but it shall not include teaching the practice of any trade, or industry, or employment.

32 & 33 Vict. c. 56. 36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87.

The expression "Endowed Schools Acts" means the Endowed Schools Acts, 1869, 1873, and 1874;

The expression "Education Department" means the Lords of the Committee of Her Majesty's Privy Council on Education;

The expression "Charity Commissioners" means the Charity Commissioners for England and Wales;

The expression "scholarship" includes exhibition or other educational emolument;

The expression "parent" includes guardian and every person who is liable to maintain or has the actual custody of a child;

The expression "scheme under this Act" means a scheme under the Endowed Schools Act as amended by this Act.

CHAPTER 41.

An Act to amend the Acts relating to Lunatics.

[26th August 1889.]

WHEREAS it is expedient to amend the law relating to 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:

Short title, commencement, and extent.

1.—(1.) This Act may be cited as the Lunacy Acts Amendment Act, 1889, and shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety, herein-after referred to as the commencement of this Act.

(2.) Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland.

Private patients to be received only under order of county court judge, magistrate, or justice.

2.—(1.) Subject to the exceptions in this Act mentioned, no person, not being a pauper or a criminal lunatic and not being a lunatic so found by inquisition, shall be received and detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, unless under a reception order made by a judge of county courts or magistrate, or by a justice of the peace, specially appointed as herein-after provided, having respectively jurisdiction in the place where the lunatic is. No relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall be capable of making such order.

Forms 1, 2, 8.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper under the hands of two medical practitioners.

Petition for order for reception. Form 1.

3.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by some one specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

Form 2.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(5.) One of the medical certificates accompanying the petition shall, whenever practicable, be under the hand of the usual medical attendant if any (being a medical practitioner) of the alleged lunatic. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing by the petitioner to the judge, magistrate, or justice to whom the petition is presented, and such statement shall be deemed to be part of the petition.

(6.) No order shall be made upon a petition under this section, unless each of the persons who sign the medical certificates accompanying the petition shall, separately from the other, have personally examined the person to whom the petition relates not more than seven clear days previously to the date of the presentation of the petition.

Procedure upon petition for an order for reception. Form 3.

4.—(1.) Upon the presentation of the petition the judge, magistrate, or justice shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged lunatic as he may think fit; notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a registered letter addressed to him at his address as given in the petition.

(2.) The judge, magistrate, or justice, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he shall think it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The judge, magistrate, or justice shall have the same jurisdiction and powers as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers, as if he were so

acting, and their assistance under this Act shall be considered in fixing their remuneration.

(4.) The petition shall be considered in private, and no one except the petitioner, the alleged lunatic (unless the judge, magistrate, or justice in his discretion otherwise order), any one person appointed by the alleged lunatic for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judge, magistrate, or justice, be present at the consideration thereof.

(5.) At the time appointed for consideration of the petition the judge, magistrate, or justice may make an order thereon or dismiss the same, or, if he shall think fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he may think fit of the adjourned consideration, and summon any persons to attend before him.

(6.) Every judge, magistrate, and justice, and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged lunatic and the person appointed by the alleged lunatic as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

Dismissal of petition.

5.—(1.) If the petition is dismissed, the judge, magistrate, or justice shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners, and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed.

(2.) Any judge, magistrate, or justice making or refusing a reception order, shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commissioners may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged lunatic, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

Orders for reception. Form 3.

6.—(1.) A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on

without further evidence of the signature or of the jurisdiction of the person making the order.

(2.) The order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the superintendent or proprietor of the asylum, hospital, or licensed house in which, or to the person by whom, the lunatic is to be received.

(3.) A reception order shall not continue in force unless the lunatic has been taken or received thereunder before the expiration of seven clear days from its date.

Certain provisions of Lunacy Acts applied and excepted.

7.—(1.) The person upon whose petition a reception order has been made shall, with reference to the lunatic to whom the order relates, have and be subject to all such authorities, powers, obligations, and liabilities as are by the Lunacy Acts conferred or imposed upon the person signing an order for the reception of a lunatic not being a pauper.

16 & 17 Vict. c. 96. ss. 4, 8. 16 & 17 Vict. c. 97. s. 74.

(2.) The provisions of sections four and eight of the Lunacy Act, 1853, and section seventy-four of the Lunatic Asylums Act, 1853, prohibiting the reception of a private patient unless the medical practitioners who sign the certificates accompanying the order for his reception have personally examined him not more than seven clear days previously to his reception, shall not apply to an order made upon a petition under this Act.

16 & 17 Vict. c. 97. s. 68.

(3.) The provisions of this Act as to reception orders shall not affect the provisions of section sixty-eight of the Lunatic Asylums Act, 1853, as to lunatics or alleged lunatics, not paupers, who are wandering at large.

Urgency orders.

Form 4.

8.—(1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an asylum, hospital, or licensed house, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate under the hand of a medical practitioner.

(2.) No person shall be received under an urgency order under this section unless the medical practitioner who signs the certificate accompanying the order has personally examined the person to whom the certificate relates not more than two clear days previously to the reception of such person, and states the date of such examination in the certificate.

(3.) An urgency order may be signed before or after the medical certificate.

(4.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(5.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(6.) An urgency order may be made as well after as before a petition for a reception order has been presented or an application made to the Judge in Lunacy, in cases where the reception order is to be made by the Judge in Lunacy under this Act. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judge, magistrate, or justice to whom the petition has been presented.

(7.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order or application to the Judge in Lunacy is pending, then until the petition or application is finally disposed of.

(8.) An urgency order accompanied by such medical certificate as aforesaid, if the same respectively appear to be in conformity with this Act, shall be sufficient authority for taking the lunatic and conveying him to the place mentioned in the order, and for his reception and detention therein.

Form 2. (9.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

Right of lunatic to be examined by judge, magistrate, or justice.

9.—(1.) When a lunatic has been received as a private patient under an order of a judge of county courts, magistrate, or justice, without a statement in the order that the patient has been personally seen by such judge, magistrate, or justice, the patient shall have the right to be taken before or visited by a judge, magistrate, or justice, other than the judge, magistrate, or justice who made the order, unless the medical superintendent of the asylum or hospital, or the medical proprietor or attendant of the house, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, shall state that the exercise of such right would be prejudicial to the patient.

Form 5.

(2.) Where no such certificate has been signed and sent, the superintendent or proprietor of the asylum, hospital, or house in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such superintendent, proprietor, or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a registered letter to the judge, magistrate, or justice, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be by him transmitted to such judge, magistrate, or justice, and the judge, magistrate, or justice shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have him brought before him by the superintendent, proprietor, or person as the judge, magistrate, or justice may think fit.

Form 6.

Form 7.

(3.) The judge, magistrate, or justice shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order

was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judge, magistrate, or justice having authority to act in the place where the person received is, and not being the judge, magistrate, or justice who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any superintendent of an asylum or hospital, or any superintendent or proprietor of a licensed house, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanor.

Appointment of justices to make orders for reception of lunatics.

10.—(1.) The justices of every county and quarter sessions borough, at their Michaelmas quarter and special sessions respectively, to be held in the year one thousand eight hundred and eighty-nine and in every succeeding year, shall appoint out of their own body as many fit and proper persons as they may deem necessary to exercise during the ensuing year within the county and borough respectively, the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor shall be satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(3.) If in the case of a borough, not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough to exercise within the same the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers, it shall be lawful for the Lord Chancellor from time to time, with or without a fresh representation, to nominate and appoint, by writing under his hand, one or more of the justices of such borough to exercise within the same during such time as the Lord Chancellor shall think fit the powers aforesaid, together with any other specially appointed justices acting therein.

(4.) In the case of the death, absence, inability or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place.

(5.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough, not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested.

(6.) For the purposes of this section "county" does not include a county of a city or a county of a town (except the city of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions, and "borough" means a borough subject to the Municipal Corporations Act, 1882.

45 & 46 Vict. c. 50.

Ordinary jurisdiction of judge, &c. not to be interfered with.

11. A judge of county courts and magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

Protection to persons signing and carrying out orders, reports, and certificates.

12.—(1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction, or on any other ground, if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the last preceding sub-section mentioned, or doing anything in pursuance of this Act, such proceedings may, upon summary application to the High Court of Justice or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

(3.) This section shall come into force immediately after the passing of this Act.

Lunatics not under proper care and control or cruelly treated or neglected.

13.—(1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice specially appointed under this Act.

(2.) Any specially appointed justice upon the information on oath of any person whomsoever, that a person within the limits of

his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he shall think fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same powers, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examine the alleged lunatic, or after such other and further inquiry as the justice may think necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any asylum to which, if a pauper, he might be sent under the Lunatic Asylums Act, 1853, or (where by that Act authorised) in a hospital or licensed house, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the lunatic to the asylum, hospital, or licensed house named in the order. Form 15. 16 & 17 Vict. c. 97.

(4.) A justice making an order under this section may suspend the execution of the order for such period not exceeding fourteen days as he may think fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the lunatic as he may consider proper.

(5.) If either of the medical practitioners who examines an alleged lunatic under this section certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed; and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify accordingly.

(6.) This section shall not restrain or prevent any relative or friend from retaining or taking care of a lunatic as to whom an order might be or has been made under this section, if the relative or friend satisfies the justice before whom the information as to the lunatic has been sworn, that he will be properly taken care of.

(7.) A constable, relieving officer, or overseer whose duty it is to lay an information under this section may exercise the powers conferred by section two of the Lunacy Act, 1885, as if it were his duty to lay such information under the Lunatic Asylums Act, 1853, and the powers conferred by section three of the Lunacy Act, 1885, may be exercised by any justice in any case where an order might be made by him under this section. 48 & 49 Vict. c. 52.

Fresh order and certificates not to be required in certain cases.

14.—(1.) Where a reception order has been made, and the execution of the order has been suspended, or the lunatic named in the order has been taken to a workhouse under section three of the Lunacy Act, 1885, he may be received in the asylum, hospital, or house at any time within fourteen days after the date of the reception order without a fresh order or certificates.

(2.) If the removal of the lunatic has been suspended by reason of a medical certificate that the lunatic is not in a fit state for removal, the lunatic may be received in the asylum, hospital, or house within three days after the date of a medical certificate that the lunatic is in a fit state to be removed.

Persons disqualified from signing certificates.

15. A medical certificate accompanying a petition for a reception order or accompanying an urgency order, shall not be signed by the petitioner or person signing the urgency order, 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 petitioner or person.

Patients not to be received under certificates by interested persons.

16.—(1.) No person shall be received or detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, where any certificate accompanying the reception order has been signed by any of the following persons:

(*a.*) The superintendent or proprietor of the asylum, hospital, or house, or the person who is to have charge of the single patient:

(*b.*) Any person interested in the payments on account of the patient:

(*c.*) Any regular medical attendant in the asylum, hospital, or house:

(*d.*) 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, or the partner or assistant of any of the foregoing persons.

(2.) Neither of the persons signing the medical certificates in support of a petition for a reception order, shall be the 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, or the partner or assistant, of the other of them.

(3.) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

(4.) The superintendent and proprietor of any asylum, hospital, or house, and any person having charge of a single patient, who knowingly receives a person as a lunatic contrary to the provisions of this Act shall be guilty of a misdemeanor.

Medical certificate. Form 8. Form 9.

17.—(1.) Every medical certificate shall be signed by the person making the same.

(2.) Every medical certificate accompanying an urgency order shall contain a statement, that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for the statement.

(3.) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

Order for reception of lunatic so found by inquisition.

18. Where a person has been found lunatic by inquisition, but no committee of the person has been appointed, an order under the hand of one of the Masters in Lunacy shall be sufficient authority for the reception of the lunatic into an asylum, hospital, or licensed house, or as a single patient.

Persons disqualified from signing orders as to paupers.

19. After the commencement of this Act no pauper shall be received as a lunatic into any asylum, hospital, or licensed house under an order under the hands of an officiating clergyman and overseer or relieving officer.

When lunatic may be treated as a pauper.

20. After the commencement of this Act a justice of the peace shall not sign an order for the reception of any person as a pauper lunatic into an asylum, hospital, licensed house, or workhouse unless the justice is satisfied that the alleged pauper is either in receipt of relief or in such circumstances as to require relief for his proper care. If it shall appear by the order that the justice is so satisfied, such lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief, under the Lunatic Asylums Act, 1853. A person who is visited by a medical officer of the union at the expense of the union is for the purposes of this section to be deemed to be in receipt of relief.

Form 12.

16 & 17 Vict. c. 97.

Lunatics in workhouses. 48 & 49 Vict. c. 52. Form 10.

21.—(1.) Except in the cases mentioned in the Lunacy Act, 1885, and this Act, no person shall be allowed to remain in a workhouse as a lunatic unless the medical officer of the workhouse certifies in writing—

(*a.*) that such person is a lunatic, with the grounds for the opinion;

(*b.*) that he is a proper person to be allowed to remain in a workhouse as a lunatic;

(*c.*) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2.) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

(3.) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice of the peace having jurisdiction in the place where the workhouse is situate.

Form 11.

(4.) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of

Form 8.

the workhouse, and by the certificate under the hand of the medical officer of the workhouse herein-before mentioned.

(5.) The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.

(6.) If, in the case of a lunatic being in a workhouse, the medical officer thereof shall not sign such certificate as in this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic shall cease to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by the Lunatic Asylums Act, 1853, provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum, and, pending such proceedings, the lunatic may be detained in the workhouse.

16 & 17 Vict. c. 97.

(7.) If the medical officer of a workhouse omits to give such notice to a relieving officer as by the last preceding sub-section provided he shall for each day or part of a day after the first day and before the notice is given during which the alleged lunatic remains in the workhouse be liable to a penalty not exceeding ten pounds.

(8.) Every relieving officer who fails to perform the duty by this section imposed upon him shall for each offence be liable to a penalty not exceeding ten pounds.

(9.) The guardians of the union, to which a workhouse belongs, may direct that any lunatic detained therein be discharged or removed therefrom.

(10.) For the purposes of this section an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, shall be deemed to be a workhouse, and the managers of such asylum shall exercise the powers and perform the duties by this section conferred and imposed upon the guardians of the union to which a workhouse belongs, and notices to be given to and proceedings to be taken by a relieving officer shall in the case of a lunatic in any such asylum be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum.

30 & 31 Vict. c. 6.

(11.) An order under section three of the Lunacy Act, 1885, shall not authorise the detention of a lunatic after the expiration of fourteen days from its date, except under the conditions mentioned in this section.

48 & 49 Vict. c. 52.

(12.) As regards every pauper in a workhouse at the date of the commencement of this Act, as to whom a certificate has been

signed under section twenty of the Lunacy Acts Amendment Act 1862, no certificate or order of a justice under this section shall be required.

Power to send discharged pauper not recovered to a workhouse.

22. Where a pauper lunatic is discharged from an asylum, hospital, or licensed house, and the medical officer of the asylum or the medical attendant of the hospital or house is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer or medical attendant shall certify such opinion, and his certificate shall accompany the notice of discharge, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the lunatic, or of the other inmates, that he should be kept separate.

Mis-statement to be a misdemeanor.

23.—(1.) Any person who makes a wilful mis-statement of any material fact in any petition, statement of particulars, or reception order under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(2.) Any person who makes a wilful mis-statement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(3.) No prosecution for a misdemeanor under this section shall take place except by order of the Commissioners or by the direction of the Attorney-General or the Director of Public Prosecutions.

Amendment of orders and certificates.

24.—(1.) If any order or medical certificate for the reception of a lunatic shall after such reception be found to be in any respect incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same shall receive the sanction of the Commissioners, or of some one of them, and (in the case of a private patient) the consent of the judge, magistrate, or justice by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be incorrect or defective, they may, by a direction in writing, addressed to the superintendent or proprietor of the asylum, hospital, or licensed house, or to the person having the charge of a single patient, require the same to be amended by the person who signed the same, and, if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

(3.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed.

Power to order payment of remuneration

25.—(1.) Whenever a justice directs an alleged lunatic, whether a pauper or not, to be examined by any medical practitioner, the

to medical practitioner, and of expenses.

justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order upon the guardians of the union named in the order for payment of such reasonable remuneration to the medical practitioner, and of all such other reasonable expenses in and about the examination, and the inquiry whether an order for the reception of the alleged lunatic ought to be made, and also if an order for reception is made for payment of such reasonable expenses of carrying the order into effect, as the justice may think proper.

(2.) The guardians upon whom an order is made under this section may recover any sums paid thereunder against the lunatic or alleged lunatic and his estate, and the person or authority legally liable for his maintenance, as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

Power to recover expenses against lunatic's estate.

26.—(1.) If it appears to any two justices that a lunatic, chargeable to any union, county, or borough, has any real or personal property more than sufficient to maintain his family, if any, such two justices may by order direct a relieving officer of the union, or the treasurer or some other officer of the county or borough, to seize so much of any money, and to seize and sell so much of any other personal property of the lunatic, and to receive so much of the rents of any land of the lunatic as the justices may think sufficient to pay any charges incurred or to be incurred in providing for the examination, removal, maintenance, clothing, medicine, and care of the lunatic.

(2.) If any trustee, or the Bank of England, or any other company, society, or person, having possession of any property of a lunatic, shall pay or deliver to a relieving officer of a union, or to the treasurer or other officer of the county or borough to which respectively a lunatic is chargeable, any money or other property of the lunatic, to repay the charges in this section mentioned, whether pursuant to an order under this section, or without an order, the receipt of such relieving officer, treasurer, or officer, shall be a good discharge.

Application of Lunacy Acts to reception orders, &c.

27. Subject to the modifications made by this Act, the provisions of the Lunacy Acts shall apply to reception orders and to medical certificates under this Act.

Change of classification of patient.

28. In the case of a pauper patient afterwards classified as a private patient, the power of ordering his discharge may be exercised by the person who would have been entitled by law to order such discharge, if such patient had been originally admitted as a private patient, and the person who signed the order or presented the petition for the reception order were dead, or if there is no person who would have been so entitled or no such person able or willing to act, then by the Commissioners.

Reports upon and visits to private patients.

29.—(1.) The medical superintendent of every asylum or hospital, and the medical proprietor or attendant of every licensed house, and the medical attendant of every single patient, shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily

condition of the patient, in such form as the Commissioners may from time to time direct.

(2.) The medical proprietor or attendant of every house licensed by justices shall also at the same time send a copy of such report to the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there shall appear to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or, if no Commissioner is available, shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may, with the consent of the Treasury, pay to him such reasonable remuneration for his services as they think fit out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners.

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners, who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the committee of visitors of the asylum or to the managing committee of the hospital, and

one or more members of the committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the asylum, hospital, licensed or other house into which he was received is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order for his discharge.

(10.) The reports to be furnished under this section shall be in addition to the reports or statements which by the Lunacy Acts are required to be furnished.

Duration of orders for reception.

30.—(1.) Any reception order, whether it relates to a pauper or not, dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any such order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

(2.) In the case of any asylum, hospital, or licensed house the Commissioners may by order under their seal from time to time direct that the reception orders of patients detained therein shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as herein-after provided.

(4.) An order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, 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 at the end of each period of one, two, three, and five years respectively a special report of the medical superintendent of the asylum or hospital or the medical proprietor or attendant of the licensed house 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 in manner herein-after directed. Such report

shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period.

(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they may require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(*a.*) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge:

(*b.*) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the committee of visitors of the asylum, and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The superintendent of any asylum, and the superintendent or proprietor of any hospital or house, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient, and such reports shall be in such form as the Commissioners may, with the approval of the Lord Chancellor, from time to time direct.

(9.) A certificate under the hand of the secretary to the Commissioners that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

Powers of discharge and removal.

31.—(1.) Two of the Commissioners, one of whom shall be a medical, and the other a legal Commissioner, may visit a patient detained in any hospital or licensed house, or as a single patient, and may, within seven days after their visit, if the patient appears to them to be detained without sufficient cause, make an order for his discharge, with the like consequences as follow an order by the Lord Chancellor for the discharge of a single patient under section eighteen of the Lunacy Act, 1853.

16 & 17 Vict. c. 96. s. 18.

(2.) Upon the death of a person having charge of a single patient the Commissioners may, upon the application of the person having authority to discharge the patient, or, if he does not apply within seven days after the death, upon their own motion, by order direct the patient to be placed in the charge of the person named in the order, and such order shall have the same effect as an order of transfer made under the powers of section twenty of the Lunacy Act, 1853.

16 & 17 Vict. c. 96. s. 20.

(3.) The Commissioners or any two of them may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient to the charge of any other person or to any asylum, hospital, or licensed house.

Removal for health or on trial, and transfer.

32.—(1.) The consent in writing of one Commissioner shall be sufficient for the exercise of the powers conferred by section

8 & 9 Vict. c. 100. 16 & 17 Vict. c. 96. 25 & 26 Vict. c. 111.

eighty-six of the Lunacy Act, 1845, sections twenty and twenty-two of the Lunacy Act, 1853, and section thirty-eight of the Lunacy Act, 1862.

(2.) The medical superintendent of a hospital, or the medical superintendent or proprietor of a licensed house, may, of his own authority, permit a patient to be absent from such hospital or house for a period not exceeding forty-eight hours without giving notice of such absence to the Commissioners, and during such absence the order for reception shall remain in force.

Chargeability of lunatic becoming pauper. 16 & 17 Vict. c. 97.

33.—(1.) Where a lunatic in an asylum, hospital, or licensed house becomes destitute he shall be deemed to be chargeable to the union from which he was brought until it has been established in the manner provided by the Lunatic Asylums Act, 1853, that the lunatic is settled in some other union or that it cannot be ascertained in what union the lunatic was settled; and the superintendent or proprietor of the asylum, hospital, or house shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.

(2.) The words "if any pauper lunatic be not settled in the parish from which" are hereby substituted for the words "if any pauper lunatic be not settled in the parish by which" in section ninety-eight of the Lunatic Asylums Act, 1853.

Single patients.

34.—(1.) Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(2.) If the person having charge of the patient fails to give effect to the direction by causing the patient to be visited by some other medical practitioner he shall be guilty of a misdemeanor.

(3.) One or more of the Commissioners shall once at least in every year visit every unlicensed house in which a single patient is detained as a lunatic, and inquire and report to the Commissioners on the treatment and state of bodily and mental health of the patient.

(4.) Any Commissioner visiting an unlicensed house may inspect every part of the house and the grounds belonging thereto.

(5.) If the person having charge of a single patient refuses to show to any Commissioner at his request any part of the house wherein the single patient resides, or any part of the grounds belonging thereto, he shall be guilty of a misdemeanor.

(6.) In the case of any person having charge of a single patient, if the Commissioners are satisfied that it is desirable, under special circumstances, and for the interest of the patient, that another patient, or more than one other, should reside in the same house, that person may, with the approval of the Commissioners, receive such other patient or patients on the same terms and conditions in all respects as if each of them were a single patient.

Person deriving profit from charge of lunatic. 8 & 9 Vict. c. 100. s. 92.

35. A person who for payment takes charge of or receives to board or lodge or otherwise any other person as a lunatic or alleged lunatic, shall be deemed to be a person deriving profit from the charge of a lunatic within the meaning of the Lunacy Act, 1845.

Discharge upon recovery. 16 & 17 Vict. c. 96.

36. The notice by section nineteen of the Lunacy Act, 1853, required to be sent upon the recovery of a patient, shall state that unless the patient is removed within seven days from the date of the notice he will be discharged. If the patient is not removed within seven days from the date of the notice he shall be forthwith discharged without further order.

Power to appoint substitute for the person who signed or applied for order of reception.

37.—(1.) The Commissioners may by order under this section substitute for the person who signed the reception order of a private patient, or for the person upon whose petition or application any such order was obtained, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the person who signed or obtained the order.

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the person who signed or obtained the reception order or his estate from any liabilities already incurred by him.

(4.) An order under this section may be made with or without the consent of the person who signed or obtained the reception order, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

(6.) A notice under this section may be sent by post in a prepaid letter addressed to the person who signed or obtained the reception order at his last known address, and the same shall be deemed to have been received at the time when the same would arrive in due course of post.

Provision for any person to apply to have patient examined.

38. An order for the examination by two medical practitioners, authorised by the Commissioners, of any person detained as a lunatic in any asylum, hospital, licensed house, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who shall satisfy the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening

between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order.

Power to take boarders in licensed houses. Form 14.

39.—(1.) The superintendent or proprietor of a licensed house may, with the previous consent in writing of two of the Commissioners, or, where the house is licensed by the justices, of two of the justices, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent shall be in like manner given for the extension thereof) he shall be discharged. The superintendent or proprietor of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient.

(2.) The consent of the Commissioners or justices, as the case may be, shall be given only upon application to them by the intending boarder.

(3.) The total number of patients and boarders in a hospital or licensed house shall at no one time exceed the number of patients for which the hospital is certified or the house licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits.

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the superintendent or proprietor thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the superintendent or proprietor thereof of his intention so to do, he shall be entitled to recover from the superintendent or proprietor ten pounds as liquidated damages for each day or part of a day during which he is detained.

Maintenance for pauper lunatic taken charge of by relatives.

40.—(1.) Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said union, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

(2.) Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority may on the recommendation of the committee of visitors of the asylum from which the lunatic was delivered over think proper.

(3.) The medical officer of the district of the union in which the lunatic is resident in the custody of such relative or friend shall,

within three days after each quarterly visit to the lunatic, made in pursuance of the Lunatic Asylums Act, 1853, section sixty-six, send to the visiting committee of the asylum from which the lunatic was delivered over, a report stating whether, in his opinion, the lunatic is properly taken care of, and may properly remain out of an asylum. The medical officer shall for every such report in addition to the remuneration paid under the above-mentioned section of the Lunatic Asylums Act, 1853, be paid the sum of two shillings and sixpence, which sum shall be paid by the same persons and be charged to the same account as the relief of such pauper.

(4.) Any two of the visitors may at any time, if they think fit, make an order for the removal of the lunatic to the asylum from the custody of the relative or friend to whom he has been delivered.

(5.) For the purposes of section twenty-four, subsection (2) (f), of the Local Government Act, 1888, a lunatic boarded-out by the authorities of any asylum shall be deemed to be a lunatic maintained in an asylum. 51 & 52 Vict. c. 41.

Power of transfer and discharge given to members of committee.

41. The members, whether justices or not, of any committee of visitors appointed for any asylum by a county council, shall have the same powers and jurisdiction in relation to the transfer and discharge of lunatics as by the Lunatic Asylums Act, 1853, were vested in any members of a committee of visitors appointed under that Act.

Information as to lunatics in private families and charitable establishments

42.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an asylum, hospital, or licensed house), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they may think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any asylum, hospital, or licensed house, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an asylum, hospital, or licensed house, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in

which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

16 & 17 Vict. c. 97.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any two justices of the county or borough in which the asylum is may exercise all the authorities conferred upon justices by the Lunatic Asylums Act, 1853, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor may direct.

Notice of order of discharge.

43.—(1.) The Commissioners when they shall have made any order of discharge shall forthwith serve the same upon the superintendent or proprietor of the asylum, hospital, or licensed house where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,—

a. In the case of a private patient, to the person who signed or obtained the reception order or who made the last payment on account of the patient:

b. In the case of a pauper, to the guardians of the union by whom the expense of the maintenance of the lunatic was defrayed, or, if the lunatic was chargeable to a county or borough, to the clerk of the peace of the county or the town clerk of the borough.

(2.) Any person who has been duly served with an order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

Power to remove alien lunatic to his native country.

44.—(1.) When an alien (not being a criminal lunatic) is detained as a lunatic, and his family or friends desire that he should be removed to the country of which he is a subject, the Commissioners, upon application by any member of the family, or by a friend of the alien, may inquire into the circumstances of the case, and report thereon to a Secretary of State.

(2.) A Secretary of State, if satisfied by such report or otherwise, that the person, to whom the report relates, is an alien and a lunatic, and that his removal is likely to be for his benefit, and that proper arrangements have been made for such removal and for his subsequent care and treatment, may, by warrant, direct the alien to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a subject, and every such warrant shall be obeyed by the person or authority under whose charge the lunatic is.

(3.) A warrant under this section shall be sufficient authority for the master of any vessel to receive and detain the lunatic on board the vessel, and to convey him to his destination.

Mechanical means of restraint.

45.—(1.) Mechanical means of bodily restraint shall not be applied to any lunatic unless the restraint is necessary for purposes of surgical or medical treatment or to prevent the lunatic from injuring himself or others.

(2.) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and stating the grounds upon which the certificate is founded.

Form 16.

(3.) The certificate shall be signed, in the case of a lunatic in an asylum or hospital, by the medical superintendent or a medical officer thereof, in the case of a lunatic in a licensed house, by the medical proprietor or medical attendant of the house, in the case of a lunatic in a workhouse, by the medical officer of the workhouse, and in the case of a single patient, by his medical attendant.

(4.) A full record of every case of restraint by mechanical means shall be kept from day to day; and a copy of the records and certificates under this section shall be sent to the Commissioners at the end of every quarter.

(5.) In the case of a workhouse, the record to be kept under this section shall be kept by the medical officer of the workhouse, and the copies of records and certificates to be sent shall be sent by the clerk to the guardians.

(6.) In the application of this section "mechanical means" shall be such instruments and appliances as the Commissioners may, by regulations to be made from time to time, determine.

(7.) Any person who wilfully acts in contravention of this section shall be guilty of a misdemeanour.

Letters of patients.

46.—(1.) The superintendent or proprietor of every asylum, hospital, and licensed house, and the person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition or application such order was made, or to the visitors or any visitor or visiting committee, or any member of the visiting committee of the asylum, or licensed or other house, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient.

(2.) Every superintendent or proprietor of an asylum, hospital, or licensed house, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section shall for each offence be liable to a penalty not exceeding twenty pounds.

Notices as to letters and interviews.

47.—(1.) Whenever the Commissioners in Lunacy shall so direct there shall, unless there is no private patient therein, be posted up in every asylum, hospital, and licensed house, printed notices setting forth—

(*a.*) The right of every private patient to have any letter written by him forwarded in pursuance of the last preceding section;

(*b.*) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the asylum, hospital, or house.

(2.) The notices shall be posted in the asylum, hospital, or house, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the superintendent or proprietor of an asylum, hospital, or licensed house makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

Provision on inquisition for commitment of estate only and not of person.

48. If in any case of an inquisition it shall appear that the alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be specially so found and certified; and every such special finding and certificate shall be brought before the Judge in Lunacy, who shall thereupon make all such orders, and direct all such acts to be done, as may be necessary or proper relative to the commitment, management, and application of the estate and effects of the person so found to be of unsound mind (including all proper provisions for his maintenance), but it shall not be necessary, unless in the discretion of the Judge it shall appear proper so to do, to make any order as to the custody or commitment of the person.

Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.

49.—(1.) In any case of a person who has been found lunatic by inquisition the Judge in Lunacy, being satisfied on the report of the Commissioners or of one of the Lord Chancellor's Visitors in Lunacy, or on any other evidence that the lunatic is cured, or that he is capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he shall think it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition so far as the same finds that the lunatic is incapable of managing himself, and rescind or vary any order for the commitment of the person of the lunatic.

(2.) An order under this section may be made on such terms and conditions as the Judge in Lunacy may think fit.

(3.) Notice of an order under this section shall be forthwith given to the committee of the lunatic and also to the person under whose care the lunatic is.

Order for custody of person of lunatic so found to determine unless continued.

50.—(1.) The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters in Lunacy a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

(2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such period; but nothing herein contained shall affect the commitment of the estate.

(3.) A Master in Lunacy may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of the extended time, but such extended time shall not exceed six calendar months.

(4.) Where any order for commitment of the person of a lunatic has determined under this section, the Masters in Lunacy shall forthwith give notice of such determination to the committee of the person of the lunatic and to the person under whose care the lunatic is.

Temporary provision for maintenance of lunatic.

51. In any case where, pending the appointment of committees, it shall appear to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they shall certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by such person who shall be accountable for the same as the Masters shall direct.

Orders as to the property of a lunatic.

52.—(1.) Where any person is lawfully detained as a lunatic, or where any person not so detained and not found a lunatic by inquisition shall be proved to the satisfaction of the Judge in Lunacy to be through mental infirmity, arising from disease or age, incapable of managing his estate and affairs, the Judge in Lunacy, upon the application of such lunatic or other person by his next friend, may make an order that the next friend, or any other person approved by the Judge, may, on behalf of the lunatic or of the person so incapable, exercise any powers or do any act in relation to his property which the committee of the estate of a lunatic so found by inquisition, could by virtue of the Lunacy Regulation Act, 1853, and the Acts amending the same, under an order of the Judge, or without an order, exercise or do on behalf of the lunatic.

16 & 17 Vict. c. 70.

(2.) An order under this section may confer upon the person named in the order authority to do any act or exercise any power specified in the order, or may confer a general authority to exercise on behalf of the lunatic until further order all or any of the powers of a committee of the estate of a lunatic so found by inquisition, without further application to the Judge.

(3.) Applications under this section shall be made in such manner, upon notice to such persons, and subject to such restrictions as may be appointed by the General Orders in Lunacy, and subject thereto as the Judge in Lunacy in each case may determine.

(4.) Every person appointed to do any act or exercise any powers under this section shall be subject to the jurisdiction and authority of the Judge in Lunacy in the same manner in all respects as if such person were the committee of the estate of a lunatic so found by inquisition.

Limited power to deal with property in Ireland or England of lunatic so found in England or Ireland.

53.—(1.) The powers of management and administration of the estates of lunatics conferred by the Lunacy Regulation Act, 1853, shall, without an inquisition or other proceedings in Ireland, extend to the personal property in Ireland of a lunatic so found by inquisition in England where such personal property does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year; and the like powers conferred by the Lunacy Regulation (Ireland) Act, 1871, shall, without an inquisition or other proceedings in England, extend to the personal property in England of a lunatic so found by inquisition in Ireland where such personal property or the income thereof does not exceed such amount as aforesaid.

(2.) Where a person has been found lunatic by inquisition in England or Ireland, and has personal property in Scotland, the committee of the estate of the lunatic shall, without cognition or other proceedings in Scotland, have all the same powers as to such property, or the income thereof, as might be exercised by a tutor at law after cognition or a duly appointed curator bonis to a person of unsound mind in Scotland.

Where a tutor at law after cognition or a curator bonis has been appointed to a lunatic in Scotland, who has personal property in England or Ireland, the tutor at law or curator bonis shall, without an inquisition or other proceedings in England or Ireland, have all the same powers as to such property, or the income thereof, as might be exercised by the committee of the estate of a lunatic so found by inquisition in England or Ireland.

25 & 26 Vict. c. 86. s. 12. 34 & 35 Vict. c. 22. s. 68.

(3.) The powers conferred by section twelve of the Lunacy Regulation Act, 1862, and by section sixty-eight of the Lunacy Regulation (Ireland) Act, 1871, shall extend to the property in Ireland or England, as the case may be, of the lunatic where the total value of the property in England and Ireland does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds a year.

Power to deal with property of small amount.

54.—(1.) Where an order is made for the reception of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a relieving officer of the union from which the lunatic is sent, authorise the clerk or relieving officer, or such other person as the

judge shall by his order appoint, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

(2.) The judge by whom such order is made may by the same or any subsequent orders give such directions as he shall think fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he think fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intituled in the matter of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge may direct, to be held and applied for the benefit of such lunatic, or in or towards such reimbursement as aforesaid, in such manner as the judge shall from time to time direct.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge shall from time to time appoint.

Pension of lunatic payable by public department.

55. When any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department, is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military, or naval service as such widow or child, and the person to whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof, as the department may think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person, and the department shall be discharged from all liability in respect of any sums so paid.

Restrictions on new licences.

56.—(1.) If the Commissioners, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensees, the Commissioners or justices may upon the expiration of the licence from time to time renew the licence for that house to the former licensees, or any one or more of them, or to their successors in business from time to time.

(2.) If at the passing of this Act the licensees of any house shall have made arrangements to establish a new house for the reception of lunatics in the place of the existing house, and the Commissioners, or if the existing house is within the jurisdiction of justices the justices, are of opinion that such new house will be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensees of the existing house, or any one or more of them, a licence for the new house, and may from time to time renew the same to the original licensees, or any one or more of them, or to his or their successors in business from time to time.

(3.) If at any time after the passing of this Act it shall be shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensees of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house.

(4.) In the case of joint licensees or proprietors who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any of them desires to conduct, answers the conditions hereinbefore required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees or proprietors renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees or proprietors shall agree upon, or, failing their agreement, as the Commissioners or justices shall determine.

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his superintendent, the licence shall be deemed to be transferable or renewable to such licensee so long as he continues superintendent of the house, or to the proprietor, or to any other medical superintendent while employed by the proprietor in the place of the former superintendent.

(6.) Save as in this section provided, after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence.

(7.) This section does not apply to licensed houses used solely for the reception of idiots and imbeciles.

Amendments as to licensed houses. 8 & 9 Vict. c. 100. s. 17.

57.—(1.) Visitors of licensed houses shall be appointed by the justices of every county or borough under section seventeen of the Lunacy Act, 1845, whether there is a licensed house within the county or borough or not.

(2.) In every county or borough in which no visitors of licensed houses have been appointed before the commencement of this Act, the justices of such county or borough shall appoint such visitors at the quarter and special sessions respectively next after the commencement of this Act.

(3.) A medical visitor shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough for which he is a visitor may approve, and such remuneration shall be provided in the manner in which the remuneration of a visitor for services under the Lunacy Act, 1845, is provided.

(4.) Where there is no licensed house within a county or borough the remuneration of any medical visitor, and the salary of the clerk to the visitors, and the expenses of the visitors in the execution of their office, shall be provided in the manner in which the remuneration and other expenses, which the money received for licences under the Lunacy Act, 1845, is inadequate to pay, are to be provided. 8 & 9 Vict. c. 100. s. 38.

(5.) The clerk to the visitors of licensed houses shall, upon the direction of any two visitors, call a meeting of the visitors at such time and place as the two visitors may appoint.

(6.) In the case of a licence for a house for the reception of lunatics granted to two or more persons, if before the expiration of the licence any of such persons die leaving the others surviving, and one of the survivors has undertaken, or within ten days after the death gives to the Commissioners or the justices who granted the licence a written undertaking, to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.

(7.) Where a licence has been transferred by the justices of a county or borough under section thirty-nine of the Lunacy Act, 1845, the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners. 8 & 9 Vict. c. 100. s. 39.

(8.) A clerk of the peace who makes default in performing the duty imposed upon him by this section shall for each day during which the default continues be liable to a penalty not exceeding forty shillings.

Provisions for registration of hospitals in which lunatics are received.

58.—(1.) When application is made after the passing of this Act for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they shall think fit, to inspect the hospital and report to them thereon.

(2.) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not.

(3.) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4.) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commis-

sioners may allow, unless before its expiration it is superseded by a complete certificate of registration.

(5.) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame regulations for the hospital, and shall submit the same to a Secretary of State for approval.

(6.) Upon approval of the regulations by a Secretary of State the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex, who may be received in the hospital.

(7.) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8.) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act.

(9.) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration shall be guilty of a misdemeanor.

Buildings not shown on plans not to be used for accommodation of lunatics

59.—(1.) No building in the occupation of the managing committee of a registered hospital not shown on the plans sent to the Commissioners pursuant to any rules made by them shall be deemed part of the hospital for any purpose connected with the reception or the care and treatment of lunatics.

(2.) If the superintendent of a registered hospital knowingly permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners he shall be deemed guilty of a misdemeanor.

Accounts to be audited and printed.

60.—(1.) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Lunacy Commissioners, and shall be printed.

(2.) The Lunacy Commissioners may, if they shall think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

Superannuation allowance of officer of hospital.

61. The managing committee of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the lodgings, rations or other allowances enjoyed by him, as the committee may think fit.

Persons disqualified to be members of managing committee of hospital.

62. The following persons shall be disqualified from being members of the managing committee of a registered hospital:

a. Any medical or other officer of the hospital:

b. Any person who is interested in or participates in the profits of any contract with or work done for the managing committee of the hospital, but so that this disqualification shall

not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the managing committee.

Powers for enforcing regulations of hospitals.

63.—(1.) The Commissioners may from time to time require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners shall think fit as to the mode in which the regulations of the hospital are carried out.

(2.) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent and any two members of the managing committee of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring such things to be done as the Commissioners may think proper for carrying out the same.

(3.) If at the expiration of six months from the date of the notice the requirements of the notice have not, in the opinion of the Commissioners, been complied with, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named in the order, so far as the reception and detention of lunatics is concerned.

(4.) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor.

(5.) Before an order is made under this section the Commissioners shall send to the superintendent and any two members of the managing committee of the hospital notice in writing requiring them to state in writing within fourteen days the reasons why the requirements of the first notice have not been complied with; and such statement, if any, shall be laid before the Secretary of State.

No agreements between local authority and subscribers.

64. As from the passing of this Act no agreement shall be made between a local authority and the subscribers to a hospital for uniting to provide and maintain an asylum or for the reception of pauper patients into the hospital. Provided always, that in any case where an agreement for either of the purposes aforesaid is already subsisting, such agreement shall continue in force, and may be renewed as heretofore with the consent of a Secretary of State.

Provisions as to private patients in asylums. 16 & 17 Vict. c. 97.

65.—(1.) Lunatics not paupers may be received into any asylum provided under the Lunatic Asylums Act, 1853, and the Acts amending the same, or under this Act, upon such terms as to payment and accommodation as the committee of visitors may think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to lunatics not paupers received into such asylums.

(2.) An account of the amount, by which the sums charged for private patients received in the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after carrying to the building and repair fund such sums, and providing

for such outgoings and expenses, as the committee of visitors may consider proper, shall be paid to the treasurer of the local authority to which the asylum belongs, or in the case of an asylum belonging to several local authorities, to their respective treasurers in the proportions in which such local authorities or the justices of the counties and boroughs whose powers have been transferred to them have contributed to the asylum, and shall be applied in aid of the rates in such manner as the local authority may determine.

Power to enlarge asylums in order to provide accommodation for private patients.

66.—(1.) The committee of visitors of any asylum, with the consent of the local authority of each administrative area for which the asylum is provided, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum, either by way of detached buildings or blocks of buildings or otherwise as they shall think fit, for the purpose of providing accommodation for lunatics not paupers.

(2.) The plans and estimates for all alterations in or additions to be made to an asylum under this section shall be submitted to the Commissioners, who shall report thereon in writing to a Secretary of State.

Power to provide asylums for pauper and private patients.

67.—(1.) The powers conferred by the Lunatic Asylums Act, 1853, for providing asylum accommodation shall extend to authorise a local authority either alone or in union with any other local authority or local authorities, to make provision for the reception of pauper and private patients together or in separate asylums, and to provide separate asylums for idiots or patients suffering from any particular class of mental disorder.

(2.) For the purposes of this section the local authority may erect new asylums, or enlarge any existing asylums, or purchase any licensed or other houses and land suitable for the purpose.

16 & 17 Vict. c. 97.

(3.) Subject to the modifications made by this Act, all the powers and provisions of the Lunatic Asylums Act, 1853, and the Acts amending the same, shall extend to asylums provided under this Act as if such asylums were asylums authorised to be provided under the Lunatic Asylums Act, 1853.

Power to retain land unsuitable or not required for asylum purposes.

68. Any lands or buildings which have been used for the purposes of a county or borough asylum, and have been found unsuitable, or are otherwise not required for such purposes, may, with the consent of a Secretary of State, and subject to such conditions as he may think fit to impose, be retained by the local authority, and appropriated for any purposes for which they are empowered to acquire land.

Rating of lunatic asylums.

69. All lands and buildings already or to be hereafter purchased or acquired under the provisions of any Act for the purposes of any lunatic asylum for any county or borough in England or Wales (and any additional building erected or to be erected thereon) shall, while used for such purposes, be assessed to county parochial district and other rates, made after the commencement of this Act, on the same basis and to the same extent as other lands and buildings in the same parish, township, or district.

Case of officer transferred to another asylum.

70. When any officer is transferred from one asylum to another asylum wholly or in part belonging to the same local authority,

his service in all such asylums shall be counted for the purpose of computing his pension, superannuation allowance, or gratuity for length of service, as if all such asylums had constituted only one asylum.

Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.

71. Where a contract has, before the passing of this Act, been entered into, or shall thereafter be entered into, on behalf of a borough, with the committee of visitors of an asylum for the reception of the pauper lunatics of the borough into the asylum, and the parties to the contract, or either of them, have power to determine the contract, the contract shall not after the passing of this Act be determined without the consent of a Secretary of State.

Conveyance of land to municipal corporations.

72. Where the local authority is the council of a borough, any lands or hereditaments used or acquired on behalf of the local authority for the purposes of the Lunacy Acts may be conveyed to the municipal corporation of the borough, to be held by them in trust for the purposes aforesaid.

Resignation and illness of medical and legal Commissioners.

73.—(1.) A medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation.

(2.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

Reports by Commissioners.

74.—(1.) The Commissioners shall at the expiration of every six months report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

(2.) They shall also in or before the month of June in every year make to the Lord Chancellor a report made up to the end of the preceding year of the condition of the asylums, hospitals, houses, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same shall have been made if Parliament shall be then sitting, or within twenty-one days after the commencement of the next session.

Salary and qualification of secretary.

75. The salary of the secretary to the Commissioners shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time determine, and every person appointed after the passing of this Act to the office of secretary to the Commissioners shall be a barrister-at-law of at least seven years standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

Removal of lunatic from workhouse.

76.—(1.) Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which

Payment of expenses. 16 & 17 Vict. c. 97. s. 10. 16 & 17 Vict. c. 97. s. 72.

a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is or a justice for the county from which the lunatic was sent for the removal of the lunatic either to the asylum of the county in which the workhouse is or to the asylum of the county from which the lunatic was sent and such latter order may be made notwithstanding that there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

(2.) Section ninety-four of the Lunatic Asylums Act, 1853, shall extend to authorise any justice to exercise the jurisdiction thereby conferred in relation to orders for payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of a lunatic, and for making the estate of a lunatic applicable in payment of such charges.

(3.) An order may be made by a county court judge upon an application by the guardians of any union for payment of the expenses incurred by them under the Lunatic Asylums Act, 1853, and the Acts amending the same, and this Act, in relation to a lunatic, and any such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

Ministers of any religion in asylum.

77. The committee of every asylum may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs and may allow him such remuneration for his services as they think fit.

Escape from England into Scotland or Ireland.

78.—(1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff or sheriff substitute in Scotland, or for any justice of the peace in Ireland, to countersign the same; and any such warrant so countersigned may be executed in Scotland or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

Escape from Scotland into England or Ireland.

79.—(1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application to be made by such person as they shall think fit to any sheriff

or sheriff substitute having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice of the peace in England or Ireland to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved.

Escape from Ireland into England or Scotland.

80.—(1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of one of them, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice of the peace in England, and for any sheriff or sheriff substitute in Scotland, to countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Inspectors of Lunatics in Ireland shall be deemed to have been signed by him unless the contrary is proved.

Limit of time of retaking lunatic.

81. A warrant, granted under the three preceding sections respectively, shall not authorise the retaking of a lunatic after the expiration of the time during which he could have been retaken according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

Abuse of female lunatic.

82. If any superintendent, officer, nurse, attendant, or other person employed in any asylum (including an asylum for criminal lunatics) hospital, licensed house, or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, shall carnally know or attempt to have carnal knowledge of any female under care or treatment as a lunatic in the asylum, hospital, licensed house, or workhouse, or

as a single patient, he shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned with or without hard labour for any term not exceeding two years; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

Male person not to be employed in personal custody of female patient.

83. It shall not be lawful to employ any male person in any asylum, registered hospital, or licensed house in the personal custody or restraint of any female patient; and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds: Provided that this section shall not extend to prohibit or impose any penalty on the employment of male persons on such occasions of urgency as may, in the judgment of the superintendent or proprietor, render such employment necessary; and the superintendent or proprietor shall in each case report such employment of a male person to the visiting commissioners or visitors at their next visit.

Prosecution by Crown. 8 & 9 Vict. c. 100. s. 56.

84. The power given by section fifty-six of the Lunacy Act, 1845, to a Secretary of State, to direct the Attorney-General to prosecute on the part of the Crown in certain cases, shall, from and after the commencement of this Act, be extended to all misdemeanors committed by any persons under this or any other Act relating to lunacy.

Defaults and misdemeanors.

85.—(1.) Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, plan, or document, or any information within his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Provided that all or any part of the cumulative penalties may be remitted by the Court in any case in which it shall be made to appear to the satisfaction of the Court that the original default, or its continuance during any period of time, arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued for such penalty.

(2.) Any person who obstructs any Commissioner or visitor in the exercise of the powers conferred by this or any other Act relating to lunacy shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

(3.) Any person guilty of any act or omission which under section ninety of the Lunacy Act, 1845, is punishable as a misdemeanor shall also for every such act or omission be liable to a penalty not exceeding fifty pounds.

8 & 9 Vict. c. 100. s. 90.

8 & 9 Vict. c. 100. 16 & 17 Vict. c. 97.

(4.) The provisions of the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, as to proceedings for offences and recovery of penalties, and the persons by whom such proceedings may be taken, shall apply to proceedings for offences and recovery of penalties under this Act.

Evidence upon prosecution.

86.—(1.) Where any person is proceeded against under the Lunacy Acts, or under this Act, on a charge of omitting to send any copy, list, notice, statement, report or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person; but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceeding in respect of such charge.

(2.) In proceedings under the Lunacy Acts or under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

Power to amalgamate the lunacy departments.

87.—(1.) The Lord Chancellor may at any time after the commencement of this Act, if it shall seem expedient to him so to do, by any order or orders under his hand, amalgamate the office of the Masters in Lunacy and their staff, and the office of the Lord Chancellor's Visitors of Lunatics and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners in Lunacy, and may give such directions as he may think fit for the reconstitution of the Commissioners in Lunacy, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, from time to time increase and diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may from time to time by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics under the Lunacy Regulation Act, 1853. 16 & 17 Vict. c. 70.

Power to make rules.

88.—(1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, from time to time, by rules, to prescribe the books to be kept in asylums, hospitals, licensed houses, and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, plans, documents, and information to be sent to the Commissioners or any authority or person and the persons, by whom, the times within

which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, plans, documents, and information are to be made and sent; and also by rules to prescribe forms for the purposes aforesaid in addition to or in substitution for any forms now in use.

(2.) Subject to the preceding sub-section, the Lord Chancellor may from time to time make rules for carrying this or any other Act relating to lunacy into effect, and also for regulating costs and fees in relation thereto, and the percentage on lunatic's estates, subject, nevertheless, as to fees and percentage, to the concurrence of the Treasury.

(3.) Where by any Act already passed or hereafter to be passed any application in lunacy is directed or authorised to be made by petition, or in any other specified manner, the Lord Chancellor may by rule direct in what manner the application is to be made.

(4.) The Lord Chancellor and the Secretary of State respectively may, by rules under this section, provide for preventing interference or delay in the exercise of the ordinary jurisdiction of the judges of county courts and magistrates respectively, by the transfer of petitions and notices or otherwise, as such rules may direct.

(5.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(6.) Any rules and orders under any Act relating to lunacy made under this section may from time to time be varied or rescinded by the like authority.

(7.) All rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(8.) A rule under the provisions of this section shall not come into operation until the expiration of one month after the same has been made and issued.

(9.) This section shall come into operation immediately on the passing of this Act.

Forms.

89. Subject to rules made under this Act, the forms in the First Schedule to this Act shall be used, wherever applicable, with such modifications as circumstances may require, and if used, shall be deemed to be sufficient.

Saving as to criminal lunatics. 47 & 48 Vict. c. 64.

90. Except as by this Act otherwise expressly provided, nothing in this Act contained shall affect the provisions of the Criminal Lunatics Act, 1884, or of any other Act relating to criminal lunatics.

Definitions.

91. In this Act, unless the context otherwise requires:

4 & 5 Will. 4. c. 76.

"Union" includes a parish under a separate board of guardians elected either under a local Act or under the Poor Law Amendment Act, 1834.

21 & 22 Vict. c. 90. 49 & 50 Vict. c. 48.

"Medical practitioner" means a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886.

"Commissioners" means Commissioners in Lunacy.

"Treasury" means the Lords Commissioners of Her Majesty's Treasury, or any two of them.

"The Judge in Lunacy" means the Lord Chancellor or any Judge of the Supreme Court of Judicature entrusted for the time being with the care and commitment of the custody of the persons and estates of idiots, lunatics, and persons of unsound mind.

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great grandfather or great grandmother.

"Reception order" means an order for the reception of a lunatic in an asylum, hospital, or licensed house, or as a single patient, and includes an urgency order.

"Local authority" means the council of an administrative county, county borough, and borough, including the City of London, in whom, under the Lunacy Acts, as amended by the Local Government Act, 1888, the powers in relation to the provision, enlargement, maintenance, management, and visitation of, and other dealing with asylums for pauper lunatics are vested; and a local authority, not being a county council, shall have the same powers in relation to those purposes as a county council. 51 & 52 Vict. c. 41.

"The Lunacy Acts" means the Acts mentioned in the Second Schedule.

"Magistrate" means a stipendiary magistrate and any magistrate appointed to act at any of the police courts of the Metropolis.

"Public department" means the Treasury, the Commissioners for executing the office of Lord High Admiral, and any of Her Majesty's Principal Secretaries of State, and any other public department of the Government.

Construction of Act.

92. This Act shall be construed as one with the Lunacy Acts, and expressions used in this Act shall according to the subject-matter in each case have the same meaning as in those Acts respectively, save as in this Act otherwise provided.

Short titles of Acts.

93. The Acts mentioned in the first column of the Second Schedule may be cited by the short titles in the second column of that schedule.

Repeal.

94. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified without prejudice to anything done or suffered thereunder.

THE FIRST SCHEDULE.

Section 89.

FORM 1.

Petition for an Order for reception of a Private Patient.

In the matter of *A.B.* a person alleged to be of unsound mind.

To His Honour the judge of the county court of [*or* To stipendiary magistrate for *or* To a justice of the peace for .]

The petition of *C.D.* of [1] in the county of .

1. I am [2] years of age.

2. I desire to obtain an order for the reception of *A.B.* as a lunatic [3] in the asylum [*or* hospital *or* house *as the case may be*] of situate at [4]

3. I last saw the said *A.B.* at on the [5] day of

4. I am the [6] of the said *A.B.* [*or if the petitioner is not connected with or related to the patient state as follows :*]

I am not related to or connected with the said *A.B.* The reasons why this petition is not presented by a relation or connection are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. I am not related to or connected with either of the persons signing the certificates which accompany this petition as (*where the petitioner is a man*) husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner or assistant, (*or where the petitioner is a woman*) wife, mother, mother-in-law, daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said *A.B.* personally or by some one specially appointed by me at least once in every six months while under care and treatment under the order to be made on this petition.

7. A statement of particulars relating to the said *A.B.* accompanies this petition.

If it is the fact add :

8. The said *A.B.* has been received in the asylum [*or* hospital *or* house *as the case may be*] under an urgency order dated the

The petitioner therefore prays that an order may be made in accordance with the foregoing statement.

[Signed]

Dated full Christian and surname.

[1] Full postal address and rank, profession, or occupation.
[2] At least twenty-one.
[3] or an idiot or person of unsound mind.
[4] Insert a full description of the name and locality of the asylum, hospital, or licensed house, or the full name, address, and description of the person who is to take charge of the patient as a single patient.
[5] Some day within 14 days before the date of the presentation of the petition.
[6] Here state the connection or relationship with the patient.

FORM 2.

Statement of Particulars.

STATEMENT of particulars referred to in the annexed petition [or in the above or annexed order].

The following is a statement of particulars relating to the said *A.B.* [1] :—

Name of patient, with Christian name at length.
Sex and age.

[1] If any particulars are not known, the fact is to be so stated

†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.
Name and full postal address of the usual medical attendant of the patient.

[Where the patient is in the petition or order described as an idiot omit the particulars marked †].

(Signed)

When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.

Name with Christian name at length.
Rank, profession, or occupation (if any).
How related to or otherwise connected with the patient.

FORM 3.

Order for reception of a private patient to be made by a Judge of County Courts, Stipendiary Magistrate, or Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned *E.F.*, being the Judge of the County Court of [*or* the Stipendiary Magistrate for , or a Justice for specially appointed under the Lunacy Acts Amendment Act, 1889] upon the petition of *C.D.*, of [1] in the matter of *A.B.* a lunatic, [2] accompanied by the medical certificates of *G.H.* and *I.J.* hereto annexed, and upon the undertaking of the said *C.D.* to visit the said *A.B.* personally or by some one specially appointed by the said *C.D.* once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said *A.B.* as a patient into your asylum [3]. And I declare that I have [*or* have not] personally seen the said *A.B.* before making this order.

[1] Address and description.
[2] Or an idiot or person of unsound mind.
[3] Or hospital or house or as a single patient.

Dated

(Signed) *E.F.*
The Judge of the County Court of

[*or* a Stipendiary Magistrate, *or* a Justice for appointed under the above-mentioned Act.]

To [4]

[4] To be addressed to the medical superintendent of the asylum or hospital, or to the proprietor or superintendent of the house in which the patient is to be placed.

FORM 4.

Form of urgency Order for the reception of a private patient.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient into your house [1] *A.B.*, as a lunatic [2], whom I last saw at on the [3] day of 18 . I am not related to or connected with the person signing the certificate which accompanies this order in any of the ways mentioned in the margin [4]. Subjoined [or annexed] hereto [5] is a statement of particulars relating to the said *A.B.*

(Signed) Name and Christian name at length
Rank, profession, or occupation (if any)
Full postal address
How related to or connected with the patient
[If not the husband or wife or a relative of the patient, the person signing to state as briefly as possible: 1. Why the order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs.]

Dated this day of 18 .

To proprietor or superintendent of house [6] [*or* hospital *or* asylum].

[1] Or hospital or asylum or as a single patient.
[2] Or an idiot or a person of unsound mind.
[3] Some day within two days before the date of the order.
[4] Husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, partner, or assistant.
[5] *See* Form 2.
[6] Describing house or hospital or asylum by situation and name.

FORM 5.

Certificate as to Personal Interview after Reception.

I certify that it would be prejudicial to *A.B.* to be taken before or visited by a judge of county courts, magistrate, or justice.

(Signed) *C.D.*,
Medical Superintendent of the Asylum *or* Hospital,
or Medical Proprietor *or* Attendant of the *or*
Medical Attendant of the said *A.B.*

FORM 6.

Notice of Right to Personal Interview.

Take notice that you have the right, if you desire it, to be taken before or visited by a judge of county courts, magistrate, or justice. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

Dated

(Signed) *C.D.*
Superintendent of the Asylum *or* Hospital
or Proprietor of [*or as the case may be*].

FORM 7.

Notice of Desire to have a Personal Interview.

Dated

[*Address*]

I desire to be taken before or visited by a judge, magistrate, or justice having jurisdiction in the district within which I am detained.

(Signed)

FORM 8.

Certificate of Medical Practitioner.

In the matter of *A.B.* of [1] in the county [2] of [3], an alleged lunatic.

I, the undersigned *C.D.*, do hereby certify as follows:

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the day of 18 , at [4] in the county [5] of [separately from any other practitioner] [6], I personally examined the said *A.B.* and came to the conclusion that he is a [lunatic, an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:—

(*a.*) Facts indicating insanity observed by myself at the time of examination [7], viz.:—

(*b.*) Facts communicated by others, viz.:—[8]

[*If an urgency certificate is required it must be added here.* See Form 9.]

If the lunatic is to be received as a single patient in a house belonging to or kept by a medical practitioner under the order of a county court judge, magistrate, or justice, add the following paragraph:—

4. I certify that the said *A.B.* is suffering from unsoundness of mind of a temporary character [*or* from decay of mind in old age, *or* is desirous of voluntarily submitting to care and treatment, *as the case may be*].

5. The said *A.B.* appeared to me to be [*or* not to be] in a fit condition of bodily health to be removed to an asylum, hospital, or licensed house. [9]

6. I give this certificate having first read the section of the Act of Parliament printed below.

Dated (Signed) *C.D.*, of [10]

Extract from section 23 *of the Lunacy Acts Amendment Act*, 1889.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

[1] Insert residence of patient.
[2] City or borough, as the case may be.
[3] Insert profession or occupation, if any.
[4] Insert the place of examination, giving the name of the street, with number or name of house, or should there be no number, the christian and surname of occupier.
[5] City or borough, as the case may be.
[6] Omit this where only one certificate is required.
[7] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.
[8] The names and christian names (if known) of informants to be given, with their addresses and descriptions.
[9] Strike out this clause in case of a private patient whose removal is not proposed.
[10] Insert full postal address.

FORM 9.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said *A.B.*, [*or* for the public safety, *as the case may be*] that the said *A.B.* should be forthwith placed under care and treatment.

My reasons for this conclusion are as follows: [*state them*].

FORM 10.

Certificate as to pauper Lunatic in a Workhouse.

I, the undersigned Medical Officer of Workhouse of the Union hereby certify that I have carefully examined into the state of health and mental condition of *A.B.*, a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be allowed to remain in the workhouse as a lunatic, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said *A.B.* is a lunatic are as follows:

Dated

(Signed)
Medical Officer of the Workhouse.

FORM 11.

Order for detention of Lunatic in Workhouse.

I, the undersigned *C.D.*, a justice of the peace for being satisfied that *A.B.*, a pauper in the workhouse of the is a lunatic [or idiot or person of unsound mind] and a proper person to be taken charge of under care and treatment in the workhouse, and being satisfied that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate] hereby authorise you to take charge of, and, if the workhouse medical officer shall certify it to be necessary, to detain the said *A.B.* as a patient in your workhouse. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace for

Dated
To the Master of the Workhouse
of the .

Statement of Particulars.

Name of patient and Christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
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.
Whether any near relative has been afflicted with insanity.
Name and Christian name and address of nearest known relative of the patient and degree of relationship if known.

I certify that to the best of my knowledge the above particulars are correct.

[To be signed by the relieving officer.]

FORM 12.

Order for reception of a Pauper Lunatic.

I, *C.D.*, having called to my assistance *E.F.* of , a duly qualified medical practitioner, and being satisfied that *A.B.* [*describing him*] is a pauper [in receipt of relief, *or* in such circumstances as to require relief for his proper care and maintenance], and that the said *A.B.* is a lunatic [*or* an idiot, *or* a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [*or* hospital, *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace for

Dated the day of one thousand eight hundred and

To the superintendent of the asylum for the county [*or* borough] of [*or* the lunatic hospital of ; *or E.F.* proprietor of the licensed house of ; describing the asylum, hospital, or house].

Note.—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that the asylum thereof is full; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1] :—

Name of patient, with Christian name at length.
Sex and age.

[1] If any particulars are not known, the fact is to be so stated.

[Where the patient is in the order described as an idiot omit the particulars marked †].

†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed) *G.H.*

To be signed by the Relieving Officer or Overseer.

FORM 13.

Certificate that patient continues of unsound mind.

I, , certify that *A.B.*, the patient [*or A.B., C.D.*, &c., the patients] to whom the annexed report relates, is [*or* are] still of unsound mind, and a proper person [*or* proper persons] to be detained under care and treatment.

(Signed)
Medical officer of the asylum, or medical attendant of the hospital or house situate at , or medical practitioner visiting the said *A.B.*

Dated

FORM 14.

Consent of the Commissioners in Lunacy to the admission of a boarder.

We hereby sanction the admission of *A.B.* as a boarder into for the term of from the day of in accordance with the provisions of the statute and in terms of *A.B.'s* application.

(Signed)
Commissioners in Lunacy.

Given at the office of the Commissioners in Lunacy, London, this day of 18 .

FORM 15.

Order for Reception of a Lunatic not under proper care and control, or cruelly treated or neglected, to be made by a Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned *C.D.*, being a Justice for specially appointed under the Lunacy Acts Amendment Act, 1889, having caused *A.B.* to be examined by two duly qualified medical practitioners, and being satisfied that the said *A.B.* is a lunatic not under proper care and control [*or* is

cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [*or* hospital *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed)
A justice of the peace for
appointed under the above-mentioned Act.

Dated

To the Superintendent of the Asylum for , or of the lunatic hospital of , or the proprietor of the licensed house at .

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1] :—

[1] If any particulars are not known, the fact is to be so stated.

Name of patient, with Christian name at length.
Sex and age.
†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.

[Where the patient is in the order described as an idiot omit the particulars marked †].

(Signed)
To be signed by the relieving officer, overseer, or other person on whose information the order is made.

FORM 16.

Certificate as to Mechanical Means of Restraint.

I, the undersigned *C.D.* [the medical superintendent, *or* a medical officer of the Asylum, *or* the Hospital, *or* the medical proprietor or attendant of the House, *or* the medical officer of the Workhouse, *or* the medical attendant of *A.B.*, a lunatic under care or treatment at , *as the case may be*] certify that I have examined *A.B.*, a lunatic in the said [asylum, hospital, house, *or* workhouse, *or* the said *A.B.*, *as the case may be*], and that in my opinion mechanical means of bodily restraint were [*or* are] necessary in his case for purposes of surgical [*or* medical] treatment [*or* to prevent him from injuring himself *or* others]. The necessary means are [*state them*].

I found my opinion upon the following grounds [*state them*].

(Signed)

FORM 17.

Certificate of Disability of Person entitled to Payments from a Public Department.

I, , being a justice of the peace for *or* the rector, *or* vicar, *or* minister [*state the denomination and residence*], hereby certify that I know the said *A.B.*, and that I believe him *or* her to be unable, by reason of mental disability, to manage his *or* her affairs; and I further certify that I believe the family of the said *A.B.* to consist of

Dated

Signed [*Name*].
[*Place of abode*].

FORM 18.

Medical Certificate of Disability of Person entitled to Payments from a Public Department.

I , being a person registered under the Medical Act, 1858, and in the actual practice of my profession, hereby certify that I have this day visited and personally examined *A.B.*, and that the said *A.B.* is unable by reason of mental disability to manage his *or* her affairs, and that I have formed this conclusion on the following grounds, viz.: [*state them*].

Dated

Signed [*Name*].
[*Postal address in full.*]

Sections 91, 93.

THE SECOND SCHEDULE.

Session and Chapter.	Short Title.
8 & 9 Vict. c. 100. - -	The Lunacy Act, 1845.
16 & 17 Vict. c. 96. - -	The Lunacy Act, 1853.
16 & 17 Vict. c. 97. - -	The Lunatic Asylums Act, 1853.
18 & 19 Vict. c. 105. - -	The Lunacy Act, 1855.
19 & 20 Vict. c. 87. - -	The Lunacy Act, 1856.
25 & 26 Vict. c. 111. - -	The Lunacy Act, 1862.
26 & 27 Vict. c. 110. - -	The Lunacy Act, 1863.
28 & 29 Vict. c. 80. - -	The Lunacy Act, 1865.
48 & 49 Vict. c. 52. - -	The Lunacy Act, 1885.

Section 94.

THE THIRD SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 100. -	The Lunacy Act, 1845	Sections seventy-six, seventy-seven, and eighty-eight.
16 & 17 Vict. c. 70. -	The Lunacy Regulation Act, 1853.	Section one hundred and fifty-three.
16 & 17 Vict. c. 96. -	The Lunacy Act, 1853	Sections five, six, eleven, twelve, and thirty-two. Schedules A. and B.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Vict. c. 97. -	The Lunatic Asylums Act, 1853.	Section thirty-five. Section forty-three, the words "and such lunatic" to the end of the section. Sections sixty-seven and sixty-eight so far as they provide that a justice may in any case act upon his own knowledge only for the purpose of making an order. Section sixty-eight, so far as relates to any person, not a pauper and not wandering at large, who is deemed to be a lunatic and not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him. Sections sixty-nine, seventy-six, and eighty-seven. Schedule F., Nos. 1, 2, and 3.
25 & 26 Vict. c. 111.	The Lunacy Act, 1862	Sections eighteen, twenty, twenty-four, twenty-seven, and forty.
39 & 40 Vict. c. 36. -	The Customs Consolidation Act, 1876.	Section three from "Provided" to the end of the section.
50 & 51 Vict. c. 67. -	The Superannuation Act, 1887.	Section seven, subsection one.

CHAPTER 42.

An Act to amend the Law relating to the Customs and Inland Revenue, and for other purposes connected with the Public Revenue and Expenditure.

[26th August 1889.]

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:

PART I.

CUSTOMS.

1. The following goods shall from and after the passing of this Act, be included amongst the goods enumerated and described on

Prohibition of importation of certain books,