordered under this section to be received into a colonial mental hospital for observation shall be received into the hospital named in the order and be there detained under observation for the period stated in the order or for such shorter period as the Judge or Magistrate who made the order may direct, and it shall be lawful for any person to whom the execution of the order is entrusted to convey the person named therein to such hospital."

Section 12 (1)  
of Principal  
Ordinance  
amended.

4. Subsection (1) of section 12 of the Principal Ordinance is hereby amended by deleting the words, "by warrant under his hand", occurring between the words "may" and "order" in the eighth line thereof.

New section  
12A added to  
Principal  
Ordinance.

5. The following section to be numbered 12A is hereby inserted in the Principal Ordinance immediately after section 12:—

"Transfer of  
patients from  
colonial  
hospital to  
colonial men-  
tal hospital for  
observation.

12A (1) Where the principal medical officer of a colonial hospital or any medical officer duly authorised by him to act on his behalf has reason to suspect that any patient in such hospital is of unsound mind he may by order in writing direct the transfer of such patient to and his detention in a colonial mental hospital for the purpose of observation during such period not exceeding fourteen days as to him may seem expedient: Provided that on good cause shewn such order may be enlarged for further periods none of which shall exceed eight days: Provided further that no such patient shall be detained under observation for more than two months at a time.

(2) The principal medical officer of the colonial hospital or medical officer duly acting on his behalf, as the case may be, shall immediately on ordering the transfer and detention of a patient under the provisions of the preceding subsection notify a Magistrate of the district in which such hospital is situate of such transfer and detention and furnish him with the grounds on which he has made the order, and such Magistrate shall either confirm or annul such order and within

three days of such notification communicate his decision to such principal medical officer or medical officer, as the case may be, as well as to the principal medical officer of the colonial mental hospital to which the patient has been transferred: Provided that if the Magistrate shall annul such order the patient shall forthwith be discharged from such colonial mental hospital.

(3) Where the principal medical officer of a colonial mental hospital or medical officer duly authorised by him to act on his behalf certifies in writing that in his opinion any patient detained under the authority of the preceding subsection is of unsound mind, an enquiry into the state of mind of such patient shall be held in accordance with the provisions of section 4 of this Ordinance.

(4) For the purposes of such enquiry the certificate of the principal medical officer of the colonial mental hospital or medical officer duly authorised by him to act on his behalf shall be sufficient evidence of the facts therein stated concerning the state of mind of the patient and it shall not be necessary to prove the handwriting of such officer, but the Magistrate may examine any members of the staff of such colonial mental hospital who shall have had the patient under observation.

(5) Every person ordered under this section to be received into a colonial mental hospital for observation shall be received into the hospital named in the order and be there detained under observation for the period stated in the order or for such shorter period as the principal medical officer of the colonial hospital or medical officer duly authorised by him to act on his behalf or the Magistrate, as the case may be, who made the order shall direct, and it shall be lawful for any person to whom the execution of the order is entrusted to convey the person named therein to the hospital named therein."

6. Section 28 of the Principal Ordinance is repealed and replaced by the following:—

"Prisoners of  
unsound mind

28. (1) Where the Governor is satisfied that any person imprisoned for any cause in any prison is of unsound mind, or where it is represented to the Governor that any such person appears to be of unsound mind the Governor may, by warrant under

Section 28 of  
the Principal  
Ordinance  
repealed and  
replaced.

his hand, direct that such person be removed to such criminal lunatic hospital or colonial mental hospital as the Governor thinks proper, and that he be detained in such hospital until discharged as in this section is mentioned.

(2) Where any person is detained in any hospital under the provisions of this section, it shall be the duty of the principal medical officer of such hospital, if and when he is satisfied that such person is of sound mind, to certify accordingly to the Governor and to state in his certificate whether in his opinion such person has been of unsound mind at any time subsequent to the passing of the sentence, and upon receipt of such certificate, the Governor shall, by warrant under his hand, direct—

(a) if the term of imprisonment of such person has expired, that such person be discharged ;

(b) if such person still remains liable to imprisonment or other sentence, that he be removed to the appropriate prison or place to undergo such sentence, or, if not under sentence, to be dealt with according to law, as if no warrant for his removal to a hospital had been issued: Provided that if such person is under sentence of death which has not been commuted, such sentence shall not be carried out if the principal medical officer has certified that such person has been of unsound mind at any time subsequent to the passing of the sentence and in such case the Governor in Council shall commute such sentence.

(3) The time during which any person under sentence of imprisonment is detained in any criminal lunatic hospital or colonial mental hospital shall be reckoned as served under such sentence.”

New section  
51A added to  
Principal  
Ordinance.

7. The following heading and new section to be numbered 51A is hereby inserted in the Principal Ordinance immediately after section 51 :—

“ Mental Hospitals Board.

Establishment  
and duties of  
Mental Hos-  
pitals Board.

51A. (1) There shall be established a Board to be called the Mental Hospitals Board which shall consist of the Director of Medical Services, and one Magistrate

and one member of the Medical Board other than a Medical Superintendent or other principal medical officer of a colonial mental hospital or criminal lunatic hospital to be appointed by the Governor.

(2) The Director of Medical Services shall be Chairman of the Board and the other members of the Board shall hold office for a term of three years but may be re-appointed for a further term or terms, and may be removed at any time by the Governor.

(3) In the event of the Chairman or any other member of the Board being unable to act through absence, illness or any other cause, the Governor may appoint another person to act in his stead.

(4) It shall be the duty of the Board :—

(a) to examine the case of any patient detained in a colonial mental hospital under the provisions of section 7 of this Ordinance whose discharge the Medical Superintendent or other principal medical officer refuses to recommend ;

(b) to review once in every year the case of every criminal lunatic detained in any colonial mental hospital or criminal lunatic hospital ;

(c) to inspect every colonial mental hospital and criminal lunatic hospital at least twice in every year ;

and to forward a report with recommendations thereon in respect of each such examination, review and inspection to the Governor.

(5) The Governor in Council may, subject to the approval of the Legislative Council, authorise the payment out of public funds of any sum or sums by way of remuneration or other allowance to the members of the Board as he may think fit."

Passed in Council this twenty-ninth day of March, in the year of Our Lord one thousand nine hundred and forty-six.

W. J. BOOS,  
*Clerk of the Council.*