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CHAPTER 38

MENTAL HOSPITAL

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MENTAL HOSPITAL

To provide for the reception and detention of persons of unsound mind in the mental hospital at Port Vila.

1. Interpretation

In this Act the following expressions shall have the meanings respectively assigned to them:

"the Board" shall mean the Board appointed to visit and inspect the mental hospital;

"medical officer" shall mean a medical officer in the public service or a person registered as a medical practitioner under the Health Practitioners Act [Cap. 164];

"mental hospital" shall mean the hospital for the reception and detention of persons of unsound mind;

"Minister" means Minister responsible for health;

"the Superintendent" shall mean a medical officer appointed by the Minister to supervise the mental hospital.

2. Establishment of mental hospital

(1) The Minister hereby establishes a mental hospital under the supervision of the Superintendent who shall be assisted by subordinate officers.

(2) The Minister shall appoint the Board.

3. Admission of patients

(1) If it shall appear to a District Commissioner that a person, suspected of being of unsound mind, is either:

(a) dangerous to himself or to others; or

(b) wandering at large, or not receiving proper care and attention;

he shall himself examine him, and receive the evidence of any persons whose evidence he considers desirable and then order the person to be taken before a medical officer with all documents relating to the case.

(2) The medical officer aforesaid, if satisfied that the person in question is of unsound mind and either:

(a) dangerous to himself or to others; or

(b) wandering at large or not receiving proper care and attention;

may by writing in the form set out in the Schedule hereto order that such person be detained in the mental hospital, and cause him to be removed thereto:

Provided that before making such order the medical officer may cause such person to be detained for a period not exceeding 7 days for the purpose of medical observation.

(3) At the end of such period the Superintendent may, in the place of the medical officer referred to in subsection (2), make the said order:

Provided that where the said order is made by the Superintendent the Board shall, wherever possible, obtain the report of a medical officer other than the medical officer referred to in subsection (2), on the mental condition of such person.

4. Warrants of detention

(1) An order in the form set out in the Schedule hereto shall be deemed sufficient warrant to any police officer to take into custody any person certified to be of unsound mind therein and to convey him as expeditiously as possible to the mental hospital.

(2) Any person certified to be of unsound mind awaiting transport to the mental hospital may be confined in such manner as the District Commissioner, after consultation with the medical officer, may order.

5. Powers and duties of the Superintendent

(1) The Superintendent shall visit and examine every person admitted to the mental hospital within 24 hours of his admission, and shall at least once a week examine every patient and record his observations on each patient in writing.

(2) The Superintendent shall enforce all proper discipline in the mental hospital and shall be responsible that the subordinate officers referred to in subsection (1) of section 2 follow his directions as to the care and treatment of the patients.

(3) The Superintendent shall record the particulars of the discharge of any patient from the mental hospital, or of the death of any patient therein.

(4) The Superintendent may, with the consent of the Minister, make rules for the proper conduct of the mental hospital and for the more effectual carrying out of the provisions of this Act and may prescribe penalties for the breach of such rules.

6. Discharge or death

(1) The Superintendent may with the agreement of another medical officer, discharge any patient from the mental hospital whom he considers to be fit to be discharged, and shall inform the Board and the District Commissioner of the district from which the patient came accordingly.

(2) The Board shall be notified by the Superintendent within 48 hours of the death of any patient.

7. Hospital treatment

The Superintendent may cause any patient requiring public hospital attention to be removed thereto for treatment, and shall resume custody in the mental hospital of such patient when such treatment is no longer necessary:

Provided that no patient shall be so removed without the consent of the medical officer or other person in charge of the public hospital.

8. Leave of absence

The Superintendent may, with the agreement of another medical officer, permit any patient detained in the mental hospital to be absent and remain outside the mental hospital for such limited period as he considers advisable. Any patient who does not return to the mental hospital at the expiration of the period for which he has received permission to be absent shall be deemed to have escaped from the mental hospital.

9. Escape

(1) Any person who becomes aware of the presence in any place of a patient whom he has reason to believe has escaped from the mental hospital shall at once inform the nearest District Commissioner and in the meantime shall take such action, not involving the use of force, save for the protection of life and property, as appears to him necessary to prevent the patient from furthering his escape.

(2) On being informed of the presence in any place of a patient who is believed to have escaped from the mental hospital a District Commissioner shall take such action as appears to him necessary to secure the patient's return to the mental hospital.

(3) Any person other than those referred to in section 14 who aids or abets the escape of any patient from the mental hospital shall be liable on conviction to a fine not exceeding VT 30,000, or to a term of imprisonment not exceeding 2 months, or to both such fine and imprisonment.

10. Discharge to domiciliary custody

If a District Commissioner after investigation is satisfied that proper domiciliary arrangements have been made for the care and custody of a person detained in the mental hospital, and if the Superintendent, with the agreement of another medical officer certifies that such a person is not dangerous to himself or to others the Superintendent may by written order direct the discharge of such person from the mental hospital.

11. Criminal lunatic

If it appears to a competent court that a person appearing before it charged with a criminal offence is of unsound mind, it may order that person to be detained in the mental hospital and in such case the provisions of section 3 shall be deemed to have been complied with.

12. Powers of the Board

Without prejudice to the provisions of subsection (2) of section 3 the Board shall be entitled to examine any person detained in the mental hospital and all records kept under this Act. After consultation with the Superintendent, they may forward to the Minister their recommendations regarding any patient detained therein and the general conditions existing in the mental hospital.

13. Ill-treatment of patients

If the Superintendent or any subordinate officer, employed in the mental hospital ill-treats or wilfully neglects any patient therein he shall be liable on conviction to a fine not exceeding VT 30,000, or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

14. Penalty for aiding or conniving at escape of patient

If the Superintendent or any subordinate officer employed in the mental hospital shall, through wilful neglect, permit any patient to escape from the mental hospital or shall secrete or abet or connive at the escape of such patient he shall be liable on conviction to a fine not exceeding VT 30,000, or to a term of imprisonment not exceeding 10 months, or to both such fine and imprisonment.

15. Trespass in mental hospital

Any person found within the limits of the mental hospital without the written permission of the Superintendent or other proper officer or without lawful authority shall be liable on conviction to a fine not exceeding VT 5,000, or to a term of imprisonment not exceeding 1 month, or to both such fine and imprisonment.

SCHEDULE

(sections 3 and 4)

CERTIFICATE OF DETENTION IN A MENTAL HOSPITAL

I, ... a Medical Officer/Superintendent of the Mental Hospital hereby certify that I on the ..... at ..... separately from any other medical officer personally examined ..... and that the said ..... is in my opinion a person of unsound mind and a proper person to be taken charge of and detained in a mental hospital under care and treatment and that I have formed this opinion upon the following grounds –

(1) facts indicating insanity observed by myself;

(2) other facts, if any, indicating insanity which were communicated to me by others.