EXPLANATORY NOTE

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

This Order appoints the day which marks the end of the period during which a marriage must have been celebrated in order to give the High Court in England or the Court of Session in Scotland jurisdiction to entertain matrimonial proceedings. The day also marks the beginning of the period of five years after which no proceedings under the Act for divorce or nullity of marriage may be commenced in Great Britain.

MENTAL DEFICIENCY, ENGLAND

The Mental Deficiency (Amendment) Regulations, 1950

1950 No. 1225

Made - - - -	*25th July*, 1950
Laid before Parliament	*26th July*, 1950
Coming into Operation	*1st November*, 1950

M.H.110563

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.—(i) These regulations may be cited as the Mental Deficiency (Amendment) Regulations, 1950, and shall come into operation on the first day of November, 1950.

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

2. For Forms P.7, P.8 and R.7 in the Schedule to the Mental Deficiency Regulations, 1948(**c**), there shall be substituted the forms set out in the Schedule hereto.

3. In the forms in the Schedule to the Mental Deficiency Regulations, 1948 (other than forms P.7 and P.8), after the words " section 1 of the Mental Deficiency Act, 1913 " (whether those words occur in the body of the forms or in the footnotes thereto) there shall be inserted the words " as amended by section 1 of the Mental Deficiency Act, 1927, and section 11 of the Education (Miscellaneous Provisions) Act, 1948 ".

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

SCHEDULE

Form P7

STATUTORY DECLARATION TO ACCOMPANY PETITION

In the matter of A.B., of , in the county (borough) of , an alleged defective.

We, the undersigned, C.D., of , in the county (borough) of , and I.J., of , in the county (borough) of , solemnly and sincerely declare as follows:—

1. The said C.D. is the person who presents the accompanying petition.

2. A.B., named in the accompanying petition, is to the best of our knowledge and belief a defective within the meaning of section 1 of the Mental Deficiency Act, 1913, as amended by section 1 of the Mental Deficiency Act, 1927, and section 11 of the Education (Miscellaneous Provisions) Act, 1948, being [1].

3. The said A.B. is subject to be dealt with under the said Act of 1913 by reason of the following circumstances—[2].

4. A petition under the said Act of 1913 [*or* a petition for a reception order under the Lunacy and Mental Treatment Acts, 1890 to 1930] was presented on the day of , with the following result—[3].

[4. No petition under the said Act of 1913 or for a reception order under the Lunacy and Mental Treatment Acts, 1890 to 1930, has been presented in respect of the said A.B.]

5. A medical examination of the said A.B. is impracticable by reason of the following circumstances—[4].

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared by the said C.D.	Signed C.D.
.....	.....
and I.J.	
.. ..	
at	
....	Signed I.J.
.....	.....
on the day of	
....	
Before me	
Signed	
....	
Justice of the Peace, Commissioner of Oaths.	

(1) State whether an idiot, an imbecile, a feeble minded person or a moral defective. (*See* definitions.)

(2) Insert here such of the circumstances on this form as are applicable to this case.

(3) If the previous petition was dismissed a copy of the statement of reasons for the dismissal must be obtained from the Board of Control and appended hereto.

(4) Delete this paragraph if there has been a medical examination.

N.B.—*This form must be signed by the two declarants in the presence of the Justice of the Peace, or Commissioner of Oaths.*

[*Here set out section* 1 *of the Mental Deficiency Act,* 1913, *as amended by section* 1 *of the Mental Deficiency Act,* 1927, *and section* 11 *of the Education (Miscellaneous Provisions) Act,* 1948.]

Circumstances which render a person, being a defective, liable to be dealt with, upon Petition, under the Mental Deficiency Act, 1913.

He is found
- (*a*) neglected;
- (*b*) abandoned;
- (*c*) without visible means of support;
- (*d*) cruelly treated.

He is a person
- (*e*) with respect to whom a representation has been made to the local health authority by his parent or guardian that he is in need of care or training which cannot be provided in his home.

He is
- (*f*) found guilty of any criminal offence;
- (*g*) ordered / (*h*) found liable to be ordered } to be sent to an approved school under the Children and Young Persons Act, 1933;
- (*i*) detained (otherwise than on remand or while awaiting trial or sentence or under civil process) in a prison or other institution to which the Prison Acts, 1865 to 1898, apply;
- (*j*) detained in a remand home;
- (*k*) detained in a school approved under section seventy-nine of the Children and Young Persons Act, 1933;
- (*l*) detained in an inebriate reformatory;
- (*m*) detained in an institution for persons of unsound mind;
- (*n*) detained in a Broadmoor institution;
- (*o*) an habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900;
- (*p*) a person who is for the time being the subject of a report in force under the enactments relating to education that he has been found incapable of receiving education at school, or that by reason of a disability of mind he may require supervision after leaving school.*

**Which of these reasons should be cited will depend upon whether the person was reported under subsection* (3) *or subsection* (5) *of section* 57 *of the Education Act,* 1944.

FORM P8

Order sending a Defective to an Institution or Certified House or placing him under Guardianship

I, the undersigned, S.T., being a Justice for , specially appointed under the Lunacy Act, 1890,(1) having considered the documents hereto annexed, namely—

The petition of C.D. in the matter of A.B. ;

The medical certificates of K.L. and M.N.,
[or the certificate of O.P. that a medical examination of the said A.B. is impracticable ;]

The statutory declaration made by the said C.D. and by I.J. ;

[The consent in writing of Q.R., the (2) of the said A.B. ;](3)

[The undertaking of the said C.D. to visit the said A.B. personally or by someone specially appointed by the said C.D. once at least in every six months while the said A.B. is detained [or kept under guardianship] under this Order ;](4)

Having personally seen the said A.B. [and having caused him to be medically examined by U.V. of](5) ;

Hereby find—

That the said A.B. is a defective within the meaning of section 1 of the Mental Deficiency Act, 1913, as amended by section 1 of the Mental Deficiency Act, 1927, and section 11 of the Education (Miscellaneous Provisions) Act, 1948, being (6) ;

Is subject to be dealt with under the said Act of 1913 by reason of the following circumstances—

[That the consent of Q.R. the (2) of the said A.B. has been unreasonably withheld :
or That no parent or guardian of, or person who undertakes or performs the duty of a parent or guardian towards, the said A.B. can be found or that by reason of the parent or guardian being abroad any attempt to obtain his consent would result in undue delay in dealing with the petition](3) :

[I do further find that the place of residence of the said A.B. is at in the [County] [Borough] of .](7)

And I hereby order the said A.B. who is a (8) to be sent to (9) to be detained there or in any other institution to which he may be transferred in accordance with the regulations for the time being in force under the Mental Deficiency Act, 1913 [*or* And I hereby appoint (9) of to be the guardian of the said A.B.].

Dated the day of , 19 .

Signed

N.B.—Where a local health authority will by virtue of the Mental Deficiency Acts, 1913 to 1938, be responsible for the expenses of a defective ordered to be placed under guardianship, the order must recite that that local health authority has been given an opportunity of being heard.

[*Here set out section* 1 *of the Mental Deficiency Act,* 1913, *as amended by section* 1 *of the Mental Deficiency Act,* 1927, *and section* 11 *of the Education* (*Miscellaneous Provisions*) *Act,* 1948.]

(1) Or the judge of the County Court of , or the Stipendiary Magistrate for , or a Metropolitan Police Magistrate.

(2) Father, mother, guardian, or person who undertakes or performs the duty of a parent or guardian.

(3) This paragraph only to be filled up if the petition is not presented by the parent or guardian.

(4) Delete this paragraph if the petition is presented by an officer of the local health authority.

(5) Delete words in brackets if the petition is accompanied by medical certificates.

(6) State whether an idiot, an imbecile, a feeble-minded person or a moral defective. (See definitions.)

(7) To be used in every case in which a local health authority will by virtue of the Mental Deficiency Acts, 1913 to 1938, be responsible for the conveyance of a defective to an institution or for making provision for his guardianship.

(8) State religious persuasion, if any.

(9) Insert name of the institution, certified house or guardian.

FORM R.7

(Name of institution, certified house *or* of dwelling where a patient is residing under guardianship.)

NOTICE OF DEATH

Date of reception order.

Notice is hereby given that , a private [health service] patient received in this institution [or certified house *or* dwelling] on the day of , died therein on the day of .

Dated day of , 19 .

(Signed)

Superintendent or Guardian.

STATEMENT RESPECTING THE ABOVE-NAMED PATIENT

Name

Sex and Age Married, single *or* widowed

Profession or occupation (if any)

Usual residence (postal address) before admission. If the patient has been transferred from any public or charitable institution or from a dwelling other than his usual residence, the residence before admission to such place should be given

CAUSE OF DEATH

I	I	Approximate interval between onset and death
Disease or condition directly leading to death.*	(*a*)	.....
	due to (or as a consequence of)	
Antecedent causes. Morbid conditions, if any, giving rise to the above cause stating the underlying condition last.	(*b*)	.....
	due to (or as a consequence of)	
	(*c*)	.....
II	II	
Other significant conditions contributing to the death, but not related to the disease or condition causing it.	.....	.....
	.....	.....

* This does not mean the mode of dying, such as, e.g., heart failure, asphyxia, asthenia, etc., it means the disease, injury, or complication which caused death.

Whether or not ascertained by post mortem examination.

Time and any unusual circumstances attending the death; also a description of any injuries known to exist at time of death or found subsequently on body of deceased, or a statement that there were none.

Name and description of persons present at the death.

I hereby certify that the particulars contained in the above statement are true to the best of my knowledge and belief.

Dated the day of , 19 .

(Signed)

Medical Officer *or* Medical attendant of patient.

Given under the official seal of the Minister of Health this twenty-fifth day of July, nineteen hundred and fifty.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

These regulations amend the Mental Deficiency Regulations, 1948, by bringing the notice of death required to be given under those regulations into conformity with the death certificate in general use. The opportunity has been taken to revise the wording in some of the forms and bring it up-to-date in conformity with recent legislation.

MERCHANT SHIPPING

The Merchant Shipping Act, 1950 (Commencement) Order, 1950

1950 No. 1845 (C.)

Made - - - - 13th November, 1950

The Minister of Transport in exercise of the powers conferred upon him by section 8 of the Merchant Shipping Act, 1950(a), and of all other powers him enabling hereby makes the following Order :—

1. The provisions of the Merchant Shipping Act, 1950, shall come into operation for all purposes on the tenth day of December, 1950.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the Merchant Shipping Act, 1950 (Commencement) Order, 1950.

Given under the Official Seal of the Minister of Transport this thirteenth day of November, 1950.

(L.S.) *P. Faulkner,*
An Under Secretary of the Ministry of Transport.

(a) 14 Geo. 6. c. 9. (b) 52 & 53 Vict. c. 63.