

CHAPTER 274

THE MENTAL TREATMENT ACT

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 MENTAL TREATMENT

(1st October, 1957.)

 1/1957.
 18/1989.
 S.I.39/1989.

 PART I
 PRELIMINARY

 1. This Act may be cited as the Mental Treatment **Short title.**

Act.

 2. In this Act— **Interpretation**

"Board of Visitors" means the Board of Visitors for licensed houses referred to in section 18;

"crime" means any felony or misdemeanour;

"criminal of unsound mind" means a person detained in custody by reason of his having been charged with an offence, and either found to have been insane at the time of such offence, or found or certified or otherwise lawfully proved to be unfit on the ground of his insanity to be tried for the same, and includes a person convicted of an offence and afterwards certified or otherwise lawfully proved to be insane;

"government-aided patient" means any mental patient the expenses of whose care and treatment are wholly chargeable to the public funds of Antigua and Barbuda or to the public funds of any other country pursuant to an Arrangement;

"institution" means a hospital, observation ward or other medical institution appointed as such by the Cabinet for the purposes of this Act and includes a mental hospital;

"licensed house" means a house licensed for the reception of a person of unsound mind under this Act;

"licensee" means the person to whom a licence in respect of a licensed house is granted;

"Medical Superintendent" means the Medical Superintendent of the mental hospital;

"mental hospital" means a mental hospital appointed under this Act and includes a mental hospital for criminals of unsound mind;

"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 patient;

"person of unsound mind", "mental patient" or "insane person" includes—

(a) any epileptic or other person who is suffering from temporary or permanent disease or derangement of the brain producing disordered action of the mind to such an extent as to put him in a condition varying from his normal self and out of relation with his environment so as to render him dangerous or inconvenient to himself or others;

(b) any idiot, that is to say, a person so defective in mind from birth or from an early age as to be unable to guard himself against common physical dangers;

(c) any inbecile, that is to say, a person in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that he is incapable of managing himself or his affairs or in the case of a child, of being taught to do so;

(d) any feeble minded person, that is to say, a person in whose case there exists mental defectiveness not amounting to imbecility yet so pronounced that he requires care, supervision and control for his own protection or for the protection of others, or in the case of a child, that he by reason of such defectiveness appears to be permanently incapable of receiving proper benefit from instruction in an ordinary school;

(e) any moral defective, that is to say, a person in whose case there exists mental defectiveness coupled with vicious or criminal propensities and who requires care, supervision and control for the protection of others;

“temporary patient” means a person described in section 52;

“Visiting Committee” means the Visiting Committee established under the provisions of section 53;

“voluntary patient” means a person described in section 50.

3. (1) The buildings and premises in Antigua and Barbuda styled the “Colonial Lunatic Asylum” shall hereafter be called the mental hospital and accordingly for references in any Act or in any proclamation, notice, order, regulation or other document issued under any Act to lunatic asylum there shall be substituted references to a mental hospital.

Discontinuance of term “asylum” and “lunatic”.

(2) The word “lunatic” 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 in any Act or in any order, regulation or other document issued under any Act 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 Cabinet 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.

PART II

ADJUDICATION OF PERSONS OF UNSOUND MIND

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

Enquiry as to whether person is of unsound mind.

elsewhere, may hold an enquiry as to the state of mind of such a person:

Provided that in the case of a person suspected of being a feeble minded person or child, the informant shall be the parent, guardian or other person having the care of such person or child.

(2) 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.

(3) 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.

(4) If, at any stage of an enquiry under this section, it shall be shown 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 an institution;

(b) from time to time, on good cause shown to make further orders for such detention, in the like form, for periods none of which shall exceed eight days:

Provided that no 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.

(5) 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.

(6) The Magistrate shall also appoint two registered medical practitioners to examine the suspected person and shall furnish such medical practitioners with all the information bearing on the mental state of the suspected person which he has been able to procure and such medical practitioners shall, if they consider the facts warrant them in so doing, sign separate certificates certifying that in their opinion the suspected person is of unsound mind. Each 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 each 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 Act which purports to be founded wholly on facts communicated by others. **Medical certificate.**

(7) Subject to the provisions of subsection (8), each such registered medical practitioner shall be entitled to be paid by the informant a fee of five dollars in respect of such examination and certificate, if any, and such fee shall be deposited with the Magistrate's clerk by the informant upon the lodging of the information and before proceeding thereunder.

(8) If the suspected person be a person with no visible means of support, or if the informant be a police officer, every registered medical practitioner assisting under this section shall be paid from public funds a fee of five dollars in respect of each case in which he shall have assisted as aforesaid.

(9) The informant referred to in subsection (1) shall, if required by any registered medical practitioner appointed to examine the suspected person by written notice served personally on him, attend at such reasonable time and place

as may be 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 required or refuses to answer any question concerning the mental condition of the suspected person which may be put to him by the registered medical practitioner enquiring into such mental condition shall on summary conviction be liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months.

Urgency orders.

5. (1) Notwithstanding the provisions of section 4, 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 said 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 an institution 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 shown 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 Medical Superintendent 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) shall, if required by the person in charge 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 person in charge shall on summary conviction be liable

to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

(4) If the person in charge certifies that any such person so detained under observation is of sound mind, such person so detained 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 person in charge certifies that in his opinion the person so detained is of unsound mind the Magistrate shall proceed to hold an enquiry into the state of mind of such person in accordance with the provisions of section 4:

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 person in charge shall be received in evidence concerning the state of mind of the person so detained and it shall not be necessary to prove the handwriting of the person in charge, but the Magistrate may examine any members of the staff of the institution who shall have had the person detained under observation.

6. (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 an institution, 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:

**Admission of
accused persons
for observation.**

Provided that on good cause shown 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 this section a certificate under the hand of the person in charge shall be received in evidence concerning the state of mind of the

person kept under observation and it shall not be necessary to prove the handwriting of the person in charge, but the Judge or Magistrate may examine any members of the staff of the institution who shall have had the patient under observation.

(3) Every person ordered under this section to be received into an institution for observation shall be received into the institution 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 institution.

False medical certificate.

7. Any registered medical practitioner who knowingly and wilfully in any certificate under this Act falsely states or falsely certifies anything, shall be guilty of a misdemeanour, and, on conviction thereof on indictment, shall be liable to a fine not exceeding ten thousand dollars, and may also, if the court so think fit, be imprisoned for a term not exceeding one year.

Persons disqualified for signing medical certificate.

8. A medical certificate required by this Act shall not be signed by any of the following persons—

(a) the person giving information for the reception of a patient, or by the husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such person;

(b) the husband or wife, father or father-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, the partner or assistant of a patient;

(c) any registered medical practitioner on the staff of the mental hospital.

Adjudication of persons of unsound mind.

9. (1) Where, upon such enquiry as is provided for by this Act, it appears to the Magistrate that any person is of unsound mind and a proper subject for confinement, and such medical certificate as by this Act is required of his unsoundness of mind has been given, the Magistrate may

adjudge such person to be of unsound mind and a proper subject for confinement, and may either proceed to make an order according to this Act for the care and custody of such person, or if he is of opinion that the question of the care and custody of such person may be more conveniently decided by the Magistrate of some other district, may direct that the further proceedings be had before the Magistrate of such other district.

(2) In all cases when a person has been adjudged to be of unsound mind and a proper subject for confinement, he shall be handed over to the authorities of the mental hospital together with the medical certificates relating to his mental condition and the said authorities shall be responsible for his safe conduct to the hospital and his reception, detention and treatment at the hospital.

10. Where, under this Act, any person has been duly ~~person of~~ ^{person of} adjudged to be of unsound mind and a proper subject for ~~unsound mind.~~ confinement, any Magistrate may—

(a) if the consent in writing of the Medical Superintendent is produced, make an order as provided in section 8; or

(b) grant to any person residing in Antigua and Barbuda a licence authorizing such person to receive the person of unsound mind into some house specified in the licence, and situate within Antigua and Barbuda and there to take charge of him; or

(c) if it appears that the person of unsound mind is a patient with no visible means of support by warrant under his hand commit him to a mental hospital there to be taken charge of as a government-aided patient.

11. Any Magistrate may make an order adjudging ^{Jurisdiction of} any person to be of unsound mind notwithstanding that none of the facts evidencing the unsoundness of mind happened in his district. ^{Magistrate.}

12. In case of any order under this Act adjudging ^{Appeal.} any alleged insane person to be of unsound mind and a proper subject for confinement, and in case of a refusal so to

adjudge, an appeal shall lie to the Court of Appeal subject to the same conditions and with the same consequences as if the alleged insane person had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie:

Provided that an appeal under this section shall not have the effect of suspending the execution of an order adjudging an alleged insane person to be of unsound mind and a proper subject for confinement, except so far as the Magistrate or a Judge may order in accordance with section 30.

PART III

MENTAL HOSPITAL

Appointment of
mental hospitals.

13. (1) The Governor-General may, by proclamation, appoint the whole or any part of any building, house, or other place, with any out-houses, yards, gardens, grounds, or premises thereto belonging, to be a mental hospital.

(2) The Cabinet may make regulations under section 57 as to the management of mental hospitals, the admission of patients and the payments to be made in respect of them, the absence upon parole or otherwise and discharge of patients, and as to such other matters relating to the conduct and management of mental hospitals as are necessary for the purposes of this Act.

Escape.

14. Any member of the staff of a mental hospital, any police officer or other peace officer and any member of the public may retake any patient who is escaping from a mental Hospital, and may, within fourteen days after any escape, retake any patient who has escaped from such hospital, and may return to the hospital any patient so retaken, where he shall revert to his former custody.

Discharge and
absence on
parole.

15. (1) The Medical Superintendent may—

(a) order the discharge of any mental patient from the mental hospital; or

(b) permit any mental patient to be removed to and detained at any place on such terms and conditions as may seem fit, and the provisions of this Act in so far as they are applicable shall continue to apply to such

patient and the place of confinement as if he were under detention at the mental hospital; or

(c) allow any mental patient to be absent on parole for such period as may seem fit, and may at any time grant an extension of such period.

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

(3) In the case of any patient with no visible means of support absent on parole, the Minister may order payment out of the Treasury of any sum not exceeding the sum of twenty dollars per month.

(4) If any patient allowed to be absent on parole under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by two registered medical practitioners certifying that such patient may safely be permitted to be at large is sent to the Medical Superintendent, such patient may be retaken as if he had escaped from the mental hospital.

(5) The provisions of this section shall not apply to any person detained in the mental hospital under the provisions of sections 5, 6 and 32.

16. (1) Where the medical officer in charge of a hospital in Antigua and Barbuda or any medical officer duly authorized by the said medical officer in charge 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 mental hospital for the purpose of observation during such period not exceeding fourteen days as to him may seem expedient:

Transfer of patients from hospital to mental hospital for observation.

Provided that on good cause shown such order may be enlarged for further periods none of which shall exceed eight days:

Provided that no such patient shall be detained under observation for more than two months at a time.

(2) The medical officer in charge of such hospital or other medical officer duly acting on behalf of the said medical officer in charge, as the case may be, shall immediately on ordering the transfer and detention of a patient under the provisions of subsection (1) notify a Magistrate 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 medical officer in charge of the aforesaid hospital, or other medical officer, as the case may be, as well as to the Medical Superintendent:

Provided that if the Magistrate shall annul the order the patient shall forthwith be discharged from the mental hospital.

(3) If the Medical Superintendent considers that a patient detained under the authority of subsection (1) is not of unsound mind he may discharge the patient.

(4) Where the Medical Superintendent certifies in writing that in his opinion any patient detained under the authority of subsection (1) 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.

(5) For the purposes of such enquiry the certificate of the Medical Superintendent or of a medical officer duly authorized by him to act on his behalf shall be received in evidence concerning the state of mind of the patient and it shall not be necessary to prove the handwriting of the Medical Superintendent or such medical officer, but the Magistrate may examine any member of the staff of the mental hospital who shall have had the patient under observation.

(6) Every person ordered under this section to be received into a mental hospital for observation shall be received and detained therein under observation for the period stated in the order or for such shorter period as the Medical Superintendent or other medical officer duly authorized 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 mental hospital.

PART IV

LICENSED HOUSES

17. Where a licence in respect of any patient is granted under this Act, the licensee shall be bound to take proper care of such patient until he dies or the licensee is discharged under this Act. **Duty of licensee.**

18. Regulations made under section 57 shall provide for the constitution by the Minister of a Board of Visitors for licensed houses consisting of such number of persons appointed at such times, in such manner, for such periods and with such functions as may be prescribed. **Board of Visitors for licensed houses.**

19. The licensee of every licensed house shall keep such books, make such entries, furnish such returns and give such notices as may from time to time be required by regulations made under this Act. **Records.**

20. Any member of the staff of a licensed house, or any police officer or other peace officer or any member of the public may retake any patient who is escaping from such licensed house, and may within fourteen days after any escape, retake any patient who has escaped from such licensed house and may return to such licensed house any patient so retaken, where he shall revert to his former custody. **Escape from licensed house.**

21. (1) Subject to the provisions of this Act, the Minister may allow any patient confined in a licensed house to be absent from such licensed house on parole for such period as he thinks fit, and may at any time grant an extension of such period. **Absence on parole.**

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

(3) If any patient allowed to be absent on parole from a licensed house under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by two registered medical practitioners certifying that such patient may safely be permitted to be at large is sent to the Magistrate and also, where practicable, to the licensee of such licensed house, such patient may at

any time within fourteen days from the expiration of such allowed period, be retaken as if he had escaped from such licensed house, or, in case the licensee from whose custody the patient was allowed to be absent is unable or unwilling to resume the care and custody of such patient, may be dealt with as a person duly adjudged under this Act to be of unsound mind and a proper subject for confinement.

Death of patient.

22. Notice of the death of any patient confined in a licensed house shall be given forthwith by the licensee to the Coroner and shall also be given by the licensee as soon as may be to the nearest known relative of the patient.

Discharge of licensee.

23. (1) When any patient is confined in a licensed house, the licensee, if desirous of being discharged of the care of such patient, shall serve notice of such his desire upon the Magistrate.

(2) At the expiration of fourteen days from the service of such notice, the licensee shall be discharged, and such patient may be dealt with as a person duly adjudged under this Act to be of unsound mind and a proper subject for confinement.

Removal of patient at request of friends.

24. Where it appears to a Magistrate that the persons at whose expense a patient is maintained in a licensed house are desirous that the patient should be removed from such licensed house, and that provision has been made for his care and custody in a mental hospital or in a suitable licensed house, the Magistrate may make an order for the removal of the patient and discharge of the licensee accordingly.

Removal of patient ill-treated or neglected.

25. Where, upon the information upon oath of any person, it appears to a Magistrate that a patient confined in a licensed house is ill-treated or neglected, the Magistrate may order the patient to be removed to a mental hospital or to a suitable licensed house, and thereupon the licensee of the first mentioned licensed house shall be discharged.

Release of patient.

26. (1) Where, upon the information upon oath of any person, it appears to a Magistrate that a patient confined in a licensed house is no longer a proper subject for confine-

ment, such Magistrate may discharge the licensee and order him to release the patient, or may himself release the patient.

(2) Any licensee disobeying an order made under this section shall be liable, on summary conviction, to a fine not exceeding five hundred dollars. Such conviction shall not be a bar to any action in respect of the same wrong.

27. Where, under this Act, the Magistrate orders the removal of a patient from a licensed house on the ground of ill-treatment or neglect, or orders a patient confined in a licensed house to be released, the licensee may appeal against such order, subject to the same conditions and with the same consequences as if he had been a party against whom a conviction was made within the meaning of subsection (2) of section 165 of the Magistrate's Code of Procedure Act.

Appeal by licensee.

Cap 255.

28. Where, upon information being laid under this Act that a patient confined in a licensed house is ill-treated or neglected, or that a person confined in a licensed house as a patient ought to be released, a Magistrate refuses to make any order, an appeal shall lie to the Court of Appeal subject to the same conditions and with the same consequences as if the licensee had been charged with an offence punishable on summary conviction and the Magistrate had refused to convict.

Appeal where order refused.

29. Where an order for the removal of a patient from a licensed house has been made, the court, Judge, or Magistrate making the order may issue a warrant for the execution of the order directed to any person or persons whom such court, Judge, or Magistrate thinks fit. Any person shall, if required by any one to whom the warrant is directed, aid and assist in the execution of the warrant.

Execution of order of removal.

PART V

INTERIM ORDERS

30. Where notice of appeal under this Act has been given—

Interim order in case of appeal.

(a) the Magistrate may, if he thinks fit, suspend the execution of any order made by him until the deci-

sion of the appeal, or for any shorter period, and upon such terms and conditions, if any, as he thinks fit; and

(b) any judge, upon the application of the appellant, and, if he thinks fit, without any notice of the application being served upon the respondent, may, at any time, and notwithstanding any previous order of a Judge or Magistrate make such order, subject to such terms and conditions, if any, as he thinks fit, as to the care or custody or allowing to be at large, until the decision of the appeal or for any shorter period, of the person alleged or adjudged to be or confined as a person of unsound mind:

Provided that upon an appeal being or being deemed to be abandoned, any order made under this section shall determine, and the order appealed against shall take effect.

PART VI

CRIMINALS OF UNSOUND MIND

Appointment of hospitals for criminals of unsound mind.

31. (1) The Governor-General may, by proclamation, appoint the whole or any part of any building, prison, house, or other place, with any out-houses, yards, gardens, grounds, or premises thereto belonging, to be a hospital for criminals of unsound mind.

(2) The Cabinet may make regulations under section 57 for the conduct and management of any hospital for criminals of unsound mind.

Prisoners of unsound mind.

32. (1) Where the Governor-General is satisfied that any person not being a moral defective, imprisoned for any cause in any prison is of unsound mind, or where it is represented to the Governor-General that any person so imprisoned appears to be of unsound mind the Governor-General, acting in his discretion, may, by warrant under his hand, direct that such person be removed to such hospital for criminals of unsound mind or other mental hospital as the Governor-General 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 person in charge, if and when he is satisfied that the person so detained is of sound mind, to certify accordingly to the Governor-General and to state in his certificate whether in his opinion the person so detained has been of unsound mind at any time subsequent to the passing of the sentence, and upon receipt of such certificate, the Governor-General, by warrant under his hand—

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

(b) if the person so detained still remains liable to imprisonment or other sentence, may direct 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 person in charge has certified that the person so detained has been of unsound mind at any time subsequent to the passing of the sentence and in such case the Governor-General shall commute such sentence.

(3) The time during which any person under sentence of imprisonment is detained in any hospital for criminals of unsound mind or mental hospital shall be reckoned as served under such sentence.

33. Notwithstanding anything contained in this Act, no moral defective who is serving a sentence of imprisonment as a habitual criminal shall be removed to a mental hospital. Moral defective who is habitual criminal not to be removed to mental hospital.

34. When the term of imprisonment to which a person confined in a hospital for criminals of unsound mind or other mental hospital is liable expires while such person is in custody in such hospital, then unless the medical officer in charge of the said hospital by writing under his hand, certifies that such person may safely be allowed to be at large, such person shall, at the expiration of his term of imprison- Insanity at expiration of sentence.

ment, be deemed to be a government-aided patient, and any Magistrate may order that such person be detained in a mental hospital as a government-aided patient.

Absence on parole.

35. (1) The Governor-General acting in his discretion, on the recommendation of the Medical Superintendent, may allow any patient confined in a hospital for criminals of unsound mind or mental hospital to be absent from such hospital upon parole for any period which he thinks fit, and may at any time grant an extension of such period.

(2) No patient shall be allowed to be absent on parole under this section unless some person enter into an agreement approved by the Governor-General to take charge of him.

Discharge of criminal of unsound mind.

36. (1) The Governor-General acting in his discretion, may order the discharge, absolutely or conditionally, of any person confined in a hospital for criminals of unsound mind whether recovered or not:

Provided that where on such discharge, the Medical Superintendent certifies that such person cannot safely be allowed to be at large, then immediately upon the discharge, such person shall be deemed to be a government-aided patient and any Magistrate may order that such person be detained in a mental hospital as a government-aided patient.

(2) Where, upon the information upon oath of the senior police officer of any district, it appears to a Magistrate that a condition, subject to which a discharge under this section was granted, has been broken, such Magistrate may order the person discharged to be conveyed to the hospital from which he was discharged, and there to be detained as if he had not been discharged therefrom, and may issue his warrant accordingly.

Retaking criminal of unsound mind.

37. Any criminal of unsound mind escaping or having escaped from a hospital for criminals of unsound mind or other mental hospital may at any time be retaken by any member of the staff of such hospital, or any police officer or other peace officer, and any member of the public and conveyed to such hospital, and detained therein as if he had not escaped.

PART VII

MAINTENANCE OF INSANE PERSONS

38. (1) In all cases (notwithstanding any previous order made under this section) the High Court, and in cases where the property of an insane person is of less value in the whole than the sum of four hundred and eighty dollars, or the annual value of such property is less than forty-eight dollars, a Magistrate may, upon the application of any person, make an order as to the application of any property of a person confined under this Act, or the income thereof, in or towards the expenses of the maintenance and support of such person, or in or towards recouping the expenses of his past maintenance and support, or, in case any other person undertakes to pay the expenses of such maintenance and support, or such portion of these expenses as the Court or Magistrate deems reasonable may suspend the making of such order for such time and upon such terms as the Court or Magistrate thinks fit. The expenses of such maintenance and support, or past maintenance and support, shall be in equity a charge upon the real estate of the insane person in the same manner as if he had power to charge, and by writing under his hand had agreed to charge, his real estate therewith.

Application of
insane person's
property for
maintenance.

(2) The application to the High Court shall be by motion or petition in a summary way, or in such other manner as such Court, by a general order made under this Act, directs.

(3) Any application under this section shall be served upon such persons and in such manner as the Court or Magistrate directs.

(4) Whether any order under this section is made, suspended, or refused, the Court or Magistrate shall make such order as is just as to the costs of the applicant, and such costs shall be recoverable by distress and sale of the insane person's personal estate, and shall be a charge in equity upon his real estate in the same manner as if he had power to charge, and by writing under his hand had agreed to charge, his real estate therewith.

Declaring insane person a trustee.

39. Where, under this Act, the High Court or a Magistrate orders the property of any insane person or the income thereof to be applied in or towards his maintenance or support, such Court or Magistrate may declare that such person holds such property or income upon trust to obey the orders of the Court or Magistrate, and thereupon the Court or Magistrate shall have the powers conferred upon the High Court by sub-section (2) of section 7 of the Eastern Caribbean Supreme Court Act so far as regards the care of the real and personal estates of lunatics and persons of unsound mind held by such lunatics, or persons of unsound mind, upon trust or by way of mortgage.

Cap. 143.

PART VIII

OFFENCES IN REFERENCE TO INSANE PERSONS

111-treatment of insane person.

40. Any superintendent, officer, nurse, attendant, servant or other person employed in any hospital for criminals of unsound mind or other mental hospital who strikes, ill-treats or wilfully neglects any patient confined in such hospital shall be liable, on summary conviction to a fine of one thousand dollars, or to imprisonment for six months.

Rescue and permitting escape.

41. (1) Any person who rescues any patient while being conveyed to or while confined in any hospital for criminals of unsound mind or other mental hospital under this Act, and any officer or servant of any such hospital who secretes, or through wilful neglect or connivance permits to escape, any patient confined in any such hospital under this Act, shall be guilty of a misdemeanour and, on conviction thereof on indictment, shall be liable to be imprisoned for a term not exceeding five years.

(2) Any officer or servant of any hospital for criminals of unsound mind or other mental hospital who carelessly permits any person confined therein under this Act to escape shall be liable, on summary conviction, to a fine of one thousand dollars.

Offences by person in charge of insane person on parole.

42. Any person who accepts the charge of an insane person allowed to be absent on parole and who—

(a) neglects to provide such insane person with suitable lodging, clothing, food, medical attendance

when required, or other necessities, or fails to take proper care of such insane person; or

(b) refuses to allow such insane person to be visited by any medical officer of the hospital from which he was liberated on parole or by any duly authorized medical practitioner or any Magistrate,

shall be liable, on summary conviction, to a fine of one thousand dollars, or to imprisonment for a term not exceeding six months, and shall forfeit any sum to him in respect of such insane person.

43. Any person who strikes or ill-treats an insane person absent on parole, or who obstructs any medical officer of the hospital from which any such insane person was liberated, or any duly authorized medical practitioner, or any Magistrate, while visiting or attempting to visit any such insane person, shall be liable on summary conviction to a fine of one thousand dollars, or to imprisonment for six months.

Ill-treating insane person on parole and obstructing visitor.

44. (1) Except in the case of an insane person absent on parole, no private person shall undertake the care or custody of any insane person unless he first obtains, in respect of that insane person a licence under this Act.

Taking charge of insane person without licence.

(2) Any person acting in contravention of this section shall be guilty of a misdemeanour and, on conviction thereof on indictment, shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years.

45. Where an insane person is confined in any licensed house, the licensee, or any nurse, servant or other person employed in such house or by the licensee who strikes, ill-treats, or wilfully neglects such insane person shall be liable on summary conviction, to a fine of one thousand dollars or to imprisonment for six months.

Ill-treating insane person in licensed house.

46. Whosoever resists or obstructs any member of the Board of Visitors while visiting or attempting to visit a licensed house, shall be liable on summary conviction to

Obstructing member of Board of Visitors.

a fine of five hundred dollars, or to imprisonment for three months.

Obstructing
execution of
order for
delivery or
removal.

47. Whosoever obstructs any person acting in execution of an order for the delivery of an insane person to a mental hospital or licensed house, or for the removal of an insane person from a licensed house, shall be liable on summary conviction to a fine of three thousand dollars, or to imprisonment for six months.

PART IX

PROVISIONS RELATING TO RECEPTION, CARE AND TREATMENT AND DISCHARGE OF PERSONS OF UNSOUND MIND AND REMOVAL OF MENTAL PATIENTS IN CERTAIN CASES

Arrangements
with other
governments in
respect of
government-aided
mental patients.

48. (1) The Governor-General may on behalf of Antigua and Barbuda enter into an arrangement with the government of another country upon such terms and subject to such conditions as they may consider appropriate for the reception, treatment and care and discharge from, a mental hospital as a government-aided patient of any person of unsound mind for whose removal from such other country a removal order has been made.

(2) Where the Medical Superintendent orders a government-aided patient to be discharged he shall send a notice in writing of his intention to discharge the patient to the Governor-General who, in the case of a government-aided patient from another country, shall forward such notice of discharge to the government of the other country which made the order for the removal of the patient to the mental hospital.

(3) In this section, "government of another country" means the Government of Anguilla or of the British Virgin Islands, Dominica, Montserrat or Saint Christopher and Nevis; and "removal order" means an order of the Government of any such country directing the removal of a person of unsound mind to a mental hospital.

Removal of
mental patient to
place outside
Antigua and
Barbuda.

49. (1) Where application is made to the Medical Superintendent by a relative or friend of a mental patient who is not a native of Antigua and Barbuda, requiring that the patient may be removed to a place outside Antigua and

Barbuda, the Medical Superintendent shall inquire into the circumstances of the case and report thereon to the Cabinet.

(2) Subject to the provisions of subsection (3) the Cabinet if satisfied by such report that the removal of the patient as required by the application is likely to be for his benefit and that proper arrangements will be made for his removal and for his reception, care and treatment at his destination, may, by warrant, direct the patient to be delivered to the person named in the warrant, and every such warrant shall be obeyed by the person or authority having charge of the patient.

(3) No alien mental patient shall be removed to any country other than the country of which he is a subject and no Commonwealth mental patient shall be removed to any country outside the Commonwealth unless the person making the application shall give security to the satisfaction of the Cabinet that within such time as may be prescribed by the Cabinet—

(a) in the case of an alien, he will return to the Island or be conveyed to the country of which he is a subject;

(b) in the case of a Commonwealth citizen, he will return to Antigua and Barbuda or be conveyed to such country within the Commonwealth as the Cabinet may direct.

(4) A warrant issued under this section shall be sufficient authority for the master of any vessel or aircraft to receive and detain a mental patient in such vessel or aircraft and to convey him to his destination.

PART X

TREATMENT OF VOLUNTARY PATIENTS AT AN INSTITUTION

50. (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 Medical Superintendent, may without being adjudicated a person of unsound mind under this Act or an order issued thereunder be received as a voluntary patient in a mental hospital within the meaning of this Act.

Power to receive
voluntary
patients.

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

Notice of reception and departure of voluntary patients and provisions as to discharge of patients.

51. (1) If a person received as a voluntary patient under section 50 dies in or departs from the mental hospital, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent to the Chief Medical Officer by the Medical Superintendent.

(2) 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 as a person of unsound mind or under section 52 as a person who is likely to benefit by temporary treatment.

(3) If the Medical Superintendent 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 discharge of the patient, or that steps be taken to deal with him either under section 4 as a person who is suspected to be of unsound mind or under section 52 as a person who is likely to benefit by temporary treatment.

Provision for temporary treatment without certification of certain persons.

52. (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 this Act or an order issued thereunder, be received as a temporary patient in a mental hospital for the purpose of treatment therein.

(2) An application under this section must be in the Form numbered 21 in the Schedule, must be made to the Medical Superintendent 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 registered medical practitioner whose patient or 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 numbered 22 in the Schedule, signed by two registered medical practitioners of whom one shall be the District Medical Officer within whose area the said person then is.

(4) Each of the registered medical practitioners 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 person 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 registered medical practitioners 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 registered medical practitioners, or if he was examined by those practitioners 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 Chief Medical Officer by the

Medical Superintendent. The Governor-General, acting in his discretion, 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 authorized 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 Chief Medical Officer by the Medical Superintendent.

(8) Within one month of the reception of any person received as a temporary patient under this section he shall be visited by at least two members of the Visiting Committee.

(9) If after considering any recommendation of such members of the Visiting Committee concerning any temporary patient the Medical Superintendent 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 forward the same to the Chief Medical Officer, 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 seventh day after the day of the said visit of the members of the Visiting Committee, submit a report to the Chief Medical Officer 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 Medical Superintendent upon the application of one of the persons mentioned in subsection (2) provided that such further periods shall in no case exceed six months in all.

(13) The Governor-General, acting in his discretion, may on the recommendation of the Medical Superintendent at any time order—

(a) that any person received as a temporary patient shall be discharged; or

(b) that steps shall be taken to deal with him under this Act as a person of unsound mind.

PART XI

VISITING COMMITTEE

53. (1) There may be established a Visiting Committee of the mental hospital which shall consist of not more than three members, at least one of whom shall be a doctor, to be appointed by the Minister. **Establishment, composition, duties and powers of Visiting Committee.**

(2) Every member of the Visiting Committee shall hold office during the pleasure of the Minister and for a period of two years from the date of his appointment, but shall be eligible for re-appointment.

(3) The Minister shall appoint one member of the Visiting Committee to be Chairman.

54. The functions of the Visiting Committee shall be— **Functions of the Visiting Committee.**

(a) to advise the Medical Superintendent in regard to the general administration of the mental hospital;

(b) to consider, and if necessary make recommendations with regard to improvements in the accommodation, catering arrangements and any other matters connected with the running of the mental hospital;

(c) to consider any matter which the Minister or the Medical Superintendent may refer to the Visiting Committee:

Provided that the powers granted under this section shall not be interpreted to include any right to enquire into, comment upon, or criticise any technical modes of treatment of any mental patient adopted by the Medical Superintendent or other medical practitioner working with or under him at the mental hospital.

PART XII

MISCELLANEOUS

Prerogative of
Crown.

55. Nothing in this Act shall prejudice any right or prerogative of Her Majesty, or of the Governor-General on behalf of Her Majesty.

Insane persons so
found by
inquisition.

56. Nothing in this Act shall apply to insane persons so found by inquisition.

Regulations.

57. The Cabinet may make regulations—

(a) for the management of mental hospitals, the admission of patients, the payments to be made in respect of patients, the absence on parole and discharge of patients and any other matter relating to the conduct and management of mental hospitals;

(b) for the maintenance and control of institutions;

(c) for the constitution of a Board of Visitors for licensed houses in the manner provided by section 18;

(d) as to the books to be kept by the licensee of a licensed house, the entries to be made therein, and the returns and notices to be furnished and given by such licensee;

(e) for the conduct and management of hospitals for criminals of unsound mind;

(f) generally for carrying into effect the provisions of this Act.

58. The forms contained in the Schedule may be used ^{Forms.} in all cases to which they are applicable, but no such form shall in any case be obligatory.

SCHEDULE

FORM 1

The Mental Treatment Act

S. 4(1).

Information relating to mental disease

Antigua and Barbuda

District

A.B., of _____, informs the undersigned Magistrate that he has good cause to suspect and believe and does suspect and believe that D.E. of _____, is a person of unsound mind with no visible means of support and a proper subject for confinement.

Taken and sworn this _____ day of _____ before me, } *Informant*

District Magistrate

FORM 2

The Mental Treatment Act

Medical Certificate

S. 4(6).

Antigua and Barbuda

I, R. K., a registered medical practitioner hereby certify that I, on the _____ day of _____, personally examined A.B. of _____, and I hereby certify that the said A.B. is a person of unsound mind and a proper subject for confinement, and I have formed this opinion upon the following grounds, namely—

1. Facts indicating mental disease observed by myself (here state the facts).

2. Other facts (if any) indicating mental disease communicated by others (here state the facts and by whom communicated).

3. I have made enquiries of all persons known to me who seem likely to be able to give information as to any facts of the previous history of the said A.B. likely to be of service with reference to the medical treatment. The following statement contains all such facts known to me:

STATEMENT

(If any particulars in this statement are not known,
this is to be stated)

Name of patient and christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life and previous occupation, if any

The religious persuasion as far as known.

Previous place of abode.

Whether first attack. Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack. Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Name and christian name and place of abode of nearest known relative of the patient and degree of relationship.

(Add any other facts proper to be stated)

(Signed)

R.K.

(Place of abode)

Dated this day of

FORM 3

The Mental Treatment Act

S. 10(a).

Adjudication of mental disease and committal to mental hospital.

Antigua and Barbuda

District

A.B. Informant, D.E. Respondent.

(Date)

Whereas on the _____ day of _____, A.B.,
of _____ informed me the undersigned,
Magistrate in and for _____, that he had good
cause to suspect and believe and did suspect and believe that D.E.,
of _____, was a person of unsound
mind and a proper subject for confinement: And whereas it
appears to me that the said D.E. is a person of unsound mind
and a proper subject for confinement: And whereas, as required
by the above-mentioned Act, the medical certificates here-
unto annexed of the unsoundness of mind of the said D.E., have
been given: And whereas the consent in writing of the Medical
Superintendent to receive the said D.E. into the mental hospital
has been produced to me: Now, therefore, I do hereby adjudge the
said D.E. to be a person of unsound mind and a proper subject
for confinement and do hereby order that the said D.E. be detained
in the mental hospital subject to the provisions of the above-
mentioned Act, and the rules and regulations of such mental
hospital.

District Magistrate

FORM 4

The Mental Treatment Act

S. 10(b).

Adjudication of mental disease and committal to licensed house.

Antigua and Barbuda

District

A.B. Informant, D.E. Respondent.

(Date)

Whereas on the _____ day of _____, A.B., of _____ informed me the undersigned, Magistrate in and for _____, that he had good cause to suspect and believe, and did suspect and believe D.E., of _____ to be a person of unsound mind and a proper subject for confinement: And whereas, as required by the above-mentioned Act, the medical certificates hereunto annexed of the unsoundness of mind of the said D.E. have been given: And whereas F.G., of _____, has offered to undertake the care and custody of the said D.E. in his house situate at _____, within the said district _____, and has requested to have a licence granted to him for that purpose: And whereas I am of opinion that the said F.G. is a proper person to have the care and custody of the said D.E., and that his said house is suitable for the reception of the said D.E.: Now, therefore, I do hereby adjudge the said D.E. to be a person of unsound mind and a proper subject for confinement, and I do hereby grant to the said F.G. a licence to receive the said D.E. into his said house and there to have the care and custody of him the said D.E., and I do hereby order that the said D.E., be detained as a person of unsound mind in the said house of the said F.G., in the care and custody of the said F.G., subject to the provisions of the above-mentioned Act.

District Magistrate

FORM 5

S. 10(c).

The Mental Treatment Act

Order of committal of patient with no visible means of support.

Antigua and Barbuda

District

A.B. Informant, D.E. Respondent.

(Date)

Whereas on the _____ day of _____ 19____, A.B., of _____ informed me the undersigned, Magistrate in and for _____ that he had good cause to suspect and believe and did suspect and believe that D.E. was a patient with no visible means of support and a proper subject for confinement: And whereas, as required by the above-mentioned Act, the medical certificates hereunto annexed of the unsoundness of mind of the said D.E. have been given: Now, therefore, I do hereby adjudge the said D.E. to be a patient with no visible means of support and a proper subject for confinement, and I do hereby order that the said D.E. be detained in the mental hospital as a government-aided patient subject to the provisions of the above-mentioned Act.

District Magistrate.

FORM 7

The Mental Treatment Act

Committal to a licensed house upon an adjudication by another Magistrate

Antigua and Barbuda

District

A.B. Informant, D.E. Respondent.

(Date)

Whereas D.E., of _____ was on the _____ day of _____ by _____ Magistrate in and for district _____, adjudged to be a person of unsound mind and a proper subject for confinement, and the further proceedings in the matter of the said mental disease were directed to be had before the Magistrate in and for district _____ : And whereas F.G., of _____ has offered to undertake the care and custody of the said D.E. in his house, situate at _____ within the said last-mentioned district and has requested to have a licence granted to him for that purpose: And whereas I am of opinion that the said F.G. is a proper person to have the care and custody of the said D.E., and that his said house is suitable for the reception of the said D.E.: Now, therefore, I do hereby grant to the said F.G. a licence to receive the said D.E. into his said house, and there to have the care and custody of him the said D.E. and I do hereby order that the said D.E. be detained as a person of unsound mind in the said house of the said F.G., in the care and custody of the said F.G., subject to the provisions of the above-mentioned Act.

District Magistrate.

FORM 8

The Mental Treatment Act

S. 15.

Undertaking as to person of unsound mind absent on parole

(When no payment is to be made, the words between brackets must be omitted)

An Agreement made the _____ day of _____ between His Excellency the Governor-General of Antigua and Barbuda (hereinafter called the Governor-General) of the One Part and C.D. of _____

of the Other Part; Whereas the said C.D. has requested that E.F. a patient at present confined in the mental hospital at _____ (hereinafter called the said mental hospital) may be liberated on parole, and placed in charge of him the said C.D.: And whereas the Medical Superintendent of the said mental hospital (hereinafter called the Medical Superintendent) has approved of the said E.F. being liberated on parole, and delivered to the said C.D. for the period and subject to the conditions hereinafter appearing, provided that the said C.D. enter into the agreement hereinafter contained: Now these presents witness that in consideration of the premises (and of the payment hereinafter agreed to be made to the said C.D.) it is mutually agreed between the said Governor-General and C.D. as follows—

■ The said C.D. shall take charge of the said patient, and exercise proper care and control over him, and provide him with suitable food, clothing, and other necessaries, and shall allow him to be visited by any member of the Visiting Committee, any duly authorized medical practitioner, or any Magistrate.

The said C.D. shall answer according to the best of his knowledge, information, and belief any questions put to him by any visitor under this clause, and shall attend and conform to any directions of a medical visitor.

2. The said patient shall remain in the charge of the said C.D. for the period of _____ from the day of the date of these presents, or for such extended period as may be agreed upon with the concurrence of the Medical Superintendent between the Governor-General and the said C.D., unless such period or extended period be sooner determined by writing under the hand of the Governor-General on the advice of the Medical Superintendent. Upon the determination of such period or extended period the said C.D. shall deliver the patient at the said mental hospital.

LAWS OF ANTIGUA AND BARBUDA

(3. Subject to the provisions of the above-mentioned Act, the Governor-General shall pay the said C.D. at the rate of a month for the time during which the said patient shall remain in charge of the said C.D. under this agreement.)

In witness whereof the said _____ and C.D. have hereunto set their hands the day and year first above written.

C.D

Signed by the said _____ and C.D. in the presence of X.Y. of,

When the period is extended, a Memorandum to the following effect may be endorsed upon the statement —

It is hereby agreed between His Excellency the Governor-General of Antigua and Barbuda and the within mentioned C.D. with the advice of the Medical Superintendent that the within mentioned period of _____ be extended till the day of _____

C.D.

FORM 9

The Mental Treatment Act

S. 23(1).

Notice by Licensee desiring to be discharged

Antigua and Barbuda

To T.M., Magistrate for district

I, E.F., to whom on the _____ day of _____, a licence was granted by you to receive into my house, situate in _____ one A.B. a patient, and there to have the care and custody of the said A.B. do hereby give you notice that I desire to be discharged of the care and custody of the said A.B.

Dated this _____ day of _____ E.F.

Witness G.H. of _____

FORM 10

The Mental Treatment Act

S. 24.

Order for removal of person of unsound mind from licensed house
at request of friends

Antigua and Barbuda

District.

(Date)

Whereas by an order made on the day of by Magistrate in and for district , a licence was granted to E.F. of in the said district , to receive one A.B., a patient, into his house situate in the said district, and there to have the care and custody of the said A.B.: And whereas it appears to me the Magistrate in and for the said district, that the said A.B. is maintained in the said licensed house of the said E.F. at the expense of J.H. and K.L. and that the said J.H. and K.L. are desirous that the said A.B. should be removed from the licensed house of the said E.F. to the house of one Q.R., situate within the said district: And whereas the said Q.R. has applied to me for a licence to enable him to receive the said A.B. at his said house, and there to have the care and custody of the said A.B. : And whereas I am of opinion that the said Q.R. is a proper person to have the care and custody of the said A.B., and that his said house is suitable for the reception of the said A.B.: Now, therefore, I, the said Magistrate in and for the said district do hereby discharge the said E.F. of the care and custody of the said A.B., and do hereby order that the said A.B. be removed from the licensed house of the said E.F. to the said house of the said Q.R. And I do hereby grant to the said Q.R. a licence to receive the said A.B. into his said house, and there to have the care and custody of him the said A.B. And I do hereby order that the said A.B. be detained as a patient in the said house of the said Q.R. in the care and custody of the said Q.R. subject to the provisions of the above-mentioned Act.

District Magistrate.

FORM 11

The Mental Treatment Act

S. 25.

Complaint of ill-treatment (or neglect) of a person of unsound mind in a licensed house

Antigua and Barbuda

District

of _____, informs
Magistrate in and for _____, that A.B., a patient
confined in the licensed house of R.E., situate at
is ill-treated (or neglected).

Taken and sworn this }
day of _____ } Informant.
before me

District Magistrate.

FORM 12

The Mental Treatment Act

S. 25.

Order for removal on ground of ill-treatment (or neglect) of a person of unsound mind from a licensed house.

Antigua and Barbuda

On this _____ day of _____, at
complaint was made to me for that A.B., a patient confined in
the licensed house of E.F., situate at _____,
within my district as Magistrate, is ill-treated (or neglected) and
I, having heard the said complaint, do hereby order that the
said E.F. be discharged from the care and custody of the said
A.B. and the consent in writing of
the Medical Superintendent, having been produced to me, do
order that the said A.B. be removed from the said licensed house
of the said E.F. to the said mental hospital at

there to be detained as a patient, subject to the rules and regulations of the said mental hospital and to the provisions of the above mentioned Act.

District Magistrate.

FORM 13

The Mental Treatment Act

S. 25.

Warrant for the removal of a person of unsound mind from a licensed house.

Antigua and Barbuda

District

To T.S. W.V., Y.Z. and

To Q.R.

Whereas by an order made on the day of by me the undersigned Magistrate in and for I did order that A.B. a patient confined in the licensed house of E.F., situate at , be removed from the said licensed house of the said E.F. to the house of you the above-named Q.R., situate at in the said district : These are, therefore, to authorize you the said T.S., W.V. and Y.Z., or any or either of you, to remove the said A.B. from the said licensed house of the said E.F., and him to deliver to you the said Q.R. at the said house of you the said Q.R. where you the said Q.R. are to receive and have the care and custody of the said A.B.: And for so doing this shall be your warrant: And if required in this behalf by you, or any of you, all constables, peace officers, and all other Her Majesty's subjects are to be aiding and assisting in the execution of this warrant.

Given under my hand this day of

District Magistrate.

FORM 14

The Mental Treatment Act

S. 26.

Order for the release of a patient from a licensed house.

Antigua and Barbuda

District

On this day of , at
 complaint was made before me, the undersigned Magistrate in
 and for , that A.B., a patient confined in
 the licensed house of E.F., situate at , in the
 said district is no longer a proper subject for
 confinement, and it appearing to me, having heard the said com-
 plaint, that the said A.B. is no longer a proper subject for con-
 finement, I do hereby discharge the said E.F. of the care and
 custody of the said A.B. and do hereby order him the said E.F.
 to release the said A.B., and him the said A.B. to suffer to go
 at large whithersoever he will.

District Magistrate.

FORM 15

The Mental Treatment Act

S. 30.

Interim Order by a Magistrate after notice of appeal

Antigua and Barbuda

(This Order may be written at the foot of the Order to which it relates)

Whereas the above-named D.E. has duly given notice of ap-
 peal against the above order: And whereas under the circumstances
 of the case it appears to me to be fit and proper to suspend the
 execution of the above order for the time and subject to the con-
 dition hereinafter mentioned: Now, therefore, I do order that the
 above order be suspended until the appeal against it of the said

D.E. is heard and determined or is deemed to be abandoned:

Provided that this suspension is subject to the following condition, namely that the said D.E. do reside with his uncle P.K. in the village of _____, and in case the said D.E. shall cease so to reside, this order of suspension shall become void, and the above order shall revive and be of full force and effect.

District Magistrate

FORM 16

The Mental Treatment Act

Order for re-committal of criminal of unsound mind

Antigua and Barbuda

District.

A.D.O., Informant, D.E., Respondent

(Date)

Whereas on the _____ day of _____, the Governor-General did order that C.D. a criminal of unsound mind confined in the hospital for criminals of unsound mind at _____ in Antigua and Barbuda should be discharged from such hospital, subject to the condition that before the _____ day of _____ the said C.D. should not at any time be within the City of Saint John's or within three miles of any part of the boundaries thereof: And whereas information upon oath has been laid before me by S.P.O. _____ of Police in the _____ of _____, that the above-mentioned condition has been broken: Now, having heard the said information I do adjudge that the said condition has been broken, and do order that the said D.E. be conveyed to the said hospital for criminals of unsound mind at _____, and there detained as if he had not been discharged therefrom.

District Magistrate.

FORM 17

The Mental Treatment Act

S. 36(2).

Warrant for re-committal of a criminal of unsound mind

Antigua and Barbuda

District.

A.B. Informant, D.E. Respondent.

(Date)

To all Constables and to W.P. Superintendent of the hospital for criminals of unsound mind at

Whereas by an order dated the day of
and made by Magistrate in and for
it is ordered that D.E. be conveyed to the hospital for criminals
of unsound mind at , and there detained
as if he had been discharged therefrom: These are, therefore,
to authorize and require you the said constables, or any of you,
to arrest the said D.E. and convey him to the aid hospital for
criminals of unsound mind at
and there to deliver him to W.P. the Superintendent of the said
hospital. And for so doing, this shall be your warrant. And you
the said W.P. are to receive the said D.E. into your custody, and
him safely to keep in the said hospital for criminals of unsound
mind at
as if he had not been discharged therefrom.

Given under my hand this day of 19 .

District Magistrate.

FORM 18

The Mental Treatment Act

S. 38.

Order of Magistrate for application of income of insane person's
real estate towards his maintenance

Antigua and Barbuda

District.

In the matter of A.B., a person of unsound mind.

(Date)

Upon the application of S.L.C. Superintendent of the mental hospital at _____, it appearing to me that A.B. has since the _____ day of _____, been maintained, and that he is still maintained, at the said mental hospital as a patient, and that he is entitled to certain houses situate at _____ in district _____, and now let to _____ at rents amounting in the aggregate to the sum of (\$45) per annum, and that the total annual value of such houses is less than \$48, and that the said A.B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A.B. in the said mental hospital at _____

exceed the amount of the rents in arrear of the said houses, and that the yearly expenses of his future maintenance and support will exceed the yearly rents which will accrue to the said A.B.: Now, therefore, I do order that the said rents in arrear be applied in discharge of the past maintenance and support of him the said A.B., and that the said rents hereafter to accrue be applied in payment of the expenses of the future maintenance and support of the said A.B. so long as he lives and continues to be an inmate of the said mental hospital at _____ and I do declare that the said A.B. holds the said property and the right to receive the said rents accrued, or hereafter to accrue, on trust to obey this order, and accordingly I do order that the right to sue for and recover the said rents in arrear and the rents that shall accrue, vest in the said S.L.C., and any unapplied surplus in the hands of the said S.L.C. upon the discharge of the said A.B. from the said hospital or upon his death is to be held upon trust for the said A.B., his executors administrators, and assigns.

District Magistrate.

FORM 19

The Mental Treatment Act

S. 38.

Order for sale of insane person's real estate, and application of proceeds for his maintenance

Antigua and Barbuda

District.

In the matter of A.B., a person of unsound mind

(Date)

Upon the application of _____, Medical Superintendent of the mental hospital _____, it appearing to me, _____ Magistrate in and for _____ that A.B. has since the _____ day of _____ been maintained and he still is maintained in the mental hospital at _____ as a government-aided patient, and that he is seised of an estate in fee simple in possession of one undivided moiety of and in a certain cottage, premises, and plantation with the appurtenances situate at _____ to the other undivided moiety of which E.F., of _____ is entitled for an estate in fee simple in possession, and that the value of the said undivided moiety of the said A.B. is less than the sum of \$480, and that the said A.B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A.B. in the said hospital from the said _____ day of _____, to the _____ day of _____, amount to the sum of (\$200). And the said E.F. offering to purchase the said undivided moiety of the said A.B. for the sum of (\$400). And I being of opinion that the said offer of the said E.F. is fair and reasonable, and that it is expedient to accept the same, do order that the same be accepted and carried into effect, and do declare that the said A.B. holds the said undivided moiety upon trust to obey this order. And the said E.F. having paid the said sum of (\$400) to the said S.L.C., and the said S.L.S. undertaking to apply the sum of (\$200), part thereof in payment of the expenses of the past maintenance and support of the said A.B. from the said _____ day of _____ to the said _____ day of _____ from time to time to apply the sum of (\$200) residue of the said sum of (\$400) in or towards the expenses of the maintenance and support of the said A.B. from the last mentioned day, and upon the discharge from the said hospital or death of the said A.B.,

to hold any unapplied surplus in his hands upon trust for the said A.B., his executors, administrators, or assigns, I do order that the said undivided moiety of the said A.B. of and in the said cottage, premises and plantation, with the appurtenances, do vest in the said E.F. his heirs and assigns for all the estate and interest which the said A.B. has therein.

District Magistrate

FORM 20

The Mental Treatment Act

S. 50.

Admission as a voluntary patient

Antigua and Barbuda

I wish to be admitted to the mental hospital, Antigua, as a voluntary patient for treatment. I understand that I can leave the hospital by giving seventy-two hours' notice of my intention to do so.

.....Signature

Date.....

.....Witness

I give my consent to undergoing physical treatment.

.....Signature

(If a minor)

I give my consent for him/her to undergo physical treatment.

.....Signature of
parent or guardian.

FORM 21

The Mental Treatment Act

S. 52(2).

Form of application for reception of a temporary patient

Antigua and Barbuda

1. I am a registered medical practitioner residing at _____ . The said _____ is now my patient/is now in my district and I make this application at the request of _____ who is related to the said _____ in the following manner:

Or

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:

2. Annexed hereto is a recommendation for the temporary treatment of the said _____ signed by _____ To the Medical Superintendent

Mental Hospital, _____ (Signed)
Antigua. _____ Dated

FORM 22

The Mental Treatment Act

S. 52(3).

Form of recommendation for temporary patient

Antigua and Barbuda

Recommendation for the temporary treatment of
ofI, _____ of _____ hereby declare
that—**1.** I am the Government Medical Officer of district
and I am not the usual medical attendant of the above-named.**2.** I examined the said _____ on the _____ day of _____***3.** I have formed the conclusions stated below on the follow-
ing grounds, viz.—I _____ of _____ hereby declare
that—**1.** I am a registered medical practitioner and I am (am
not) the usual medical attendant of the above named.**2.** I examined the above-mentioned _____ on the
_____ day of _____***3.** I have formed the conclusions stated below on the follow-
ing grounds, viz.—**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.

***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 communications made to him by others.**

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

(Signed)
Medical Qualifications

Date

(Signed)
Medical Qualifications

Date

FORM 23

The Mental Treatment Act

Agreement to bring a patient discharged on parole for medical
examination

In accordance with section _____ of the Mental
Treatment Act, I _____ of _____ agree
to bring on _____ 19 _____, _____ of
_____ who is to be discharged on parole for a period
of _____ weeks/months, to the Medical Superintendent,
and failing this to send him a medical certificate signed
by two registered medical practitioners stating that
_____ may safely be permitted to be at large.

The Medical Superintendent..... Signature

The Mental Hospital, Witness
Antigua.