

## TRINIDAD AND TOBAGO.

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## No. 25—1934.

I ASSENT,

[L.S.]

A. C. HOLLIS,  
*Governor.*

22nd November, 1934.

AN ORDINANCE to amend the Lunatics Ordinance, Cap. 101, and to make further provision for Mental Treatment.

[On Proclamation.]

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Mental Treatment Ordinance, 1934, and shall be construed as one with the Lunatics Ordinance, hereinafter referred to as the Principal Ordinance, and this Ordinance and the Principal Ordinance may be cited together as the Lunacy and Mental Treatment Ordinances. This Ordinance shall come into operation on such day as may be fixed by the Governor by Proclamation.

2. Section 2 of the Principal Ordinance is hereby amended by the addition of the following definitions:—

“Institution” means a hospital or other medical institution appointed as such by the Governor in Executive Council for the purposes of this Ordinance.

Short title.  
Construction.  
Cap. 101

Amendment  
S.2 of the  
Principal  
Ordinance.

“ Person in charge ” in relation to an Institution means the medical superintendent or other person in charge of the institution into which a person is, or is about to be, received as a voluntary or temporary patient.

Amendment  
of S.3 of  
Principal  
Ordinance.

3. Section 3 of the Principal Ordinance is hereby amended by the addition of the following proviso :—

“ Provided further that no suspected lunatic 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.”

Penalty for  
failure to  
give required  
notices.

4. If any person fails to give any notice required by him respectively under sub-sections (1) and (2) of section 6 or under sub-sections (6) and (7) of section 8 of this Ordinance he shall, for each day or part of a day during which the default continues, be liable on summary conviction before a Magistrate, to a penalty not exceeding five pounds.

Power to re-  
ceive voluntary  
patients.

5.—(1) Any person who is desirous of voluntarily submitting himself to treatment for mental illness, and who makes a written application for the purpose to the person in charge, may without being adjudicated a person of unsound mind under the Principal Ordinance or an order issued thereunder be received as a voluntary patient in an institution within the meaning of this Ordinance.

(2) Any person received as a voluntary patient under this section may leave the institution upon giving to the person in charge seventy-two hours’ notice in writing of his intention so to do.

Notice of re-  
ception,  
and departure  
of voluntary  
patients and  
provisions as to  
discharge of  
patients.

6.—(1) Where a person is received as a voluntary patient under the foregoing section of this Ordinance, notice of his reception shall before the expiration of the second day after the day on which he was so received be sent to the Surgeon-General by the person in charge.

(2) If a person received as aforesaid dies in or departs from the institution, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent to the Surgeon-General by the person in charge.

(3) If any person received as aforesaid becomes at any time incapable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be retained as a voluntary patient for a longer period than twenty-eight days, and shall, if he has not been previously discharged, be discharged on the expiration of twenty-eight days from the date on which he became incapable of so expressing himself unless in the meantime he has again become capable of so expressing himself, or steps have been taken to deal with him either under the Principal Ordinance as a person of unsound mind or under section 8 of this Ordinance as a person who is likely to benefit by temporary treatment.

7.—(1) The Surgeon-General or any person appointed in writing by the Surgeon-General may at any time visit a person received as a voluntary patient under section 5 of this Ordinance and any such person shall make a report to the Surgeon-General on the case.

Visitation of  
voluntary  
patients.

(2) If the Surgeon-General is of opinion that the mental state of any such voluntary patient is such as to render him unfit to remain as a voluntary patient, he may order the person in charge either to discharge the patient, or to take steps to deal with him either under the Principal Ordinance as a person of unsound mind or under section 8 of this Ordinance as a person who is likely to benefit by temporary treatment.

8.—(1) Subject to the provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment but is for the time being incapable of expressing himself as willing or unwilling to receive such treatment may, on a written application duly made in accordance with the provisions of this section but without being adjudicated a person of unsound mind under the Principal Ordinance or an order issued thereunder, be received as a temporary patient in an Institution for the purpose of treatment therein.

a. Provision for  
temporary  
treatment with-  
out certifica-  
tion of certain  
persons.

(2) An application under this section must be in the form set out in Part I of the Schedule to this Ordinance, must be made to the person in charge and must, if possible, be made by the husband or wife, or by a relative of the person to whom it relates, or on the request of the husband

or wife or, if a relative or guardian, by a District Medical Officer within whose area the said person then is, and, if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connection of the applicant with the person to whom it relates and of the circumstances in which he makes the application.

(3) The application shall be accompanied by a recommendation in the form set out in Part II of the Schedule to this Ordinance, signed by two members of the Medical Board of whom one shall be the District Medical Officer within whose area the said person then is.

(4) Each of the members of the Medical Board by whom a recommendation under this section is to be made shall, before signing the recommendation, examine the person to whom the recommendation relates either separately or in conjunction with the other and shall specify in the recommendation the date on which he so examined the said persons and the grounds on which he bases his recommendation.

(5) A recommendation shall be of no effect for the purposes of this section if there is a greater interval than five clear days between the dates on which the person to whom the recommendation relates was examined by the two members of the Medical Board respectively and any such recommendation shall cease to have effect on the expiration of fourteen days from the date on which the person to whom the recommendation relates was examined by the two members of the Medical Board, or if he was examined by those members on two different dates, on the expiration of fourteen days from the later of those dates.

(6) Where a person is received as a temporary patient under this section, notice of his reception together with a copy of the application on which he was received and of the recommendation accompanying the application shall, before the expiration of the second day after the day on which he was received be sent to the Surgeon-General by the person in charge. The Surgeon-General shall upon the signed request of any person who considers himself to be unjustly detained under such application or recommendation furnish to him or to his authorised representative free of cost a copy of such application or recommendation.

(7) If a person so received dies in or departs from the institution, where he was residing, notice of the fact shall before the expiration of the second day after the day of the death or departure be sent to the Surgeon-General by the person in charge.

(8) Within one month of the reception of any person received as a temporary patient under this section he shall be visited by the Surgeon-General or some other Member of the Medical Board appointed in writing by the Surgeon-General for the purpose.

(9) If the person making the said visit is of opinion that it is proper that the patient should continue to be detained he shall sign a statement to that effect and shall leave it with the person in charge but if he is of opinion that it is not proper that the patient should continue to be detained he shall, before the expiration of the second day after the day of the said visit submit a report to the Surgeon-General stating his said opinion, and the grounds on which it is based together with such other observations as he thinks fit.

(10) Subject to the provisions of this section a person received as a temporary patient may be detained for a period not exceeding six months but shall not be detained as such for any longer period.

(11) If a person who has been received as a temporary patient becomes capable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be detained for more than twenty-eight days unless in the meantime he has again become incapable of so expressing himself.

(12) Where it is anticipated that a person who is undergoing treatment as a temporary patient under this section will not recover within the period of six months, but his early recovery appears reasonably probable, that period may from time to time be extended for further periods of such length not exceeding three months as may be specified in directions given by the Surgeon-General upon the application of one of the persons mentioned in sub-section (2) of this section provided that such further periods shall in no case exceed six months in all.

- (13) The Surgeon-General may at any time order—
- (i) that any person received as a temporary patient shall be discharged ; or
  - (ii) that steps shall be taken to deal with him under the Principal Ordinance as a person of unsound mind.

Protection to  
persons acting  
under Principal  
Ordinance and  
this Ordinance.

9.—(1) Where a person has laid an information under section 3 of the Principal Ordinance or signed or carried out or done any act with a view to signing or carrying out an order purporting to be an adjudication order or any report, application, recommendation or certificate purporting to be a report, application, recommendation or certificate under the Principal Ordinance or this Ordinance or has done anything in pursuance of the Principal Ordinance or this Ordinance he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any Court in respect of any such matter as is mentioned in the last preceding sub-section, without the leave of the Supreme Court, and leave shall not be given unless the court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under the last preceding sub-section shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) Where on an application under this section leave is given to bring any proceedings and the proceedings are commenced within four weeks after the date on which leave was so given, the proceedings shall for the purpose of the Public Authorities Protection Ordinance, be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought.

Cap. 63.

10.—(1) Asylums provided or to be provided under the Principal Ordinance shall hereafter be called Mental hospitals and accordingly for reference in any Ordinance or in any order, regulation or other document issued under any Ordinance to any asylum there shall be substituted references to a mental hospital.

Discontinuance of terms "asylum" and "lunatic".

(2) The word "lunatic" (except in the following contexts, that is to say, in the phrase "criminal lunatic" and in relation to persons detained as lunatics outside the Colony) shall cease to be used in relation to any person of or alleged to be of unsound mind and there shall be substituted for that word wherever it occurs (except in the above-mentioned contexts) in any Ordinance or in any order, regulation or other document issued under any Ordinance the expression "person of unsound mind" "person," "patient," "patient of unsound mind" or "unsound mind" or such other expression as the context may require.

(3) The Governor in Executive Council may by order modify the wording of any enactment so far as is necessary to bring it into conformity with the provisions of this section.

**SCHEDULE.**

PART I.

FORM OF APPLICATION FOR RECEPTION OF A TEMPORARY PATIENT.

S. 8 (2).

*Mental Treatment Ordinance, 1933.*

I, \_\_\_\_\_ hereby request you to receive \_\_\_\_\_ as a temporary patient into \_\_\_\_\_

2. I am related to the said \_\_\_\_\_ in the following manner :—

I am the District Medical Officer of the \_\_\_\_\_ District. The said \_\_\_\_\_ is now within my district and I make this application at the request of \_\_\_\_\_, who is related to the said \_\_\_\_\_ in the following manner :—

I am not related to the said \_\_\_\_\_ . The reasons why this application is not made by a relative of the said \_\_\_\_\_ and my connection with him, and the circumstances under which I make this application, are as follows :—

3. Annexed hereto is a recommendation for the temporary treatment of the said \_\_\_\_\_, signed by \_\_\_\_\_

Signed .....

Dated .....

To.....

PART II.

FORM OF RECOMMENDATION FOR TEMPORARY TREATMENT.  
Mental Treatment Ordinance, 1933.

Recommendation for the temporary treatment of  
of

I, \_\_\_\_\_ of \_\_\_\_\_ hereby declare that:—

1. I am the District Medical Officer of \_\_\_\_\_ and I am  
not the usual medical attendant of the above-named.

2. I examined the said \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_.

\*3. I have formed the conclusions stated below on the following grounds,  
viz. :—

I, \_\_\_\_\_ of \_\_\_\_\_ hereby declare that:—

1. I am a Member of the Medical Board and am (am not) the usual  
medical attendant of the above-named.

2. I examined the above-mentioned \_\_\_\_\_ on the  
day of \_\_\_\_\_, 19 \_\_\_\_\_.

\*3. I have formed the conclusions stated below on the following grounds,  
viz. :—

And we, the said \_\_\_\_\_ and \_\_\_\_\_ further  
declare that :—

1. The said
  - (i) is suffering from mental illness ;
  - (ii) is likely to benefit by temporary treatment ;
  - (iii) is for the time being incapable of expressing himself as willing  
or unwilling to receive such treatment.

2. It is expedient with a view to the said \_\_\_\_\_'s  
recovery that he should be received into \_\_\_\_\_ for a period  
not exceeding six months.

Signed .....

Medical Qualifications .....

Date .....

Signed .....

Medical Qualifications .....

Date .....

\* A person in specifying the grounds on which his conclusions are based,  
must carefully distinguish between statements of fact which are based upon  
his own observations and statements of fact which are based upon communi-  
cations made to him by others.

Passed in Council this second day of November,  
in the year of Our Lord one thousand nine hundred and  
thirty-four.

J. O'CONNOR  
Clerk, Legislative Council.