THIRD SCHEDULE.

ENACTMENTS REPEALED. Section 43.

Subsection (4) of section one.
Paragraph (*a*) of subsection (4) of section four.
In subsection (5) of section eight the words ("and at least fifty " weekly contributions have been paid by or in respect of him ").
Subsection (3) of section nine.
Subsection (6) of section ten.
Proviso (i) of subsection (2) of section twelve.
Subsection (1) of section eighteen, from (" but if in the case of a " midwife being selected ") to the end of that subsection.
Subsection (3) of section forty-five.
Section forty-nine.
Table C. in Part I. of the Fourth Schedule.

CHAPTER 38.

An Act to make better and further provision for the care of Mentally Defective Persons and to amend the Law relating to Lunacy in Scotland. [15th August 1913.]

BE it enacted by the King'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.

POWER AND MANNER OF DEALING WITH DEFECTIVES.

Powers of dealing with Defectives.

1. The following classes of persons who are mentally defective shall be deemed to be defectives within the meaning of this Act :— Definition of defectives.

(*a*) Idiots; that is to say, persons so deeply defective in mind from birth or from an early age as to be unable to guard themselves against common physical dangers;

(*b*) Imbeciles; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that they are incapable of managing themselves or their affairs, or, in the case of children, of being taught to do so;

(*c*) Feeble-minded persons; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or, in the case of children, that they by

reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

(*d*) Moral imbeciles; that is to say, persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

Duty of parents and of school board and parish council to provide for defectives.

2.—(1) It shall be the duty of the parents or guardians of children between five and sixteen years of age who are defectives within the meaning of this Act, to make provision for the education or for the proper care and supervision of such children as the case may require, and, where the parent or guardian of a defective child is, by reason of the attendant expense, unable to make suitable provision as aforesaid, it shall be the duty of the school board (except as herein-after in this section provided) to make such provision either in virtue of their powers under the 6 Edw. 7. c. 10. Education of Defective Children (Scotland) Act, 1906, as read Edw. 7. c. 63. with the Education (Scotland) Act, 1908, or in terms of this Act as the local authority concerned.

(2) It shall be the duty of the school board to make arrangements, as the local authority concerned under this Act, and subject to the approval of the Scotch Education Department—

(*a*) for ascertaining what children within their area are defectives within the meaning of this Act;

(*b*) for ascertaining which of such children are incapable by reason of mental defect of receiving benefit or further benefit from instruction in special schools or classes, or of receiving such instruction without detriment to the interests of the other children and for notifying to the parish council and the General Board of Control herein-after constituted (in this Act referred to as the Board) the names and addresses of such children.

(3) In the case of doubt as to whether a child is or is not capable of receiving such benefit as aforesaid, or whether the retention of a child in a special school or class would be detrimental to the interests of the other children, the matter shall be determined by the Scotch Education Department.

(4) When the name and address of a child have been notified to the parish council under this section the duty of the school board to make suitable provision in regard to such child in terms of this Act shall be transferred to and imposed on the parish council, which shall thereafter in the case of such child be the local authority concerned under this Act.

(5) It shall be the duty of the parish council, as the local authority concerned in terms of this Act and subject to regulations made by the Board with the approval of the Secretary for Scotland, to ascertain what persons of sixteen years or over

within their parish (not being persons who can be dealt with as lunatics under the Lunacy Acts) are defectives subject to be dealt with under this Act otherwise than at the instance of their parents or guardians, and to take steps for securing that they shall be dealt with by being sent to institutions or placed under guardianship in accordance with this Act.

Circumstances rendering defectives subject to be dealt with.

3.—(1) A person who is a defective shall be subject to be dealt with under this Act in accordance with the provisions thereof hereinafter contained—

(*a*) at the instance of his parent or guardian, if he is an idiot or imbecile or at the instance of his parent if, though not an idiot or an imbecile, he is under the age of twenty-one; or

(*b*) at the instance of the school board or the parish council, as the case may be, if he is a person under the age of sixteen for whom it is the duty of the school board or the parish council to make suitable provision; or

(*c*) if in addition to being a defective he is a person—

(i) who is found neglected, abandoned, or without visible means of support, or cruelly treated; or

(ii) who is found guilty of any offence punishable in the case of an adult with penal servitude or imprisonment, or who is ordered or found liable to be ordered to be sent to a certified industrial school; or

(iii) who is undergoing a sentence of imprisonment (except imprisonment under civil process), or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school, or in an inebriate reformatory or who is detained in an asylum or other lawful place of detention for lunatics or a criminal lunatic asylum or criminal lunatic department of a prison; or

(iv) who is an habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900; or

(v) in whose case such notice has been given by the school board as is herein-after in this section mentioned; or

(vi) who, being a woman and unmarried, is in receipt of poor relief at any time during her pregnancy or at the time of giving birth to a child; or

(vii) who, during any consecutive period of six months in the year immediately before the commencement of proceedings under this Act, has been in receipt of poor relief in a poor-house on three or more than three several occasions:

Provided that, in the case of persons under the age of sixteen referred to in paragraph (*c*) of this subsection, the local authority concerned shall be the school board, unless such persons are, or have been, notified to the parish council under the immediately preceding section; and in the case of persons of sixteen years or over referred to in paragraph (*c*) of this subsection, the local authority concerned shall be the parish council.

(2) Notice shall, subject to regulations made by the Scotch Education Department, be given by the school board to the parish council and to the Board in the case of all defective children for whom the school board have made provision and whose discharge from a special school or class, or from an institution, or from guardianship is impending by reason of their attaining the age of sixteen, in whose case the school board are of opinion that it would be to their benefit that they should be sent to or remain in an institution or be placed or remain under guardianship.

Power to deal with defectives at instance or with consent of parent or guardian.

4.—(1) (*a*) The parent or guardian of a defective who is an idiot or imbecile, or the parent of a defective who, though not an idiot or an imbecile, is under the age of twenty-one; and

(*b*) the school board with the consent of the parent or guardian of a defective under the age of sixteen for whom it is the duty of the school board to make suitable provision; and

(*c*) the parish council with the consent of the parent or guardian of a defective under the age of sixteen for whom it is the duty of the parish council to make suitable provision, or of a defective of sixteen years or over, but under twenty-one years, in whose case notice has been given by the school board under the immediately preceding section;

may deal with such defective under this Act by placing him in an institution for defectives or under guardianship: Provided that he shall not be so placed except upon a certificate in writing (in the prescribed form) of two duly qualified medical practitioners, one of whom shall be a medical practitioner duly approved for the purpose by the Board or the local authority concerned (if any) stating that the person to whom the certificate relates is a defective and the class of defectives to which he belongs, accompanied by a statement, signed by the parent or guardian, giving the prescribed particulars with respect to him; and he shall not be so placed by his parent or guardian without the consent of the Board; and he shall not be so placed by a school board or a parish council unless by reason of the attendant expense he cannot be so placed except with their assistance.

(2) In this section "prescribed" means prescribed under regulations made by the Board with the approval of the Secretary for Scotland.

Power to deal with defectives otherwise.

5. A defective subject to be dealt with under this Act, and not so dealt with under the immediately preceding section, may so be dealt with—

(*a*) under an order made by the sheriff on a petition presented under this Act (herein-after referred to as a judicial order); or

(*b*) under an order of the Secretary for Scotland, in the case of a defective detained in a prison, criminal lunatic asylum or the criminal lunatic department of a prison, reformatory or industrial school, place of detention, or inebriate reformatory;

but no such order shall be made except in the circumstances and in the manner herein-after specified.

Requirements as to the making of Orders.

Presentation of petitions.

6.—(1) A judicial order under this Act shall be obtainable upon an application to the sheriff by petition made by any relative or person contributing towards the support of the alleged defective, or by the local authority concerned, or where, under the provision in this Act herein-after contained, a case has been reported to the procurator fiscal, by the procurator fiscal.

(2) Every petition shall be accompanied by two medical certificates, signed not more than one month previous to the presentation of the petition, and one of which shall be signed by a medical practitioner approved for the purpose by the Board, and, one of which shall, whenever practicable, be under the hand of the usual medical attendant, if any, of the alleged defective, and by a statutory declaration signed by or on behalf of the petitioner and by at least one other person (who may be one of the persons who gave a medical certificate) stating—

(*a*) that the person to whom the petition relates is a defective within the meaning of this Act, and the class of defectives to which he is alleged to belong; and

(*b*) that that person is subject to be dealt with under this Act, and the circumstances which render him so subject; and

(*c*) whether or not a petition under this section, or a petition for an order under the Lunacy Acts has previously been presented in relation to that person, and, if such a petition has been presented, the date thereof and the result of the proceedings thereon.

(3) If a petition (not being a petition presented by the local authority concerned) is not presented by a relative, it shall contain a statement of the reasons why the petition is not presented by a relative, and of the connexion of the petitioner with the person to whom the petition relates and the circumstances under which he presents the petition.

(4) Where the Board—

(*a*) are satisfied that the local authority concerned have refused or neglected to place in an institution or under guardianship any person (being a defective whose parent or guardian consents to his being so placed) whom they ought to have so placed; or

(*b*) are satisfied that a petition under this section ought to be presented in relation to any person, and that the local authority concerned have refused or neglected to cause a petition to be presented;

the Board may present a petition, in relation to any such person, and this section shall apply accordingly.

Procedure on presentation of petition.

7.—(1) Upon the presentation of the petition the sheriff shall, unless cause to the contrary shall be shown to his satisfaction, grant warrant to cite the person to whom the petition relates to appear personally to show cause why an order should not be made against him.

(2) The sheriff may, before disposing of the petition, adjourn the case for such time as he shall fix in order that evidence may be adduced or further information may be procured, and he may remit to any suitable person to make such enquiries as the sheriff shall direct and to report to the sheriff, or may remit to a suitable person to visit and examine the person to whom the petition relates, or to take evidence on commission, and may order the person to whom the petition relates to submit himself to medical examination; or the sheriff may himself visit the person or take such other means as he shall think appropriate, in order to satisfy himself as to the expediency of granting or refusing the petition.

(3) Proceedings before the sheriff may, in any case if the sheriff thinks fit, and shall, if so desired by the person to whom the petition relates, be conducted in private, and in that case no one except the petitioner, the person to whom the petition relates, his parents or guardian, and any two persons appointed for the purpose by the person to whom the petition relates, or by his parents or guardian, and the persons signing the medical certificates and the statutory declaration accompanying the petition shall, without leave of the sheriff, be allowed to be present.

(4) If the sheriff is satisfied that the person to whom the petition relates is a defective, and is also satisfied that he is subject to be dealt with under this Act, the sheriff may make an order either ordering him to be sent to an institution, or appointing a suitable person to be his guardian, and the order shall state the class of defectives to which he belongs, and the circumstances which render him subject to be dealt with under this Act: Provided that, where the petition is not presented by the parent or guardian, the order shall not be made without the consent of the parent or guardian unless the sheriff is satisfied

that the parent or guardian cannot be found or unless, in the opinion of the sheriff, such consent is unreasonably withheld, and the withholding of such consent is calculated to prejudice the best interests of the defective; and provided further that nothing in this section shall prevent an order being made, notwithstanding that the person to whom the petition relates does not appear to the sheriff to belong to the class of defectives to which he is in the petition alleged to belong.

(5) The sheriff shall, in the exercise of the jurisdiction conferred by this Act, have the same jurisdiction, and the same power as regards the summoning and examination of witnesses, the administration of oaths, the awarding of expenses, and otherwise as if he were acting in the exercise of his ordinary civil jurisdiction.

Variation orders.

8.—(1) Where an order has been made, either by a sheriff or otherwise, that a defective be placed under guardianship, the Board may, on application being made for the purpose by or on behalf of the defective or guardian or by the local authority concerned, and on being satisfied that the case is or has become one unsuitable for guardianship, order that the defective be sent to an institution.

(2) A person appointed to be guardian of a defective may, on the application of the local authority concerned or of any other person who appears to be interested, be removed from his office by the Board, and where a person appointed to be guardian of a defective dies, or resigns his office, or is removed from his office, the Board may, on the like application, appoint a suitable person to act in his stead.

(3) An order under this section shall not be made without giving to the local authority concerned, if any, and where practicable to the parent or guardian, or the relative or other person who presented the original petition, an opportunity of representing their view.

Procedure in cases of persons guilty of offences, &c. 8 Edw. 7. c. 67.

9.—(1) Where a person is charged with any offence punishable in the case of an adult with penal servitude or with imprisonment or where a child is brought before a court under section fifty-eight of the Children Act, 1908, and the court is of opinion that the charge is proved or that the child is liable to be sent to an industrial school, the court, if it appears to it that such person or child is a defective within the meaning of this Act may, without proceeding to convict or to make an order for committal to an industrial school, as the case may be, adjourn the proceedings and report the case to the local authority concerned or to the procurator fiscal with a view to the presentation of a petition by them or him for a judicial order under this Act, provided that for the purposes of this Act a person shall be deemed to be a person found guilty of an offence where the court is of opinion that the charge is proved.

+—

(2) Where a court adjourns the proceedings under the provisions of the foregoing subsection, or remands or commits for trial any person or child who appears to the court to be a defective within the meaning of this Act, the court may, without prejudice to any other powers, order the person or child, pending further proceedings in the matter, to be detained in an institution for defectives, or to be placed under the guardianship of any person on his finding bail for the appearance of the person or child.

(3) Where it appears to the prosecutor or to the person bringing a child before a court under section fifty-eight of the Children Act, 1908, that the accused person or child, as the case may be, is a defective within the meaning of this Act, it shall be the duty of such prosecutor or person to bring before the court such evidence as may be available of the mental condition of such accused person or child.

Procedure in case of defectives undergoing imprisonment, &c.

10. Where the Secretary for Scotland is satisfied from the certificate of two duly qualified medical practitioners that any person who is undergoing a sentence of imprisonment (except imprisonment under civil process) or penal servitude, or is undergoing detention in a place of detention by order of a court, or in a reformatory or industrial school or in an inebriate reformatory, or who is detained in a criminal lunatic asylum, or the criminal lunatic department of a prison, is a defective, the Secretary for Scotland may order that he be transferred therefrom and sent to an institution for defectives, or that he be placed under guardianship, and any order so made shall have the like effect as a judicial order under this Act.

Effect and Duration of Orders, &c.

Effect of orders.

11.—(1) An order that a defective be sent to an institution shall authorise the conveyance of that person to and his reception in the institution mentioned in the order, at any time within fourteen days after the date of the order, and his detention in that institution for such period as is hereinafter mentioned, and he shall be liable to be detained in the institution accordingly.

(2) An order that a defective be placed under guardianship shall, subject to regulations made by the Secretary for Scotland, confer on the person named in the order as guardian such powers as would have been exerciseable if he had been the father of the defective and the defective had been under the age of fourteen, or, if a female, under the age of twelve, and the guardian shall also have power to warn persons against supplying intoxicants to him or for his use.

Duration of detention under orders.

12.—(1) An order made under this Act that a defective be sent to an institution or placed under guardianship shall expire at the end of one year from its date, unless continued in manner herein-after provided:

Provided that, in the case of any institution, the Board may fix four quarterly dates in each year and direct that orders that persons be sent thereto shall, unless continued as herein-after provided, expire at the quarterly date next after the day on which the orders would have expired under the above provision.

(2) An order shall remain in force for a year after the date when under the preceding provisions of this section it would have expired, and thereafter for successive periods of three years, if at that date and at the end of each period of one and three years respectively the Board, after considering such special report and certificate as is herein-after mentioned, and the means of care and supervision which would be available if he were discharged, intimate to the defective, and his parent or guardian, if any, or any other person who presented the original petition, and to any local authority concerned, that the continuance of the order is required in the interests of the defective:

Provided that, where a defective was, at the time of being sent to the institution or placed under guardianship, under twenty-one years of age, the case shall be reconsidered by the Board within three months after he attains the age of twenty-one years.

(3) On such consideration or reconsideration the Board, if it appears to them that further detention in an institution or under guardianship is no longer required in the interests of the defective, shall order him to be discharged:

Provided that, if the Board do not order his discharge, the defective or his parent or guardian or any other person who presented the original petition or the local authority concerned may, within fourteen days after intimation of the decision of the Board, appeal to the sheriff, who shall hold such inquiry and subject to the provisions of this Act shall dispose of the appeal by discharging the defective or otherwise as he shall think fit.

(4) The special report above mentioned shall be a special report as to the mental and bodily condition of the defective made, in the case of a person detained in an institution, by the medical officer of that institution, and in any other case by a duly qualified medical practitioner, and shall be accompanied by a certificate under his hand that the defective is still a proper person to be detained in an institution or under guardianship, and the person sending the special report shall give to the Board such further information concerning the defective to whom the special report relates as they may require.

(5) Notwithstanding anything in this section contained, an order made upon a petition presented by a school board shall cease to have effect when the defective attains the age of sixteen; but without prejudice to his being further dealt with as in this Act provided.

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

Duration of detention not under orders.

13.—(1) Where under this Act a defective has been placed by his parent or guardian in an institution or under guardianship, it shall be lawful for his parent or guardian to withdraw him from the institution or guardianship at any time on giving notice in writing for the purpose to the Board, unless the Board, after considering what means of care and supervision would be available if he were discharged, determine within fourteen days after receiving the notice that the further detention of the defective in the institution or under guardianship is required in the interests of the defective, and where the Board have so determined no further notice by the parent or guardian shall be allowed till after the expiration of one year from the last previous notice.

(2) Subject to the foregoing provisions of this section, a defective who under this Act has been placed by his parent or guardian, or by a parish council with the consent of his parent or guardian, in an institution or under guardianship may be detained in the institution or under guardianship, and the case shall be reconsidered by the Board at like intervals, and subject to the like right of appeal, as if he had been ordered to be sent to the institution or placed under guardianship, and the provisions of the last foregoing section shall apply accordingly.

(3) Where a defective has been placed by a school board in an institution or under guardianship with the consent of his parent or guardian, the authority for his detention shall cease when he attains the age of sixteen; but without prejudice to his being further dealt with as in this Act provided.

(4) The managers of any certified institution or house may discharge any defective placed there by his parent or guardian on giving one month's notice to the Board and to the parent or guardian of the defective, if known.

Supplemental.

Power to recover expenses.

14.—(1) Where an order that a defective be sent to an institution or be placed under guardianship has been made under this Act, whether by a sheriff or otherwise, any sheriff having jurisdiction may, on the application of the local authority concerned, or, where there is no local authority concerned, of the petitioner, or of the managers of the institution or the guardian, make an order requiring the defective, or any person liable to maintain him, to contribute such sum towards the expenses of his maintenance in the institution, or of his guardianship, and any charges incidental thereto, including the expenses, in the event of his death in the institution, of his funeral, as, having

regard to the ability of the defective or person liable to maintain him, seems reasonable.

(2) Any such order may be enforced against any property of the defective or person liable to maintain him in the same way as if it were a decree in the sheriff small debt court.

(3) An order made under this section may be varied or revoked by any sheriff having jurisdiction.

Power to remove to place of safety pending presentation of petition.

15.—(1) If any officer of the local authority concerned, authorised in that behalf, or any constable finds neglected, abandoned, or without visible means of support, or cruelly treated any person whom he has reasonable cause to believe to be a defective, he may take such person to a place of safety, and such person may be there detained until a petition under this Act can be presented.

(2) If it appears to the sheriff on information on oath laid by an officer of, or any person authorised by, the local authority concerned that there is reasonable cause to believe that a defective is neglected, abandoned, or cruelly treated in any place within the sheriff's jurisdiction, the sheriff may issue a warrant authorising any constable named therein, accompanied by the medical officer of the local authority concerned or any other duly qualified medical practitioner named in the warrant, to search for such person, and if they find that he is neglected or cruelly treated, and is apparently defective, to take him to and place him in a place of safety until a petition can be presented under this Act, and any constable authorised by such warrant may enter, and if need be by force, any house, building, or other place specified in the warrant, and may remove such person therefrom.

(3) Where the place to which such a person is taken is a poorhouse, the governor shall receive him into the poorhouse if there is suitable accommodation therein, and any expenses incurred in respect of him shall be defrayed by the local authority concerned, but shall, if an order is eventually made, be recoverable from the defective or any person liable to maintain him, as if they were part of the expenses of his maintenance.

Transfers from institutions for defectives to institutions for lunatics and vice versâ.

16.—(1) Where the mental condition of a person detained in an institution for defectives becomes or is found to be such that he ought to be transferred to an asylum or other lawful place of detention for lunatics, the Board, or the managers of the institution for defectives with the consent of the Board, may cause such steps to be taken as may be necessary for having a sheriff's order under the Lunacy Acts made in respect of him and for his removal to such place: Provided that, where such person has been placed in the institution by his parent or

guardian, the Board or managers, as the case may be, shall not cause such steps to be taken until, where practicable, they have communicated with the parent or guardian and given such parent or guardian an opportunity of taking them himself.

(2) Where the mental condition of a person detained in an asylum, or other lawful place of detention for lunatics is found to be such that he ought to be transferred to an institution for defectives, the Board, or the managers of such asylum or place, with the consent of the Board, may cause such steps to be taken as may be necessary for having an order that he be sent to an institution for defectives made under this Act in respect of him and for his removal to such institution.

(3) The Board may, subject to the approval of the Secretary for Scotland, make regulations for carrying this section into effect.

Provisions as to religious persuasion.

17.—(1) The sheriff or the Secretary for Scotland, in determining the institution to which a defective is to be sent under an order, shall endeavour to ascertain the religious persuasion to which the defective belongs, and the order shall, where practicable, specify the religious persuasion to which he appears to belong, and an institution conducted in accordance with that persuasion shall, where practicable, be selected.

(2) A minister of the religious persuasion specified in the order as that to which the defective appears to belong may visit the defective at the institution on such days, at such times, and on such conditions as may be fixed by the Board for the purpose of affording religious assistance and also for the purpose of instructing him in the principles of his religion.

(3) Where a defective is sent to an institution which is not conducted in accordance with the religious persuasion to which the defective belongs, the defective shall not be compelled to receive religious instruction or religious ministrations which are not in accordance with his religious persuasion, but shall, as far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with his religious persuasion.

(4) Where an order is made for sending a defective to an institution which is not conducted in accordance with the religious persuasion to which he belongs, the nearest adult relative or, in the case of a child, his guardian or person entitled to his custody, may apply to the Board to remove or send the defective to an institution conducted in accordance with the defective's religious persuasion, and the Board shall, on proof of the defective's religious persuasion, comply with the request of the applicant; provided that the applicant must show to the satisfaction of the Board that the managers of the institution named by him are willing to receive the defective, and that the institution is one suitable to the case.

Regulations as to forms, &c.

18. The Board may, with the approval of the Secretary for Scotland, make regulations with respect to—

(*a*) the proceedings on the reconsideration by the Board of the cases of defectives on their attaining the age of twenty-one; and

(*b*) the forms of statutory declarations, certificates, orders, and other documents required for the purposes of this Part of this Act.

PART II.

GENERAL BOARD OF CONTROL AND DISTRICT BOARDS OF CONTROL.

General Board of Control.

Establishment of General Board of Control.

19.—(1) The General Board of Commissioners in Lunacy for Scotland shall be reconstructed subject to the provisions of this Act and shall, as from the fifteenth day of May in the year nineteen hundred and fourteen, be designated the General Board of Control for Scotland, and the Members shall be designated Commissioners of the General Board of Control for Scotland. The Board shall adopt an official seal, and describe themselves generally by the style and title of the General Board of Control for Scotland, with power to sue and be sued in that name, and to make rules, subject to the approval of the Secretary for Scotland, for conducting the business of the Board:

Provided that, except in so far as otherwise directed by this Act or inconsistent therewith, all the provisions of the Lunacy Acts with regard to the constitution and meetings of the General Board of Commissioners in Lunacy aforesaid, and the powers, duties, and privileges of that Board and of the Commissioners and Deputy Commissioners in Lunacy for Scotland, shall apply and have effect with regard to the General Board of Control and the Commissioners and Deputy Commissioners of the General Board of Control for Scotland respectively; and the Chairman and Commissioners and Deputy Commissioners of the General Board of Commissioners in Lunacy shall respectively as from the day aforesaid be the Chairman and Commissioners and Deputy Commissioners of the General Board of Control.

(2) In addition to the two paid Commissioners, for whose appointment provision is made by the Lunacy Acts, there may be appointed by His Majesty on the recommendation of the Secretary for Scotland, at any time after the passing of this Act, a third paid Commissioner, who shall be a duly qualified medical practitioner; and thereafter references in the Lunacy Acts to the two paid Commissioners shall be construed as references to the three paid Commissioners, and, notwithstanding anything in the Lunacy Acts contained, it shall be lawful for the Secretary

for Scotland to regulate the duties of the paid Commissioners or any one or more of them.

(3) In addition to the two Deputy Commissioners for whose appointment provision is made in the Lunacy Acts, the Secretary for Scotland, with the approval of the Treasury, may, at any time after the passing of this Act, and from time to time appoint not more than four duly qualified medical practitioners to be Deputy Commissioners of the Board, of whom at least one shall be a woman.

(4) Notwithstanding anything contained in the Lunacy Acts, there shall be paid to the paid Commissioners and to the Deputy Commissioners of the Board such salaries as the Secretary for Scotland, with the consent of the Treasury, may determine.

(5) In the construction and for the purposes of any Act of Parliament contract or other deed passed, entered into, or executed, or of any action or proceeding raised before the day aforesaid the name of the Board shall be deemed to be substituted for the General Board of Commissioners in Lunacy for Scotland, and, except so far as inconsistent with this Act, any act or thing which, if this Act had not been passed, might have been done by the General Board of Commissioners in Lunacy for Scotland may be done by the Board.

(6) As from the day aforesaid the existing staff of the General Board of Commissioners in Lunacy for Scotland shall be transferred to and become members of the staff of the Board, but without prejudice to the rights of any existing members of such staff.

Disqualifications.

20.—(1) A person shall not be qualified to be a Commissioner or Deputy Commissioner, or an inspector, secretary, or officer of the Board, if he is directly or indirectly interested in any certified institution or house for defectives under this Act, or in any establishment or house where a lunatic or lunatics are received under the Lunacy Acts, and any Commissioner, Deputy Commissioner, inspector, secretary, or officer who becomes so interested shall be disqualified to hold office.

(2) If any person holding any such office as aforesaid acts when he is disqualified under the provision of this section he shall be guilty of an offence punishable by fine or by imprisonment for a term not exceeding two years.

Expenses of central authorities.

21. The salaries or other remuneration of the Commissioners, Deputy Commissioners, and the officers of the Board, and any other expenses incurred by the Secretary for Scotland, the Board, or the Prison Commissioners for Scotland in carrying this Act into effect, to such an amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

District Boards of Control.

Constitution of district boards of control.

22.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen a district board of lunacy shall cease to be so called, and shall be designated a district board of control.

(2) The Board may, by regulation, from time to time alter the number of members of district boards, and make provision as may be necessary for all matters arising out of or connected with such alteration, including provision for varying existing enactments as to the representation of any authority on a district board (not being the district board of a single parish) and any consequential provision, so far as such variation is necessary to meet the circumstances of any district where, owing to the number of authorities, difficulty would arise in constituting a district board.

(3) One-third as nearly as may be of the total number of members of a district board (not being the district board of a single parish) shall be elected annually by the chairmen of parish councils of parishes within the district in accordance with regulations prescribed by the Board, and from and after the date named in such regulations.

(4) A regulation under this section shall not take effect until approved by the Secretary for Scotland.

(5) Nothing in this section contained shall authorise the Board to make provision for the representation on a district board of any authorities other than county councils, town councils, or parish councils, or to vary the proportion of the members to be elected by chairmen of parish councils.

(6) Nothing in any statute contained shall operate to prevent the election to a district board, if the authority having the right to elect so determine, of persons who are not members of that authority.

(7) If a district board as constituted in pursuance of this section contains no women, the district board shall co-opt not more than two women to be members of the board, and the number of the board shall be increased accordingly.

(8) The disqualifications for membership of a county council prescribed by section nine of the Local Government (Scotland) Act, 1889, shall, with the necessary variations, apply as disqualifications for membership of a district board, not being the district board of a single parish.

52 & 53 Vict. c. 50.

Substitution of district boards of control for district boards of lunacy.

23.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen, except so far as varied by or inconsistent with the provisions of this Act, all enactments regulating the constitution and election of district boards of lunacy, and otherwise relating to such boards, and every reference in any Act of Parliament, deed, instrument, or order to a district board of lunacy constituted under the law in force at the passing of this Act, shall be read and construed as referring to a district board of control.

(2) Subject to the provisions of this Act, a district board of control shall come in place of and be deemed to be a continuance of the district board of lunacy in existence in a lunacy district at the passing of this Act, and a district board of control shall have and may exercise all the powers and duties and shall be subject to all the liabilities of a district board of lunacy; and the officers of a district board of lunacy shall become the officers of the district board of control; and all property belonging to or vested in or held in trust for a district board of lunacy shall pass to and vest in and be held in trust for the district board of control subject to all debts and liabilities affecting the same, and shall be held by the district board of control for the same purposes for which it was held by the district board of lunacy.

PART III.

POWERS OF GENERAL AND DISTRICT BOARDS, CERTIFICATION AND PROVISION OF INSTITUTIONS FOR DEFECTIVES, &c.

Board to exercise general superintendence of defectives.

24. The General Board of Control, in addition to the other duties devolving on them under the Lunacy Acts and this Act, shall, subject to the provisions of this Act, be charged with the general superintendence of matters relating to the supervision, protection, and control of defectives.

General powers and duties of Board as to defectives.

25.—(1) Subject to regulations made by the Secretary for Scotland, the Board shall:—

(*a*) exercise general supervision, protection, and control over defectives;

(*b*) co-ordinate and supervise the administration by school boards, parish councils, and district boards of their powers and duties in regard to defectives under this Act;

(*c*) certify, approve, supervise, and inspect institutions and houses for defectives, and private dwellings for the reception of defectives under guardianship, and all arrangements made for the care and control of defectives therein;

(*d*) visit, either through one or more Commissioners or through Deputy Commissioners or inspectors, defectives in institutions and certified houses, or under guardianship, or (with a view to their certification) elsewhere, and persons who have been placed under the care of any person as being defectives;

(*e*) take such part in the provision, maintenance and management of institutions for defectives of criminal, dangerous, or violent propensities as this Act requires;

(*f*) take such steps as may be necessary for ensuring suitable treatment of cases of mental deficiency;

(*g*) make annual reports and such special reports as the Secretary for Scotland may from time to time require;

(*h*) administer grants made out of money provided by Parliament under this Act, if so required by the conditions of the grants.

(2) Without prejudice to their powers and duties under any regulations which the Secretary for Scotland may make for further or more frequent inspection and visitation, it shall be the duty of the Board, through one or more Commissioners or Deputy Commissioners or inspectors, to inspect every certified institution and certified house for defectives, and to visit every defective under guardianship, at least twice in every year, and the Board shall have power to discharge at any time any person detained as a defective in a certified institution or certified house or under guardianship under this Act, and where they are of opinion that any such person is not, or is no longer, a defective, shall take such steps as may be necessary to secure the discharge of such person without any unnecessary delay:

Provided that no power of discharge conferred on the Board or the sheriff by this Act shall be exercised without the consent of the Secretary for Scotland in the case of a person sent to such an institution or placed under guardianship by order of the Secretary for Scotland from a prison, criminal lunatic asylum, place of detention, reformatory or industrial school, or inebriate reformatory, so long as the term for which he was committed to the prison or other place from which he was transferred remains unexpired.

General powers and duties of district boards in regard to defectives.

26. In addition to the existing powers and duties of a district lunacy board, a district board of control are hereby empowered, and it shall be their duty, subject to the provisions of this Act and to regulations made by the Board, with the approval of the Secretary for Scotland,—

(*a*) to provide suitable and sufficient accommodation for defectives when sent to certified institutions by orders under this Act or by school boards or parish councils within the district with consent of parents or guardians, to contribute towards the expenses of maintenance in an institution of defectives so sent, and to provide for the conveyance of such persons to and from such institutions, to the extent hereinafter provided;

(*b*) to contribute towards the expenses of maintenance of defectives placed under guardianship by orders under this Act or by school boards or parish councils within the district, with consent of parents or guardians, and to provide for the conveyance of such persons to or from guardianship, to the extent herein-after provided; and

(*c*) to make to the Board such reports as the Board may require:

Provided that nothing in this Act relating to defectives shall derogate from or diminish the powers of school boards under the Education of Defective Children (Scotland) Act, 1906, as read with the Education (Scotland) Act, 1908, or the powers and duties of district boards under the Lunacy Acts, with respect to any defectives who may be dealt with under those Acts, nor shall district boards have any duties or powers under this Act with respect to defectives who for the time being are, or who might be, provided for under the Lunacy Acts except to such extent as may be prescribed by regulations made by the Board with the approval of the Secretary for Scotland :

Provided also that nothing in this Act shall be construed as imposing any obligation on a district board of control, or a parish council, or a school board, to contribute towards the maintenance of defectives in institutions or under guardianship, where the contribution out of moneys provided by Parliament under this Act is less than one-half of the net amount (as approved by the Board) of the cost of maintenance of the said defectives, or of the annual expenditure on providing institutions for defectives, as the case may be, including in such expenditure any expenditure out of income by the district board by way of interest on or repayment of capital raised, or by way of rent or other similar payment for the purposes of the provision of the institution.

Expenses of maintaining defectives for whom school boards or parish councils are responsible.

27.—(1) A school board or a parish council shall account annually to the district board in respect of each defective for whom they are responsible as the local authority concerned, and who is placed by them respectively in an institution for defectives or under guardianship, with consent of parents or guardians, or is so placed by order under this Act, for all contributions received by them (whether under an order or otherwise) in respect of the defective from the defective or his parent or guardian, or otherwise on his account ; and shall also pay annually to the district board in respect of each defective as aforesaid a sum equal as nearly as may be to one-half of the cost of maintenance as hereinafter defined ; and such last-mentioned payment shall be charged to the school fund or the poor rate as the case may be. Such payments shall be made by periodical instalments or otherwise in accordance with regulations prescribed by the Board.

(2) The balance of the cost of maintenance, and the expense of providing the institution as hereinafter defined, shall be paid by the district board in accordance with regulations prescribed by the Board, and such payments shall be charged to the assessment authorised under the Lunacy Acts and this Act.

(3) In this section the expression "cost of maintenance" means the annual expense incurred in maintaining a defective of the class dealt with, at rates fixed with the approval of the Board, in an institution for defectives or under guardianship,

as the case may be, including the expense of certification and (where required) of obtaining a judicial order, and the expense of conveying the defective to or from an institution or to or from guardianship (but not including the expense of providing the institution) after deducting all contributions as aforesaid made in respect of the defective by the defective or his parent or guardian, or otherwise on his account, or out of moneys provided by Parliament; and the expression "expense of providing the institution" means, in the case of an institution for defectives provided by the district board, the like expenses in relation to such institution as are specified in section fifty-four of the Lunacy (Scotland) Act, 1857, in relation to a district asylum, and means, in the case of an institution which is not provided by the district board, such payment for each defective of the class dealt with in respect of the like expenses as the Board may approve with consent of the managers of the institution. 20 & 21 Vict. c. 71.

(4) Nothing in this section contained shall require or authorise a school board, parish council, or district board to incur any liability or make any payment in respect of a defective placed or to be placed in an institution or under guardianship by order under this Act, where the defective or any person on his behalf is willing to incur such liability or make such payment.

State institutions.

28.—(1) The Secretary for Scotland may grant authority to establish and maintain an institution or institutions for defectives of dangerous or violent propensities (in this Act referred to as State institutions), and for that purpose may appropriate the whole or any part of any building vested in the Prison Commissioners for Scotland (hereinafter referred to as the Prison Commissioners) or may, with the approval of the Treasury, authorise the Prison Commissioners to acquire any land or to erect or acquire any building.

(2) The management of a State institution for defectives shall be vested in the Prison Commissioners and two of the paid Commissioners of the Board as a Joint Board, subject to regulations made by the Secretary for Scotland, and for the purposes of this Act the Joint Board shall be deemed to be the managers.

Certified institutions.

29.—(1) The Board may, upon the application of the managers of premises intended for the reception, control, care, and treatment of defectives, if satisfied of the fitness of the premises and of the persons proposing to maintain them for such purposes, grant a certificate to the managers to receive defectives therein, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this Act, and an institution so certified is in this Act referred to as a certified institution.

(2) Any institution for the care and training of imbecile children which at the commencement of this Act is licensed

25 & 26 Vict. c. 54.

under section seven of the Lunacy (Scotland) Act, 1862, shall without certification become a certified institution for defectives under this Act unless and in so far as upon the application of the managers it may be certified under this Act as a certified house; and any person who immediately before the commencement of this Act is detained in such an institution may, after such commencement, continue to be detained therein in like manner and subject to the like conditions as prior to such commencement.

(3) The managers of an institution (not being a certified institution provided for their district by a district board) shall not be bound to receive any defective whom they have not expressed their willingness to receive.

Power of district board to establish or contribute to institutions, &c.

30.—(1) A district board may, subject to the approval of the Board and of the Secretary for Scotland—

(*a*) undertake or combine with any other district board in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the establishment, building, alteration, enlargement, rebuilding, or management of institutions certified or intended to be certified as institutions for defectives under this Act or the purchase of any land required for the use of a certified institution or for the site of an institution intended to be certified under this Act; and

(*b*) contract with the managers of any certified institution for defectives for the reception and maintenance in the institution of persons for whose reception and maintenance the district board are by this Act required or authorised to make provision.

(2) The expenses incurred by a district board under this section shall, subject to the provisions of this Act, be charged to the assessment authorised under the Lunacy Acts and this Act.

Regulations as to management of institutions for defectives, &c.

31. The Board, with the approval of the Secretary for Scotland, may make regulations as to—

(*a*) the granting, transfer, renewal, revocation, and resignation of certificates for institutions;

(*b*) the management of institutions, the number of patients to be received therein, the number of private patients (if any) to be received in institutions provided by a district board, and the conditions under which they may be received;

(*c*) the staff of institutions and of the different grades thereof in proportion to the number of patients therein, their remuneration, and the regulation of their hours and duties;

(*d*) the classification and treatment of patients in institutions, their instruction, and their employment in suitable occupations, and the reports to be made as to their mental condition and otherwise in respect to them;

(*e*) the inspection of institutions and the visitation of patients therein by the Board and Deputy Commissioners and other persons;

(*f*) the notification to the Board of the admission of a patient to an institution or under guardianship;

(*g*) the transfer of patients from one certified institution to another, and from a State institution to a certified institution, and, in special cases, from a certified institution to a State institution;

(*h*) the discharge of patients from institutions;

(*i*) the absence of patients from institutions under licence or temporarily without licence;

(*j*) the notifications to be made by the managers in the event of the outbreak of an infectious disease in an institution and in the event of the death of a patient in an institution or absent therefrom under licence;

(*k*) the conveyance of persons to and from institutions or under guardianship;

(*l*) the powers and duties of persons appointed guardians of defectives under this Act; the reports to be made by such guardians as to defectives under their guardianship; the visitation of such defectives; and their discharge from guardianship;

(*m*) the granting, renewal, and revocation of licences for private dwellings for the reception of defectives under guardianship or otherwise, and the number to be received in any such dwelling;

(*n*) the holding of inquiries;

(*o*) any other matter necessary or proper for the carrying into effect of the provisions of this Act with respect to institutions, and the inmates thereof, and to guardianship; and

(*p*) the application, as respects defectives, of any of the provisions of the Lunacy Acts for the greater protection of lunatics, subject to the necessary modifications and adaptations.

Apprehension of defectives escaping.

32. If a patient in an institution for defectives, or absent from such an institution under licence or without a licence, or any person under guardianship as a defective escapes, he may at any time within three months thereafter be apprehended without warrant by any constable or by the managers of the institution or guardian or any person authorised by them in writing, and brought back to the institution or other place of safety or under guardianship.

Ascertainment of local authority responsible for providing accommodation, &c.

33.—(1) Where a defective is ordered to be sent to a certified institution or to be placed under guardianship, the local authority concerned shall be the school board of the school district or the parish council of the parish, as the case may be, in which the defective resided (to be specified in the order); and the district board responsible for providing accommodation or contributing to the expenses of maintenance shall be the district board of the lunacy district in which such school district or parish is comprised.

(2) An order that a defective be sent to an institution or placed under guardianship shall not, where a school board or parish council will, by virtue of this Act, incur liabilities on account of the defective, be made unless that board or council have been given an opportunity of being heard, or, if the order is made by the Secretary for Scotland, of making representations to him.

Determination of residence.

34.—(1) Where the order is made in respect of a person found guilty of an offence, that person shall for the purposes of the foregoing section be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place:

Provided that, where the finding has been in respect of more than one offence, the presumption shall arise in respect of the offence which is first in point of date:

Provided further that, before such order is made, notice shall be given to the parish council of the parish and the district board of the district in which the offence has been committed.

(2) Where the order is made by the Secretary for Scotland then—

(*a*) if the order is in respect of a person in a prison, criminal lunatic asylum or department, inebriate reformatory or place of detention, that person shall, for the purposes of the foregoing section, be presumed to have resided in the place where the offence was or was alleged to have been committed, unless it is proved that he resided in some other place;

(*b*) if the order is in respect of a person in a reformatory or industrial school, that person shall for the purposes of the foregoing section be deemed to have resided in the place (if any) determined to have been his place of residence for the purposes of his committal to the reformatory or industrial school.

Legal settlement to determine liability.

35.—(1) Where a parish council or a school board making any payment on account of a defective in pursuance of this Act, or of an order thereunder, is not the parish council or

school board of the parish in which the defective has his legal settlement for poor law purposes—

(1) the first-mentioned parish council or school board shall be entitled to reimbursement in respect of any such payment from the parish council or school board, as the case may be, of the parish in which such defective has his legal settlement; and

(2) if the first-mentioned parish council or school board establishes a claim for reimbursement as aforesaid, the district board of the district in which its area is comprised shall be entitled to the like reimbursement in respect of any payment made by that board on account of such defective from the district board of the district comprising the parish of legal settlement:

Provided that no liability to reimburse under this section shall accrue unless written notice claiming reimbursement shall have been given by the first-mentioned parish council or school board or in respect of any period prior to the date of such notice; and provided further that nothing herein contained shall be deemed to constitute the reimbursing authority the local authority concerned under this Act.

(2) Where this or any other statutory provision confers upon a school board a right to relief or reimbursement as against the school board of the parish of legal settlement of any person, and there is no school district coterminous with the parish of legal settlement, the school board of the school district comprising that part of the parish of legal settlement in which the birth or residence determining the settlement took place shall be liable, except where the settlement has been acquired by residence within the districts of different school boards within the parish, in which case such school boards shall be jointly liable in such proportions as, failing agreement, shall be determined by the Local Government Board for Scotland, whose determination shall be final.

(3) In any case where parish councils or school boards differ as to the legal settlement of a defective, but are agreed as to the facts on which such settlement depends, it shall be lawful for them to refer the case for determination by the Local Government Board for Scotland, whose determination shall be final.

Superannuation of officers. 9 Edw. 7. c. 48.

36.—(1) The Asylums Officers' Superannuation Act, 1909, shall apply to officers of certified institutions for defectives provided by district boards with such adaptations and modifications as the Secretary for Scotland may by order prescribe, and in particular such modifications shall include the alteration of—

(*a*) the classes of officers entitled to superannuation allowances;

(*b*) the periods of service entitling to superannuation allowances;

(*c*) the scale of superannuation allowances and gratuities; and

(*d*) the scale of contributions (if any)—

so as to provide for such officers as may appear entitled thereto superannuation terms as nearly as may be equivalent to those allowed under the Acts and rules relating to His Majesty's Civil Service.

(2) An order under this section shall make provision for admitting as pensionable service for the purposes of this section any service which is admitted as pensionable for the purposes of the Asylums Officers' Superannuation Act, 1909, including provision for applying section twelve of the said Act.

Contributions by the Treasury.

37. There shall be paid out of money provided by Parliament such sums on such conditions as the Secretary for Scotland may, with the approval of the Treasury, recommend towards the expenses of any persons detained in certified institutions or placed under guardianship as defectives, including the expenses of removal in the case of any such person ordered to be transferred from one such institution or guardian to another, and towards other expenses incurred by local authorities under this Act:

Provided that, unless Parliament otherwise determines, the aggregate amount so paid in any financial year shall not exceed twenty thousand pounds, but for the purpose of this limitation there shall be excluded all sums paid towards the expenses of persons sent to such institutions or placed under guardianship—

(*a*) by order of the Secretary for Scotland;

(*b*) under a judicial order after having been found guilty of an offence, or having been ordered or found liable to be ordered to be sent to an industrial school.

Treasury contributions towards expenses of societies assisting defectives.

38. Where a society has undertaken the duty of assisting or supervising defectives whilst not in institutions under this Act, there may be paid to the society out of money provided by Parliament towards the expenses of the society in connexion with such persons such sums and on such conditions as the Secretary for Scotland, with the approval of the Treasury, may recommend.

Provisions as to certified houses.

39.—(1) A person desirous of receiving defectives at his house for private profit may apply to the Board for a certificate, and the Board, if satisfied of the fitness of the premises and of the applicant, may, if they think fit, on payment by the applicant of the prescribed fee, which shall not exceed ten pounds, grant a certificate to the applicant subject to conditions prescribed by regulations made by the Board under this Act, and a certificate so granted shall continue in force for the period for which it is granted or until revoked or resigned under this

Act, and a house in respect of which such a certificate has been granted is in this Act referred to as a certified house, and the person to whom such a certificate is granted is referred to as the owner of such house.

(2) Any defective who may be ordered to be sent to, or may be placed in, an institution under this Act may be ordered to be sent to, or may be placed in, a certified house, and all the provisions of this Act relating to institutions for defectives and the patients therein shall, unless the contrary intention appears, apply to certified houses for defectives and the patients therein:

Provided that—

(*a*) no part of the money provided by Parliament under this Act shall be applied towards the expenses of defectives in certified houses; and

(*b*) a school board, parish council, or district board shall have no power or duty to contribute towards the expenses of defectives ordered to be sent to, or placed in, a certified house or to provide for their conveyance to, and reception and maintenance in, a certified house; and

(*c*) the provisions of this Act with respect to the recovery from defectives or the persons liable to maintain them of contributions towards the expenses of their maintenance shall not apply in the case of defectives in, or ordered to be sent to, certified houses; and

(*d*) A special report under section twelve of this Act as to the mental and bodily condition of a defective detained in a certified house shall not be made by the medical officer of the house or by any medical practitioner directly or indirectly interested in the house.

Visits to defectives.

40. The nearest adult relative or the guardian of a defective in any institution or under guardianship under this Act shall be entitled to visit the defective, at such times, on such conditions, and at such intervals, not exceeding six months, as may be prescribed by the Board, unless, in view of his character and antecedents, the Board think that his visits would not be in the interests of the defective; provided that nothing herein contained shall be construed as limiting any power to grant further facilities for visits to defectives.

Special provision for Dumfries district. 20 & 21 Vict. c. 71.

41.—(1) Without prejudice to their obligation under and in terms of section sixty of the Lunacy (Scotland) Act, 1857, the directors of the Crichton Royal Institution at Dumfries shall provide to the satisfaction of the Board, either in the Crichton Royal Institution or elsewhere, duly certified accommodation for all defectives who may be sent to a certified institution (other

than defectives of criminal propensities and defectives of less than sixteen years of age) for whom parish councils or school boards in the counties of Dumfries, Kirkcudbright, and Wigtown, are responsible as the local authorities concerned, and for whom the district board of the Dumfries district may desire the said directors to provide accommodation.

(2) In respect of each defective for whom accommodation is so desired and provided the said district board shall pay to the said directors the cost of maintenance of such defective as approved by the Board, and if any difference as to the application of this provision to any defective, or as to the amount of the cost of maintenance, or otherwise as to the interpretation of this section, shall arise between the said district board and the said directors it shall be determined by the Board.

(3) If at any time after the commencement of this Act the total accommodation provided by the said directors for pauper lunatics and defectives is in excess of the accommodation appropriated to pauper lunatics in the Crichton Royal Institution at the passing of this Act (the amount of which shall be deemed to be four hundred beds) they may apply to the said district board to make such payments as the said directors and the said district board shall agree to be equitable towards the cost of providing duly certified accommodation for defectives, such payments in no case to exceed those which would have been exigible for providing such accommodation wholly at the Crichton Royal Institution.

(4) If the said directors and the said district Board fail to agree, the directors may apply to the Board to determine, after hearing parties appearing to have an interest who desire to be heard, whether any such payments should be made and the amounts thereof; and, without prejudice to any other power or duty vested in or imposed on them by this Act, it shall be lawful for and incumbent on the said district board to pay out of the assessment authorised by the Lunacy Acts and this Act any sums so fixed by agreement between them and the said directors or so determined by the Board.

Special provision for parish of Greenock.

42. For the purposes of this Act so far as relating to defectives, the parish of Greenock shall be deemed to be a lunacy district and the parish council to be a district board, subject to such conditions or restrictions as the Board may, with the approval of the Secretary for Scotland, prescribe at any time after the passing of this Act, and, subject as aforesaid, the parish council shall have the same power of assessment for such purposes as they have for the purpose of defraying expenses under the Lunacy Acts: Provided that nothing herein contained shall prejudice or affect the power of the Board to appoint the parish council to be the district board for all purposes under the Lunacy Acts.

PART IV.

OFFENCES, LEGAL PROCEEDINGS, &c. AS TO DEFECTIVES.

Offence of supplying intoxicants contrary to warning.

43. If any person, having been warned by a person appointed to be a guardian of a defective under this Act, or by a person under whose charge a patient absent from an institution or from a certified house has been placed, not to supply intoxicants to or for the use of the person under his guardianship or charge, knowingly supplies any intoxicants to or for the use of that person, he shall be guilty of an offence under this Act:

Provided that a person shall not be guilty of the offence of supplying intoxicants in contravention of the warning if the person giving the warning refuses, when required so to do, to produce the order under which he has been appointed a guardian, or by which the patient has been placed under his charge.

Offences in relation to institutions, &c.

44. If any person induces or knowingly assists a patient in an institution, or a person allowed out from such an institution, either on licence or without a licence, or a person in a place of safety or under guardianship under this Act, to escape or to break any conditions of his guardianship or licence, he shall be guilty of an offence under this Act.

Ill-treatment.

45. If any superintendent, officer, nurse, attendant, servant, or other person employed in an institution or certified house, or any person having charge of a defective, whether by reason of any contract, or of any tie of relationship, or marriage, or otherwise, illtreats or wilfully neglects the defective, he shall be guilty of a crime and offence.

Protection of defectives from acts of sexual immorality, procuration, &c.

46.—(1) Any person—

(*a*) who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any woman or girl who is a defective under care or treatment in an institution or certified house, or placed out on licence therefrom or under guardianship under this Act, under circumstances which do not amount to rape but which prove that the offender knew at the time of the commission of the offence that the woman or girl was under such care or treatment or so placed out or under guardianship; or

(*b*) who procures, or attempts to procure, any woman or girl who is a defective to have unlawful carnal connection, whether within or without the King's dominions, with any other person or persons; or

(*c*) who, having the custody, charge, or care of any woman or girl who is a defective, causes or encourages her prostitution, whether within or without the King's dominions; or

(*d*) who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman or girl who is a defective to resort to

or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally; or

(*c*) who, with intent that any woman or girl who is a defective should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, takes or causes to be taken such woman or girl out of the possession and against the will of her parent or any other person having the lawful care or charge of her;

shall be guilty of a crime and offence and shall be liable upon conviction on indictment to be imprisoned, with or without hard labour, for any term not exceeding two years.

48 & 49 Vict. c. 69.

(2) Section ten of the Criminal Law Amendment Act, 1885, shall apply in the case of a woman or girl who is a defective in the same manner as it applies in the case of a girl who is under the age of sixteen years.

61 & 62 Vict. c. 36.

(3) Section four of the Criminal Evidence Act, 1898, shall have effect as if this section of this Act were included in the schedule to that Act.

(4) If on the trial of an indictment for rape the jury are satisfied that the accused is guilty of an offence under paragraph (*a*) of subsection (1) of this section, but are not satisfied that he is guilty of rape, the jury may acquit him of rape and find him guilty of such offence as aforesaid, and in that event he shall be liable to be punished as if he had been convicted on an indictment for such offence as aforesaid.

Penalty for breach of regulations.

47. If any person is guilty of a breach of any regulation made under this Act he shall be liable on summary conviction to a penalty not exceeding such as may be prescribed as respects such a breach by the regulations, but the maximum penalty imposed by the regulations in respect of any breach shall not exceed imprisonment, with or without hard labour, for a term of three months or a fine of fifty pounds.

Power of officers, &c., for the purposes of arrest.

48. The managers of an institution and the owner of a certified house for defectives and every officer of such institution or house authorised in writing by the managers or owner, and the guardian of a defective placed under guardianship shall, for the purpose of conveying a person to or from the institution or house or to or from guardianship, or of apprehending and bringing him back to the institution or house or to guardianship in case of his escape or refusal to return, and while engaged in that duty, have all the powers, protections, and privileges of a constable.

Computation of time for purposes of settlement.

49. The time during which a defective is detained in an institution or under guardianship under this Act shall for all purposes be excluded in the computation of time for the purpose of ascertaining the settlement of any pauper.

Provisions against disfranchisement, &c.

50. The maintenance in an institution or under guardianship under this Act of any person for whose maintenance any other person is responsible shall not deprive that other person of any franchise, right, or privilege, or subject him to any disability.

PART V.

AMENDMENT OF LUNACY LAW.

Plans to be approved by Board.

51. Plans, specifications, and estimates of all public and private asylums, and lunatic wards of poorhouses shall be transmitted to the Board when called for, and no such asylum or lunatic ward shall be erected, added to, or altered, except on sites and in accordance with plans approved by the Board: Provided that, in the case of a public asylum, this section shall only apply when the ward or dormitory accommodation for patients is directly affected by the proposed erection, addition, or alteration.

Power of Board to fix number of patients to be received.

52. It shall be lawful for the Board from time to time, if they shall see fit, to fix the number of patients who may be received into or detained in any public or district asylum and also, if they shall see fit, the numbers of private and pauper patients respectively who may be so received, and no greater number of patients or of private or pauper patients respectively than the number or numbers so fixed shall be received without the special sanction of the Board, and private or pauper patients received in excess of such fixed number or numbers, without such special sanction, shall not (unless the Board otherwise order) be deemed to be legally received.

Reception of private patients into district asylums.

53.—(1) Private patients in district asylums shall be removed therefrom by their relatives or others responsible for their maintenance upon the demand of the district board; provided that patients having a presumptive settlement in any parish of the district shall not be liable to be removed therefrom upon the sole ground that the beds occupied by them are required for the use of pauper patients, and provided also that any dispute arising in reference to such demand for removal shall be submitted to the Board, who may order the patient to be removed or otherwise as they may think fit.

(2) The rate of board for private patients received into district asylums after the passing of this Act shall be subject to the approval of the Board, and shall be the rate of maintenance fixed for the time being for pauper patients, and in addition a sum representing rent for furnished accommodation for such private patients.

(3) So far as not inconsistent with this section, section eighty of the Act of 1857 shall continue to have effect.

Powers of visitation.

54. In addition to their existing powers, the Commissioners shall have power to visit, inspect, and report to the Board on any establishment, institution, home, house, or other place in

which they have reason to believe that any person is detained, on account of mental disorder or defect, or is received for treatment of mental disorder or defect, and on the condition of any such person, provided that this power shall not (except so far as specially provided by this Act or otherwise in the Lunacy Acts) extend to the case of persons who are living at home under the care of their natural guardians.

Provisions as to transfer and discharge of lunatics.

55.—(1) Notwithstanding anything contained in section seven of the Act of 1866, the provisions of section sixteen of the Act of 1862 shall apply as fully for the purposes of the removal or transfer, under the authority of the Board, of a lunatic to the lunatic wards of a poorhouse, or to a licensed house or a private dwelling, and of his reception and detention in the event of his requiring to be again received into an asylum, as they apply in the case specified in the last-cited section.

(2) The Board may, in any case where they consider it expedient, dispense for such period as they think proper with the requirement of section seven of the Act of 1866 respecting the grant and transmission to the Board of an annual certificate in the form of Schedule A. to that Act.

(3) Without prejudice to the provisions of section ninety-three of the Act of 1857 or section twelve of the Act of 1866, a private patient shall be discharged on the written request of the person at whose instance he is detained as a lunatic.

(4) If that person is dead or is incapable by reason of mental incapacity, absence from the United Kingdom, or other cause, of signing a request for discharge, or has ceased to pay for the maintenance of such patient, or if a patient originally classified as a pauper is afterwards classified as a private patient, the patient shall (without prejudice as aforesaid) be discharged on the written request of the person who made the last payment of the patient's board, or the husband or wife, or if there is no husband or wife or the husband or wife is incapable as aforesaid, the father, or if there is no father or he is incapable as aforesaid, the mother of the patient, or if there is no mother or she is incapable then any one or more of the nearest of kin.

(5) In addition to the powers conferred on them by section ninety-two of the Act of 1857, the Board may, in the case of any person detained as a lunatic, order his liberation upon being satisfied by the certificate of two medical persons whom they may think fit to consult bearing that such lunatic may without risk of injury to the public or to the lunatic be set at large.

Protection of lunatic women or girls.

56. The section of this Act relating to the protection of defectives from acts of sexual immorality shall have effect for the protection of women or girls who are lunatics duly certified as such under the Lunacy Acts and while they remain so certified, with the substitution of such women or girls for defective women or girls, of an asylum or other place of lawful detention for lunatics for an institution or certified house, of

pass or probation for licence, and of the Lunacy Acts for this Act.

Inspection of lunatics in private dwellings.

57. In lieu of section fourteen of the Act of 1866 the following section is hereby enacted :—

If any occupier or inmate of any private dwelling shall keep or detain therein, without the order of the sheriff or the sanction of the Board, any person as a lunatic, although not for gain, beyond the period of six months, and the malady is such as to require compulsory confinement to the house, or restraint or coercion of any kind, such occupier or inmate shall intimate the case to the Board, and shall state the reasons which render it desirable that such lunatic should remain under private care; and if the Board shall have reason to believe or suspect that any lunatic, or any person treated as or alleged to be a lunatic, whether the case has been so intimated to them or not, has been subjected to compulsory confinement to the house or to restraint or coercion of any kind, at any time beyond six months after the commencement of the malady, or that, whatever may have been the duration of his malady, he is or has been subjected to harsh and cruel treatment, or to neglect to an extent which is injurious to his mental or bodily state, or if a female is or has been inadequately protected from sexual danger, or if one or more persons are alleged to be insane and live alone or together in such circumstances as in the opinion of the Board to call for inquiry, it shall be lawful for the Board, with consent of the Secretary for Scotland, or the Lord Advocate, to authorise and empower any one or more of the members thereof to visit and inspect such lunatic or person or persons, and to make such inquiry respecting him or them as to such member or members may seem fit; and if on such inquiry it shall appear that such person is a lunatic, and has been so for a space exceeding six months, and that compulsory confinement to the house, or restraint or coercion of any kind has been resorted to, or that, whatever may have been the duration of his insanity, he is or has been subjected to harsh and cruel treatment, or to neglect or inadequate protection as aforesaid, or that the circumstances are otherwise such as to render the removal of such lunatic to an asylum, or to another guardian or house, necessary or expedient, it shall be lawful for the Board to represent accordingly to the sheriff, under a procedure similar to that followed in the case of dangerous lunatics, and the sheriff, on being satisfied accordingly, shall issue his order for the transmission of the lunatic to an asylum or to another guardian or house, and for his detention therein until such time as the Board shall

sanction his discharge, and the sheriff shall give decree for the expenses of the inquiry and procedure, and also for the maintenance of the lunatic in the asylum or house against the parties legally liable for the maintenance of such lunatic.

Removal from poor roll.

58. It shall not be lawful for the parish council, or the relatives or friends of any pauper lunatic, for whose removal to an asylum, or to another house or guardian, the Board have issued an order, to take him off the poor roll without the sanction of the Board; and section ten of the Act of 1866 is hereby amended accordingly.

Admission of voluntary boarders.

59. If a person desires to submit himself to treatment in an asylum as a voluntary boarder under the provisions of section fifteen of the Act of 1866, it shall, notwithstanding anything contained in that section, be lawful for the superintendent to receive such person on his written application to that effect, provided that such person shall forthwith make written application to the Board or to one of the Commissioners as required by the said section, and that such person shall not be detained for more than three days from the date of reception without the assent in writing of one of the Commissioners. Subject to the amendments hereby made, the said section shall remain in full force and effect.

Letters from patients.

60. The provisions of section sixteen of the Act of 1866 are hereby extended so as to provide that all letters from a patient in any asylum to the sheriff of the county in which such asylum is situated, and all letters from the Board or from a sheriff of a county in which any asylum is situated to a patient of such asylum shall be dealt with in all respects as is provided by the said section in the case of letters to or from the Board, or their secretary, or the Commissioners of the Board, or any of them.

Visitors to patients.

61. The liberty to visit a patient in any asylum or house shall not be confined to the parties specified in sections forty-seven and forty-eight of the Act of 1857, but may in either case be extended to any person who can show reasons satisfactory to the superintendent or on appeal to the Board for visiting the patient, and the said sections shall apply as if references to such persons were substituted for references to the parties aforesaid.

Appointment of judicial factors to mentally incapable persons.

62.—(1) The Board shall have power to make application to the Lord Advocate as provided for by section eighty-one of the Act of 1857 for the appointment of a judicial factor to any person whose property is in their opinion not duly protected owing to such person's mental incapacity, and that notwithstanding that such person is not being detained and taken charge of as a lunatic or defective.

(2) All provisions of the Lunacy Acts which apply to lunatics whose property has been placed under the management of a judicial factor, shall apply equally to any person to whom a curator bonis has been appointed in consequence of inability through mental defect to manage his own affairs, or to give adequate directions for their management. Returns by the Accountant of Court under section seventeen of the Act of 1866 shall include the names of all such persons, whether they are or are not certified as lunatics or defectives, and the provisions of this Part of this Act with regard to the ill-treatment, neglect, or inadequate protection of patients under private care shall apply to all such persons.

Pauper patients need not appear in court.

63. Notwithstanding any enactment to the contrary, a sheriff to whom application is made for warrant for the removal of a pauper lunatic from Scotland shall be entitled to dispense with such pauper being brought before him or with seeing such pauper, if satisfied that the pauper is being detained and taken care of as a lunatic and that his presence in court is not desirable.

District board to pay half maintenance charge for pauper lunatics.

64.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen, in lieu of the sums hitherto in use to be fixed and paid or which might be fixed and paid under section seventy-three of the Act of 1857, as amended by any subsequent Act, as the charge payable by parish councils to the district board for pauper lunatics in district asylums, there shall in each year be paid to the district board one half of the cost of maintenance as herein-after defined of pauper lunatics; and the balance of the cost of maintenance and other expenses and salaries referred to in the said section, together with one half of the like charge payable by parish councils for pauper lunatics maintained by them otherwise than in a district asylum, as ascertained and intimated to the district board in accordance with regulations prescribed by the Board, shall be paid by the district board, and such payments shall be charged to the assessment authorised under the Lunacy Acts and this Act: Provided that, in the case of a lunatic on whose account any such payment is made by a district board other than the board of the district comprising the parish of legal settlement of such lunatic, the first-mentioned district board shall be entitled to reimbursement in respect of any such payment from the district board of the district comprising the parish of legal settlement as from the date from which the parish council at whose instance the liability of the parish of legal settlement has been established is entitled to recover its expenses incurred in relation to such lunatic.

(2) The definition of the expression "cost of maintenance" contained in the section of this Act relating to the expenses of maintaining defectives shall apply to the same expression in this section, with the substitution of "pauper lunatic" for

"defective" and of "contributions out of the Local Taxation "(Scotland) Account to the cost of maintenance of pauper "lunatics" for "moneys provided by Parliament," and with any other necessary substitutions.

(3) A parish council shall account annually to the district board in respect of each pauper lunatic who is placed by them in a district asylum or maintained by them otherwise than in a district asylum for all contributions received by them in respect of such lunatic, from such lunatic, or otherwise on his account.

(4) All powers vested in a parish council of recovering moneys expended in behalf of a poor person shall extend to the recovery by the parish council of such part of the said moneys as is by this Act made payable by the district board.

Assessment for expenses of district boards throughout lunacy districts.

65.—(1) As from the fifteenth day of May in the year nineteen hundred and fourteen the expenses declared by this Act to be chargeable to the assessment authorised under the Lunacy Acts and this Act shall be ascertained and apportioned within the lunacy district upon the landward parts of counties and upon burghs, respectively, as provided in the Act of 1857, as amended by any subsequent Act, with respect to the assessments for the purposes of the Act of 1857, and shall be assessed, levied, and collected as provided in the said Acts.

(2) This section shall apply to the case where the district board of control is the parish council, with the substitution of the parish for the landward parts of counties and for burghs, and with any other necessary variations; provided that the assessment leviable under the Acts aforesaid within the parish shall be separately set forth and demanded in the demand note, and shall be levied by the parish council acting as a district board upon the like valuation in all respects and subject to the like deductions and exemptions as the assessment hitherto leviable within the parish under the Lunacy Acts by the town or county council, but shall be collected along with the poor rate, and with the same remedies and modes of recovery; and provided also that the consent of the Board shall be required to any assessment levied by the parish council acting as a district board; and provided further that moneys levied and collected by a parish council acting as district board shall be kept separate and distinct from moneys levied and collected by the parish council for other purposes; and for purposes of audit the accounts of the parish council shall be deemed to include the accounts of such moneys and of the expenditure thereof.

Assessment in Shetland.

66. As from the fifteenth day of May in the year nineteen hundred and fourteen, the exemption of Shetland from liability to assessment conferred by the Act of 1857 shall cease and determine.

Audit of accounts of district boards.

67. The provisions regulating the making up and auditing of the accounts of a parish council shall, with the substitution

of "district board of control" for "parish council," "clerk to the district board of control" for "clerk of the parish council," and "lunacy district" for "parish" apply to the making up and auditing of the accounts of a district board of control not being a parish council: Provided that a surcharge or disallowance shall not be made in respect of any expenditure which has been sanctioned by the Board, and provided further that before making a disallowance or surcharge affecting the accounts of a district board (whether a parish council or not) the Local Government Board for Scotland shall consult with the Board.

Powers for acquisition of land and borrowing by a district board.

68.—(1) A district board of control may, with the consent of the Board, from time to time for the purpose of any of their powers and duties under the Lunacy Acts or this Act (including, as incidental to the provision of an asylum or of an institution for defectives, the open-air exercising of patients and their occupation in agricultural or other work), acquire, purchase, or take or lease and hold any land.

(2) For the purpose of such acquisition of land, the Lands Clauses Acts shall be incorporated with the said Acts, except the provisions of those Acts relating to the purchase and taking of land otherwise than by agreement.

(3) For the purpose of such acquisition of land otherwise than by agreement, section one hundred and forty-five of the Public Health (Scotland) Act, 1897, shall, with the substitution of the assessment authorised under the Lunacy Acts and this Act for the assessments therein mentioned and with any other necessary substitutions, apply as if it were herein re-enacted and in terms made applicable to a district board of control; provided that a district board shall not without the consent of the Board make an application to the Local Government Board for Scotland under that section. 60 & 61 Vict. c. 38.

(4) A district board of control may, with the sanction of the Board, sell, let or feu any surplus land, and shall apply the proceeds thereof towards the reduction of debt, or in such other manner as the Board may direct.

(5) In this section and in the Lands Clauses Acts as hereby incorporated the expression "land" includes water and any right or servitude over water.

(6) The provisions for enabling a district board to acquire and hold lands and heritages or to acquire additional ground contained in the Acts of 1857 and 1862 shall cease to have effect.

(7) The expression "purpose of this Act" in section sixty-one and section sixty-two of the Act of 1857 shall be construed as meaning any purposes of the Lunacy Acts or this Act involving capital expenditure; and a district board may, with the consent of the Board, borrow money for such purposes on the security of the assessment authorised under the Lunacy Acts and this Act; provided that all money so borrowed shall be repaid by

equal annual instalments of principal within a period not exceeding sixty years from the date of borrowing the same, such period to be fixed by the Board in each case with due regard to the nature of the expenditure and the probable time during which it will remain effective.

Amendment of Asylums Officers' Superannuation Act, 1909.

69.—(1) For the purpose of reckoning the length of service of an established officer or servant in an asylum in Scotland to which the Asylums Officers Superannuation Act, 1909, applies, any time previously served by him in a parochial asylum or in the lunatic ward of a poorhouse shall be treated as if it had been served in a district asylum.

(2) The contribution which, under section twelve of the last-mentioned Act as applying to Scotland, is required to be made by the district board of an asylum from which an established officer or servant has removed shall, where that asylum was a parochial asylum or the lunatic ward of a poorhouse, be made out of the poor rate by the parish council by which that asylum was maintained.

Supervisory powers of Board.

70. The powers conferred on the Board by section nine of the Act of 1857 shall apply as fully to lunatic wards of poorhouses as they apply to district asylums, and references in that or any other section of the Lunacy Acts to a house in which a lunatic is kept or detained under an order of the sheriff shall be construed as including references to a house in which a lunatic is kept or detained under sanction of the Board.

Removal and chargeability of insane prisoners. 34 & 35 Vict. c. 55.

71.—(1) When an insane prisoner is removed to an asylum in terms of an order under section four or section six of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, such insane prisoner shall, until the parish of his settlement has been determined, be deemed to be chargeable to the parish within which the offence or act in respect of which he was under detention was committed.

(2) An order granted under section four or section six aforesaid for the removal to an asylum of an insane prisoner undergoing a sentence which has not expired shall not cease and determine on expiry of the period during which such prisoner would have been liable to detention had he not been so removed, notwithstanding anything contained in the Lunacy Acts to the contrary, but shall upon such expiry have effect as if it were an order granted by the sheriff in terms of section fourteen of the Act of 1862, and subject to the statutory and other conditions applicable to such an order.

Subscriptions to pathological investigations.

72. District boards shall have power, with approval of the Board, and for the purpose of obtaining instruction and assistance in pathological investigation for the medical officers of asylums under their charge, to contribute annually towards any pathological laboratory, having for its object or one of its objects investigation into the pathology of mental diseases, and

such contributions shall be paid for out of the assessment authorised under the Lunacy Acts and this Act.

Protection to persons putting Acts in force.

73. 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 or application 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 the Lunacy Acts, or does anything in pursuance of the said Acts or of this Act, whether relating to lunatics or to defectives, 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.

In this section, the expression "reception order" means an order or authority made or given before or after the commencement of this Act for the reception of a lunatic, whether a pauper or not, in any asylum or other establishment or house where a lunatic or lunatics are received in accordance with law, and includes an emergency certificate.

Definitions for this Part of Act. 29 & 30 Vict. c. 51.

74. In this Part of this Act—

The expression "Act of 1857" means the Lunacy (Scotland) Act, 1857:

The expression "Act of 1862" means the Lunacy (Scotland) Act, 1862:

The expression "Act of 1866" means the Lunacy (Scotland) Act, 1866:

Notwithstanding anything in this Part of this Act or in the definition of the word "house" in the Act of 1857, the Board may, if they think fit, prescribe the class or classes of house to which any requirement of the Lunacy Acts referring to a house (being a house where a lunatic or lunatics are received for gain) shall be held to apply, or exempt any or every class of house from any of those requirements.

Construction of this Part of Act, and citation of Lunacy (Scotland) Acts. 27 & 28 Vict. c. 59. 40 & 41 Vict. c. 53. 63 & 64 Vict. c. 54.

75.—(1) Part Two and Part Five of this Act shall, unless inconsistent with the context, be construed as one Act with the Lunacy (Scotland) Acts, 1857 to 1887.

(2) Part Two and Part Five of this Act and the Lunacy (Scotland) Acts, 1857 to 1887, the Lunacy Board (Scotland) Act, 1864, sections sixty-one to sixty-three inclusive of the Prisons (Scotland) Act, 1877, and the Lunacy Board (Scotland) Salaries and Clerks Act, 1900, may be cited collectively as the Lunacy (Scotland) Acts, 1857 to 1913 (in this Act referred to as the Lunacy Acts).

PART VI.

MISCELLANEOUS.

Interpretation.

76.—(1) In this Act, unless the context otherwise requires,—

The expression "parent or guardian" in relation to a defective shall include any person who undertakes or performs towards the defective the duty of a parent or guardian:

The expression "relative" in relation to a defective means the husband or wife or a lineal ancestor or lineal descendant, or lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother:

The expression "intoxicants" includes any excisable liquor, and any sedative, narcotic, or stimulant drug or preparation:

The expression "place of safety" means any poorhouse or police station, any institution, any place of detention, and any hospital, surgery, or other suitable place, the occupier of which is willing to receive temporarily persons who may be taken to places of safety under this Act:

The expression "institution" in relation to defectives means a State institution or certified institution.

Punishment for offences.

77.—(1) An offence under this Act declared to be a crime and offence for which no special penalty is provided by this Act shall be punishable by fine or by imprisonment for a term not exceeding two years, with or without hard labour.

(2) Any other offence under this Act shall be punishable summarily with imprisonment for a term not exceeding three months, with or without hard labour, or with a fine not exceeding fifty pounds.

Provisions as to regulations.

78. Regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if within thirty sitting days after they have been so laid either House of Parliament presents an address to His Majesty praying that any such regulations may be annulled, His Majesty may, by Order in Council, annul the regulations, without prejudice however to anything done thereunder, and the regulations made under this Act shall have effect as if enacted in this Act.

Repeal.

79. The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

Short title, extent, and commencement.

80.—(1) This Act may be cited as the Mental Deficiency and Lunacy (Scotland) Act, 1913.

(2) This Act shall extend to Scotland only.

(3) Except as otherwise provided this Act shall come into operation on the fifteenth day of May in the year nineteen hundred and fourteen.

SCHEDULE.

Section 79.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 71.	Lunacy (Scotland) Act, 1857.	Section one hundred and fourteen.
25 & 26 Vict. c. 54.	Lunacy (Scotland) Act, 1862.	Section seven, section eleven.
29 & 30 Vict. c. 51.	Lunacy (Scotland) Act, 1866.	Section fourteen.