EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The amendments to the Mental Deficiency Acts, 1913 to 1938, effected by Part V of the National Health Service Act, 1946, and the Ninth Schedule to that Act, have necessitated corresponding amendments in the Mental Deficiency Regulations. These amendments are so numerous and extensive that rewriting of the whole of the Regulations has been found to be the only practical course.

The new Regulations follow the lines of the existing Regulations and all the major alterations are consequential on the amendments to the Mental Deficiency Acts referred to in the first paragraph of this Note.

The Mental Deficiency (Amendment) Regulations, 1948

1948 No. 2553

Made - - - -	*24th November,* 1948
Laid before Parliament	*25th November,* 1948
Coming into Operation	*27th December,* 1948

M.H. 10861o.

The Minister of Health, in exercise of his powers under sections 41 and 49 of the Mental Deficiency Act, 1913(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Mental Deficiency (Amendment) Regulations, 1948, and shall come into operation on the 27th day of December, 1948.

2. The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. After paragraph (1) of regulation 29 of the Mental Deficiency Regulations, 1948 (**c**), the following paragraph shall be inserted:—

(1) (*a*) Any person received in a certified institution or certified house in accordance with the provisions of section 26 of the Criminal Justice Act, 1948(**d**), for the purpose of medical examination and report, shall for the purposes of the certificate specifying the number of patients who may be received into such certified institution or house be reckoned as a patient.

Given under the official seal of the Minister of Health this twenty-fourth day of November nineteen hundred and forty-eight.

(L.S.)

Aneurin Bevan,
Minister of Health.

(**a**) 3 & 4 Geo. 5. c. 28.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.I. 1948 No. 1000, p. 1821 above.
(**d**) 11 & 12 Geo. 6. c. 58.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Offenders who are remanded on bail under the provisions of section 26 of the Criminal Justice Act, 1948, may now be sent to certified institutions or certified houses (among other places) for medical examination and report. The object of this Regulation is to prevent such an offender being received in a certified institution or certified house which is already accommodating the full number of patients for which it has been certified as suitable unless the Minister consents to his reception.

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2. SUMMARY JURISDICTION

The Summary Jurisdiction (Mental Deficiency) Rules, 1948

1948 No. 1353 (L. 13)

Made - - - -	*22nd June,* 1948
Laid before Parliament	*23rd June,* 1948
Coming into Operation	*5th July,* 1948

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 29 of the Summary Jurisdiction Act, 1879(**a**) and sub-section (5) of section 44 of the Mental Deficiency Act, 1913(**b**) and of all other powers enabling me in this behalf, do hereby make the following Rules:—

1. Whenever a court of summary jurisdiction has to determine the place of residence of a defective, it shall have the same powers as in the case of a complaint upon which an order can be made under the Summary Jurisdiction Acts, and the Summary Jurisdiction Acts shall apply to such proceedings accordingly.

2. The petty sessional court to which a local health authority aggrieved by a decision as to the place of residence of any person may apply for a transfer of the liability for the cost of the conveyance of such person to an institution or of making provision for his guardianship shall, where the decision was given by a judicial authority within the meaning of the Lunacy Act, 1890(**c**) or by a court of summary jurisdiction, be a petty sessional court acting in and for the place in which the decision was given, and in the case of an order made by the Secretary of State, shall be a petty sessional court having jurisdiction within the area of the aggrieved authority.

3. No order determining the place of residence of a defective or for the transfer of liability shall be made unless a summons has been served at least five days before the hearing thereof upon the local health authority which by virtue of the order will be responsible for the cost of the conveyance of the defective to an institution or of making provision for his guardianship.

(**a**) 42 & 43 Vict. c. 49. (**b**) 3 & 4 Geo. 5. c. 28. (**c**) 53 & 54 Vict. c. 5.