CHAPTER 65.

An Act to amend the Lunacy Act, 1890.

[5th August 1891.]

BE it 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:

Short title. 53 & 54 Vict. c. 5.

1. This Act may be cited as the Lunacy Act, 1891, and this Act shall be construed as one with the Lunacy Act, 1890 (in this Act called the principal Act), and this Act and the principal Act may be cited together as the Lunacy Acts, 1890 and 1891.

Provisions as to relieving officers.

2.—(1.) A constable, relieving officer, or overseer whose duty it is, under the principal Act, to convey a lunatic to or from an institution for lunatics, may make proper arrangements for the performance of the duty by some other person or persons.

(2.) Where in a union there are two or more relieving officers, and the guardians, with the sanction of the Local Government Board, direct one relieving officer to discharge throughout the union the duties of a relieving officer in respect of lunatics, every other relieving officer in the union shall inform the officer so directed of any case of a lunatic, with which it would otherwise devolve upon such other relieving officer to deal, and it shall be the duty of the relieving officer receiving such information to deal with the case, and the other relieving officer shall be discharged from any further duty in the matter.

Classification of lunatics received under ss. 13, 16, of principal Act.

3. A lunatic sent to an institution for lunatics under section thirteen or sixteen of the principal Act shall be classified as a pauper, until it is ascertained that he is entitled to be classified as a private patient.

Amendments of 53 & 54 Vict. c. 5. section 24. 30 & 31 Vict. c. 106.

4.—(1.) Every pauper suffering from mental disease in a workhouse at the commencement of the principal Act, as to whom a report had before the commencement of the principal Act been made under section twenty-two of the Poor Law Amendment Act, 1867, may be detained in the workhouse against his will without an order under section twenty-four of the principal Act.

30 Vict. c. 6.

(2.) The medical superintendent of an asylum provided under the Metropolitan Poor Act, 1867, shall not be required in any certificate under sub-section one of section twenty-four of the principal Act, or under this Act, to certify to the effect in sub-clause (*c*) of that sub-section mentioned, and upon the transfer from a workhouse to an asylum provided under the Metropolitan Poor Act, 1867, of a lunatic, with regard to whom a certificate or order under the said section twenty-four made while he was in the workhouse is in force, no further certificate or order shall be required for the detention of the lunatic in the asylum.

Medical certificates.

5. There shall be attached to every order made by a justice under section twenty-four of the principal Act the medical certificates on which such order is founded.

section 27.

6. Where a workhouse is situate in a county which does not include the union to which the workhouse belongs, a summary reception order made by a justice of the county in which the workhouse is situate may order a lunatic in the workhouse to be received in any asylum, in which pauper lunatics chargeable to the union, to which the workhouse belongs, may legally be received.

section 38 (4).

7. Subsection four of section thirty-eight of the principal Act is hereby repealed, and the following subsection is substituted therefor:—

(4.) A reception order shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years, and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if not more than one month nor less than seven days before the expiration of the period at the end of which, as fixed by this Act or by an order of the Commissioners under subsection two, the order would expire, and of each subsequent period of one, two, three, and five years respectively, a special report of the medical officer of the institution or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners.

section 39.

8. Section thirty-nine of the principal Act shall not apply to lunatics received under a removal order or to lunatics so found by inquisition.

section 55.

9.—(1.) In subsection three (*a*) of section fifty-five of the principal Act the words "or to travel in England" shall be inserted after the word "place."

(2.) In sub-section six of section fifty-five of the principal Act, for the words "licensed by visitors" shall be substituted the words "licensed by justices," and for the words "the Commissioners or visitors" shall be substituted the words "such Commissioner or such two visitors."

section 56 (3).

10. In subsection three of section fifty-six of the principal Act the words "or permit the patient to be absent upon trial for such "period as may be thought fit" shall be added after the word "health" at the end of the subsection.

section 61 (1).

11. In subsection one of section sixty-one of the principal Act the words "to the workhouse of the union to which the lunatic is "chargeable, or if the lunatic is chargeable to a county or borough, "to the workhouse of the union from which he was sent to the "hospital or licensed house" shall be inserted after the words "of the lunatic."

Hospitals may alter regulations.

12. The managing committee of every hospital may, with the approval of a Secretary of State, alter the regulations of the hospital.

Boroughs annexed to counties under

13.—(1.) Where under section two hundred and forty-six of the principal Act, a borough ceases to be a local authority under that

Act, the borough shall for all purposes of that Act be annexed to and treated as part of the county in which the borough is situate, and if or so far as the borough has not contributed towards the expense of providing the asylum of the county, a sum to be paid by the borough towards the expenses already incurred in providing the asylum shall be fixed by agreement between the councils of the county and borough, or in default of agreement by an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by an arbitrator appointed by the Local Government Board. In fixing the sum to be paid by the borough, the borough shall be credited with any sums already contributed by the borough for lunacy purposes in excess of its legal liability; and the arbitrator shall take into consideration the amounts that may have been paid by the borough for the reception or maintenance, in the asylum of the county, of the lunatics of the borough.

s. 246 to contribute to expense of asylum.

(2.) Where a borough had before the passing of this Act, by virtue of section eighty-six of the Local Government Act, 1888, and the determination of any contract, become liable to contribute to the county rate of the county in respect of a lunatic asylum, this section shall apply to such borough as if it had immediately after the passing of this Act ceased under section two hundred and forty-six of the principal Act, to be a local authority.

51 & 52 Vict. c. 41.

14. Any question relating to lunatic asylums or the maintenance of lunatics arising between any local authorities under the principal Act and any boroughs not being local authorities under that Act, and any visiting committees or any two or more of such parties respectively, may be referred to an arbitrator appointed by the parties, or, if the parties cannot agree upon an arbitrator, by the Local Government Board.

Power to refer questions as to asylums to the court or to arbitration.

15. The provisions of sub-sections five, six, and seven of section sixty-two of the Local Government Act, 1888, shall apply to every sum by virtue of this Act agreed to be paid or awarded by an arbitrator as if such sum had been agreed to be paid or awarded under section sixty-two of the Local Government Act, 1888.

S. 62 of 51 & 52 Vict. c. 41. applied.

16. In sub-section two of section two hundred and fifty-four of the principal Act, there shall be added after the word "contracts" the words "for the purchase of lands and buildings and for the erection, restoration, and enlargement of buildings."

Amendment of s. 254 of 53 & 54 Vict. c. 5.

17. Where a contract between the council of a borough and the subscribers to a hospital for the reception of pauper lunatics into the hospital was subsisting on the twenty-sixth day of August one thousand eight hundred and eighty-nine, such contract, unless determined by the parties or one of them, shall be deemed to have continued in force since that date, and may be renewed subject to the same conditions and with the same consequences as if the contract had been entered into by a visiting committee on behalf of the borough.

Contracts by town councils and the subscribers to a hospital.

18. The provisions of the Local Government Act, 1888, relating to the accounts of county councils and their officers, and to the audit of such accounts, shall apply to the accounts of every asylum

Accounts of county asylums.

belonging wholly or in part to a county council and of the visiting committee and officers thereof.

Removal of lunatic becoming a pauper.

19.—(1.) Where a lunatic in a hospital or licensed house becomes a pauper, the manager of the hospital or house may, after having given notice to the authority liable for the maintenance of the lunatic of his intention so to do, apply to a justice of the peace having jurisdiction in the place where the hospital or house is situate for an order for the removal of the lunatic, and such justice may, if he thinks fit, make an order for the removal of the lunatic to an institution for lunatics to which pauper lunatics for whose maintenance the authority is liable may legally be sent and for the reception of the lunatic therein, and such institution shall be named in the order, and the manager of the hospital or house shall forthwith cause the lunatic to be removed to the institution named in the order. In the case of such removal the original reception order shall remain in force, and shall authorise the classification of the lunatic as a pauper lunatic in the institution to which he is removed.

(2.) The costs of obtaining an order under this section and of the removal of the lunatic shall be repaid to the manager who obtains the order by the authority liable for the maintenance of the lunatic, and any justice having jurisdiction in the place where the hospital or house from which the lunatic was removed is situate shall have power to fix the amount of such costs and to order such authority to repay the same. The provisions of section three hundred and fourteen of the principal Act shall apply to every such order for the repayment of costs.

Notice of reception of boarders into licensed houses and hospitals.

20. Where a boarder is received into a licensed house not within the immediate jurisdiction of the Commissioners in Lunacy, or into a registered hospital, notice of his reception shall be given to the Commissioners in Lunacy within twenty-four hours of his reception by the manager of the licensed house or hospital into which such boarder has been received.

If any manager fails to comply with the provisions of this section he shall, for each day or part of a day during which the default continues, be liable to a penalty not exceeding five pounds.

If the Commissioners after inquiry are of opinion that the mental state of any boarder received into a licensed house or hospital is such as to render him unfit to remain as a boarder, they may order the manager of the licensed house or hospital either to remove such boarder or to take steps to obtain an order for his reception as a patient into the licensed house or hospital.

Any manager failing to comply with an order of the Commissioners in Lunacy made pursuant to this section shall, for each day during which the default continues, be liable to a penalty not exceeding five pounds.

Complaints as to control of patients.

21. If complaints are made by persons resident in the neighbourhood of any hospital that the patients are allowed to go outside the hospital without a sufficient number of officers to control them, or that the patients are allowed to wander at large without any control, the Commissioners may, if they are satisfied that there

are primâ facie grounds for such complaints, inquire into the same, and may make such order in relation thereto as the Commissioners think just, and the superintendent of any hospital disobeying any such order shall be guilty of a misdemeanor.

Payment of expenses as to lunatics becoming paupers.

22. The provisions of the principal Act for the payment of expenses in relation to pauper lunatics shall be applicable with respect to lunatics in institutions for lunatics who become paupers.

Form of petition amended.

23. In Form 1 in the Second Schedule to the principal Act there shall be substituted for the word "Dated" the words "Date of presentation of the petition."

Amendment as to judicial authority under 53 & 54 Vict. c. 5.

24.—(1.) A justice of the peace specially appointed under section ten of the principal Act may exercise the powers of the judicial authority under that Act, notwithstanding that he may not have jurisdiction in the place where the lunatic or alleged lunatic is.

(2.) A judicial authority may, if he considers it expedient, transfer a petition for a reception order presented to him to any other judicial authority who is willing to receive the same, whether such other judicial authority has or has not jurisdiction in the place where the lunatic is, and such other judicial authority shall have the same powers as the judicial authority to whom the petition was presented would have had.

(3.) A reception order made after the passing of this Act shall not be invalid on the ground only that the justice of the peace who signed the order shall appear to have not been duly appointed under section ten of the principal Act, if the order is within fourteen days after its date approved and signed by a judicial authority.

(4.) The appointment at any time before or after the passing of this Act by the justices of a county or quarter sessions borough of justices to exercise the powers of the judicial authority under the principal Act shall not be invalid on the ground only that the appointment includes all the justices of the county or borough.

(5.) Every justice appointed under section ten of the Lunacy Acts Amendment Act, 1889, shall be deemed to have had power to exercise the jurisdiction conferred upon the judicial authority under the principal Act, and the jurisdiction of such justices and of any justices appointed or hereafter to be appointed under the principal Act shall be deemed to have continued and shall continue until a fresh appointment is made.

Power to confer powers of justice of the peace on member of board of guardians.

25. If for the due administration of the Lunacy Acts, 1890 and 1891, in any union it appears to the Lord Chancellor desirable, he may by writing under his hand empower the chairman of the board of guardians to sign orders for the reception of persons as pauper lunatics in institutions for lunatics, and every order so signed shall have effect as if made by a justice of the peace under the principal Act.

Amendments in procedure upon inquisitions.

26.—(1.) The provisions of section ninety-four sub-section two of the principal Act as to the trial of issues in the High Court shall extend to all inquisitions, and the masters may, for the purpose of inquisitions held before them, exercise the powers by that sub-section conferred upon the judge who tries the issue.

(2.) The masters may make orders for the attendance of an alleged lunatic at such time and place as the order directs, for examination by the masters or a medical practitioner, and such order may be enforced in the same way as an order of a Judge of the High Court.

Procedure as to Chancery lunatics.

27.—(1.) Subject to rules in lunacy the jurisdiction of the Judge in Lunacy as regards administration and management may be exercised by the masters, and every order of a master in that behalf shall take effect unless annulled or varied by the Judge in Lunacy.

(2.) The power to make rules under section three hundred and thirty-eight, sub-section (2), of the principal Act shall extend to all applications under the principal Act and this Act, and also to applications in the Chancery Division of the High Court in cases where such applications are also made under the principal Act.

(3.) The power conferred by section one hundred and forty-eight of the principal Act to make rules fixing per-centage and fees shall be deemed to extend to all proceedings under the principal Act or this Act, whether relating to lunatics so found by inquisition or to any other person in relation to whom or to whose property an order under the said Acts has been or may be made. Provided that in the case of lunatics under the protection of the Judge in Lunacy by virtue of the transmission of the record of an inquisition from Ireland and its entry of record in the High Court, and in the case of persons residing out of England and declared lunatic according to the laws of their place of residence, no per-centage shall be levied except upon income arising from property within the jurisdiction of the Judge in Lunacy and administered under his direction.

(4.) The provisions of section one hundred and sixteen, sub-section two, of the principal Act shall apply to the persons named in sub-section one (*d.*) of the same section though not lunatics.

Definition of seised and possessed.

28. In the principal Act, the word "seised" shall include any vested estate for life or of a greater description, and shall extend to estates at law and in equity in possession or in futurity in any lands; and the word "possessed" shall include any vested estate less than a life estate at law or in equity in possession or in expectancy in any lands.

Repeal.

29. The enactments in the schedule are hereby repealed.

Section 29.

THE SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5. -	The Lunacy Act, 1890.	Section nine, sub-section one, from "having" to the end of the sub-section. Section ten, in sub-section one the words "within the county "and borough respectively"

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 5.—*cont.*		and in sub-section four the words "within the same" occurring twice. Section thirteen, sub-section two, from "within" to "jurisdiction." Section twenty-four, sub-section six, from "that a pauper" to "asylum" where that word next occurs. Section sixty-two. Section ninety-nine the words "with a jury." Section one hundred and forty-nine. Section two hundred and forty-six, from "subject" to "an asylum." Section two hundred and seventy-nine. Section three hundred and thirty-eight, sub-section two, the words "in lunacy." The Second Schedule, Form 13. The Fourth Schedule, the references to "Dover" and "Maidstone" repealed as from the commencement of the Lunacy Act, 1890.

CHAPTER 66.

An Act to establish Local Registries of Titles to Land in Ireland. [5th August 1891.]

BE it 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:

Short title.

1. This Act may be cited for all purposes as the Local Registration of Title (Ireland) Act, 1891.

Application of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall, except as in this Act specially provided, come into operation on the first day of January one thousand eight hundred and ninety-two.

PART I.

ESTABLISHMENT OF CENTRAL AND LOCAL REGISTERS OF OWNERS.

Establishment of registers of owners of land.

4.—(1.) There shall be established and maintained in Ireland, under the registering authorities herein-after mentioned, registers of owners of freehold land, with such additional registers in connexion therewith as are herein-after provided in regard to leaseholds and other subsidiary interests in land.