ANNO TRICESIMO

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C A P. XII.

An Act to amend the Law relating to Criminal Lunatics. [12th *April* 1867.]

WHEREAS it is expedient to amend the Law relating to Criminal Lunatics: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Criminal Lunatics Act, 1867." **Short Title.**

2. "Criminal Lunatic" shall mean for the Purposes of this Act any of the Persons following; that is to say, **Definition of Criminal Lunatic.**

1. Any Person for whose safe Custody during Her Pleasure Her Majesty is authorized to give Order:
2. Any Person whom One of Her Majesty's Principal Secretaries of State is authorized by Law to direct to be removed to a Lunatic Asylum under any Act of Parliament:
3. Any Person sentenced or ordered to be kept in Penal Servitude who may be shown to the Satisfaction of the Secretary of State to be unfit from Imbecility of Mind for Penal Discipline.

 3. This

Application of Act.

3. This Act shall not apply to *Scotland* or *Ireland*.

General Application of ss. 9. and 10. of 23 & 24 Vict. c. 75.

4. The Enactments contained in the Ninth and Tenth Sections of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-five, relating to the following Matters:

(1.) To the Power of the Secretary of State to permit a Lunatic to be absent from the Asylum on Trial:

(2.) To the Expenses of Conveyance and Maintenance of Criminal Lunatics:

shall apply to a Criminal Lunatic in whatever Asylum or Place of Confinement he may be, and to such Asylum and Place of Confinement, so far as regards such Lunatic, in the same Manner as if such Asylum or Place of Confinement were an Asylum appropriated to Criminal Lunatics in pursuance of the last-mentioned Act.

Power of Secretary of State to give conditional Order of Discharge.

5. It shall be lawful for One of Her Majesty's Principal Secretaries of State to discharge absolutely or conditionally any Criminal Lunatic.

Where any Criminal Lunatic has been discharged conditionally, if any of the Conditions of such Discharge are broken, the said Secretary of State may by Warrant, to be executed by any Constable or other Peace Officer to whom such Warrant is delivered, direct such Person to be taken into Custody, and to be conveyed to the Place in which he was detained at the Time of his Discharge, or to any other Place to which he might have been removed if no Order for his Discharge had been given, and any Person so taken into Custody shall revert in all respects to the same Position as he was in at the Time when the Order of Discharge was given, and shall be subject to be detained accordingly.

Criminal Lunatic may be removed to a County Asylum on Expiration of his Sentence.

6. The Eighth Section of the said Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-five, shall be repealed, and in place thereof be it enacted: Where the Term of Punishment awarded to any Criminal Lunatic confined in any Asylum or other Place of Confinement for Criminal Lunatics expires before such Evidence of his Sanity has been given as justifies his being discharged, the following Consequences shall ensue; that is to say,

1. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics may be sent in pursuance of the Lunatic Asylums Act, 1853, he shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same Position in all respects as if he were a Lunatic who immediately

immediately previous to the Expiration of his Term of Punishment had been found wandering at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and had been directed by a Justice, in pursuance of the Sixty-eighth Section of the Lunatic Asylums Act, 1853, to be received into the said Asylum or Place of Confinement as a Lunatic wandering at large, and a proper Person to be taken charge of and detained under Care and Treatment:

2. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics cannot be sent in pursuance of the said Lunatic Asylums Act, 1853, the said Secretary of State may, by Order under his Hand, direct the Lunatic to be received into any Asylum or Place of Confinement for Lunatics into which a Justice might have directed him to be received in pursuance of the said Sixty-eighth Section of the Lunatic Asylums Act, 1853, if immediately previous to the Date of the Expiration of his Term of Punishment the Lunatic had been found wandering at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and the Justice had been satisfied that the Lunatic was a proper Person to be taken charge of and detained under Care and Treatment; and any Order made by the said Secretary of State in pursuance of this Section shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum or other Place of Confinement for Lunatics in pursuance of the said Sixty-eighth Section of the said Lunatic Asylums Act, 1853; and such Lunatic when received into the said Asylum or Place of Confinement shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same Position in all respects as if he had been such wandering Lunatic as aforesaid directed to be received into the said Asylum or Place of Confinement in pursuance of the said Order of a Justice.

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