EXPLANATORY NOTE

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

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

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2. SUMMARY JURISDICTION

The Summary Jurisdiction (Mental Deficiency) Rules, 1948

1948 No. 1353 (L. 13)

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

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

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

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

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

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

4. The forms in the Schedule to these Rules may be used for the purposes of the Mental Deficiency Act, 1913, with such variations as circumstances may require.

5. These Rules may be cited as the Summary Jurisdiction (Mental Deficiency) Rules, 1948, and shall come into operation on the fifth day of July, 1948, on which date the Summary Jurisdiction (Mental Deficiency Act) Rules, 1933(a), shall cease to have effect.

Dated the 22nd day of June, 1948.

Jowitt, C.

SCHEDULE

I

MENTAL DEFICIENCY ACT, 1913, SECTION 44 (1)

Application for Order Determining Place of Residence

In the County of , Petty Sessional Division of

The complaint of A.B. (here set out status of A.B.) who states that on the day of , 19 , an order was made at the (Assizes) (Quarter Sessions) holden for ( ) (ordering C.D., a defective, to be sent to the Institution at) (appointing E.F. to be the Guardian of C.D., a defective) and who claims that the County (County Borough) of should be determined to be the place of residence of the said C.D.

Made before me,

J.P.

Justice of the Peace for the (County) of

(L.S.) this day of , 19 .

II

MENTAL DEFICIENCY ACT, 1913, SECTION 44 (1)

Order Determining Place of Residence

In the County of , Petty Sessional Division of

Before the Court of Summary Jurisdiction sitting at

On the complaint of A.B. (here set out status of A.B.) it is adjudged that C.D., a defective, who at the (Assizes) (Quarter Sessions) holden at on the day of , 19 , was (ordered to be sent to the Institution at) (placed under the Guardianship of E.F.), resided in the (County) (County Borough) of

Dated the day of , 19 .

J.P.

(L.S.) Justice of the Peace for the (County) of

(a) S.R. & O. 1933 (No. 1091) p. 1324.

III

MENTAL DEFICIENCY ACT, 1913, SECTION 44 (3)

Application for Order Transferring Liability

In the County of , Petty Sessional Division of

The complaint of A.B. (here set out status of A.B.) who states that on the day of 19 , an Order was made by directing that C.D., a defective, should be (sent to an Institution) (placed under Guardianship) and specifying the County (County Borough) of as the place in which the said C.D. resided, and who claims that the liability of the Council of the County (County Borough) of should be transferred to the County (County Borough) of .

Made before me,

J.P.

Justice of the Peace for the (County) of .

(L.S.) this day of , 19 .

IV

MENTAL DEFICIENCY ACT, 1913, SECTION 44 (3)

Order Transferring Liability

In the County of , Petty Sessional Division of .

Before the Court of Summary Jurisdiction sitting at .

On the complaint of A.B. (here set out status of A.B.) it is adjudged that C.D., a defective, who on the day of , 19 , was ordered to be (sent to an Institution) (placed under Guardianship) the County (County Borough) of being specified in the Order as the place where the said C.D. resided, was resident in the County (County Borough) of and that the liability of the said Council of the County (County Borough) of is accordingly transferred to the said Council of the County (County Borough) of .

Dated the day of , 19 .

J.P.

(L.S.) Justice of the Peace for the (County) of .

EXPLANATORY NOTE

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

These Rules replace the Summary Jurisdiction (Mental Deficiency Act) Rules, 1933, in a form designed to give effect to the changes in the law made by the National Health Service Act, 1946. After 5th July, 1948, the cost of maintaining a defective in an institution will no longer fall upon the local health authority, but the authority will still be liable to provide for a defective placed under guardianship and for the cost of conveying a defective to an institution. For these purposes, it will still be necessary to determine the defective's place of residence.