

(2) Where a special magistrate, on the application of the Crown Solicitor, or a police officer of or above the rank or inspector, is satisfied that a person has escaped from a reception centre, he may issue a warrant in the prescribed form directing that the person named therein be apprehended and conveyed to the reception centre from which he escaped.

(3) A person apprehended at any time under a warrant issued under subsection (2) of this section shall be conveyed to and detained in the reception centre from which he escaped.

(4) For the purposes of this section a person shall be deemed to have escaped from a reception centre if, being lawfully permitted to be absent from that reception centre, he does not return to the reception centre within the period of his permitted absence, or if the absence is subject to a condition or conditions, he does not comply with that condition or any one or more of those conditions.

PART IV

GUARDIANSHIP OF PERSONS SUFFERING FROM MENTAL ILLNESS
OR MENTAL HANDICAP

Division I - The Guardianship Board

20. (1) There shall be a board entitled the
"Guardianship Board".

(2) The Board shall consist of five members,
appointed by the Governor, of whom -

(a) one, who shall be the chairman of the Board,
shall be -

(i) a person holding judicial office under the
Local and District Criminal Courts Act,
1926-1975;

(ii) a special magistrate;
or

(iii) a legal practitioner of at least seven years'
standing;

(b) at least one shall be a legally qualified medical
practitioner;

and

(c) the remaining members are persons who have, in
the opinion of the Governor, appropriate
qualifications for membership of the Board.

21. (1) A member of the Board shall be appointed for
such term of office, not exceeding three years, as the
Governor may determine and specifies in the instrument of
his appointment, and, upon the expiration of his term of
office, shall be eligible for re-appointment.

(2) The Governor may appoint a suitable person to be
a deputy of a member of the Board, and such a person,
while acting in the absence of that member, shall be deemed
to be a member of the Board, and shall have all the powers,
duties, authorities and obligations of the member of whom
he has been appointed a deputy.

(3) A deputy of the chairman must be -

(a) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1975;

(b) a special magistrate;

or

(c) a legal practitioner of at least seven years' standing.

(4) The Governor may remove a member of the Board from office for -

(a) mental or physical incapacity;

(b) neglect of duty;

or

(c) dishonourable conduct.

(5) The office of a member of the Board shall become vacant if -

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (4) of this section.

(6) Upon the office of a member of the Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances
and expenses.

22. The members of the Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

23. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership.

(2) No liability shall attach to a member of the Board for any act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

24. (1) The chairman shall preside at any meeting of the Board at which he is present.

(2) In the absence of the chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(3) Each member of the Board shall be entitled to one vote upon any matter arising for the determination of the Board.

(4) A decision supported by a majority of the votes cast by the members present at a meeting of the Board shall be a decision of the Board.

(5) The person presiding at a meeting of the Board shall, in the event of an equality of the votes on any matter arising for the decision of the Board, have a second or casting vote.

Division II - Reception of Persons into Guardianship of Board

25. (1) Where the Board is satisfied, upon an application made under this section, that a person -

(a) is suffering from mental illness or mental handicap;
and

(b) is by reason of that mental illness or mental handicap, incapable of managing his own affairs,
the Board may, by order, receive that person into its guardianship.

validity
of acts of
the Board.

proceedings of
the Board.

reception' -
of persons
into the
guardianship
of the Board.

- (2) An application may be made under this section -
- (a) by the person suffering from the mental illness or the mental handicap;
 - (b) by a relative of that person;
 - (c) by a member of the police force;
 - or
 - (d) by any person who satisfies the Board that he has a proper interest in the care and protection of the person in respect of whom the application is made.

(3) Where the Board receives a person into its guardianship in pursuance of this section, it becomes the guardian at law and in equity of that person.

Division III - Appointment of the Administrator of the
Estate of a Person Suffering from a Mental Illness
or Mental Handicap

26. (1) Where in the opinion of the Board a person who is suffering from a mental illness or mental handicap is incapable of administering his affairs, the Board may (whether or not that person has been received into the guardianship of the Board) appoint an administrator of his estate.

(2) An appointment under subsection (1) of this section may be made subject to such conditions as the Board thinks fit.

(3) The Public Trustee shall be appointed the Administrator of the estate of a person suffering from a mental illness or mental handicap under this section unless the Board considers that there are special reasons why some other person should be appointed administrator of the estate.

(4) Where some person other than the Public Trustee is appointed administrator of the estate, the Board shall include amongst the terms of the appointment a condition that the administrator shall annually file returns with the Public Trustee setting out such information in relation to his administration as the Public Trustee may require of him.

Appointment
of manager.

Powers of an
administrator
under this
part.

27. (1) An administrator appointed under this Part shall, subject to this Act and the conditions of his appointment, have full power -

(a) to transact any business on behalf of the person in relation to whom he has been appointed administrator;

and

(b) to institute or defend any legal proceedings on behalf of that person.

(2) The administrator shall not sell any property of the protected person where the value of that property is more than twenty thousand dollars.

(3) The administrator shall not expend more than two thousand dollars upon improvements to property included in the estate of the protected person without the approval of the Supreme Court.

(4) The administrator shall not sell any business that was formerly carried on by the protected person without the approval of the Supreme Court.

28. (1) The Public Trustee shall have power, in the execution of his powers and duties under this Act, to summon persons to appear before him or before some person appointed by him to take evidence under this section.

(2) The Public Trustee, or the person so appointed, shall have power to administer oaths and take evidence as to any matters relating to the estate and affairs of any person whose estate the Public Trustee is administering in pursuance of this Act, and to require production of books, papers and documents relating to that estate.

(3) Any person upon whom any such summons is served who, without due cause, fails to appear in accordance with the summons, or having appeared refuses to be sworn or to give evidence, or to answer such questions as are put to him by the Public Trustee or the person appointed, or to produce any books or documents that he is required by the summons to produce, shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

Public Trustee
may obtain
information
on oath.

Unclaimed
personal
effects and
moneys.

29. (1) All personal effects in the possession of the Public Trustee belonging to a patient and not claimed within two years of the date of death or discharge of that patient may be sold by the direction of the Public Trustee, and the proceeds of the sale shall be retained by the Public Trustee.

(2) All moneys in the hands of the Public Trustee on account of a patient at the end of six years from the date of death or discharge of that patient and unclaimed as at that date shall be paid to the Treasurer in aid of the General Revenue of the State.

(3) The Treasurer may pay any such moneys to the Public Trustee upon the Public Trustee certifying that the identity and whereabouts of the person or persons entitled to those moneys has been ascertained.

Duty to give
security to
Public Trustee.

30. (1) Where a person, other than the Public Trustee, is appointed as the administrator of the estate of a protected person, he shall give to the Public Trustee such security as the Board directs for the due administration of the estate.

(2) The security may be a bond, with or without a surety or sureties, or such other security as the Board directs and approves.

(3) The Board may at any time, on the application of the Public Trustee, require any such administrator to give to the Public Trustee further or other security for the due administration of the estate.

(4) Where the Public Trustee satisfies the Board that an administrator has failed to comply with the conditions of his administration the Board may give leave to the Public Trustee to enforce the security and the Public Trustee shall thereupon proceed by action or otherwise to enforce the security.

(5) All moneys realized from enforcement of the security shall form part of the estate of the protected person.

PART V

THE MENTAL HEALTH REVIEW TRIBUNAL

Division I - Constitution and Powers of the
Tribunal

31. (1) There shall be a tribunal entitled the
"Mental Health Review Tribunal".

(2) The Tribunal shall consist of three members
appointed by the Governor, of whom -

(a) one, who shall be chairman of the Tribunal,
shall be -

(i) a person holding judicial office under the
Local and District Criminal Courts Act, 1926-
1975;

(ii) a special magistrate;

or

(iii) a legal practitioner of not less than
seven years' standing;

(b) one shall be a registered psychiatrist;
and

(c) one shall be a person who is in the opinion of
the Governor suitably qualified for membership
of the Tribunal.

32. (1) A member of the Tribunal shall be appointed
for such term of office, not exceeding three years, as the
Governor may determine and specifies in the instrument of
his appointment, and, upon the expiration of his term of
office, shall be eligible for re-appointment.

(2) The Governor may, subject to subsection (3) of
this section, appoint a suitable person to be a deputy of
a member of the Tribunal, and such a person, while acting
in the absence of that member, shall be deemed to be a
member of the Tribunal, and shall have all the powers,
authorities, duties and obligations of the member of whom
he has been appointed a deputy.

Establishment
of the
Tribunal.

Terms and
conditions
upon which
other members
hold office.

(3) A deputy of the chairman must be -

(a) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1975;

(b) a special magistrate;

or

(c) a legal practitioner of not less than seven years' standing.

(4) The Governor may remove a member of the Tribunal from office for -

(a) mental or physical incapacity;

(b) neglect of duty;

or

(c) dishonourable conduct.

(5) The office of a member of the Tribunal shall become vacant if -

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (4) of this section.

(6) Upon the office of a member of the Tribunal becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Tribunal becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

allowances
and expenses.

33. The members of the Tribunal shall be entitled to receive such allowances and expenses as may be determined by the Governor.

validity of
acts of the
Tribunal.

34. (1) An act or proceeding of the Tribunal shall not be invalid by reason only of a vacancy in its membership.

(2) No liability shall attach to a member of the Tribunal for any act or omission by him, or by the Tribunal,

in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge, of his or its duties under this Act.

Proceedings
and decisions
of the
Tribunal.

35. (1) The chairman shall preside at the hearing of any proceedings by the Tribunal.

(2) Subject to subsection (3) of this section, a decision concurred in by any two members of the Tribunal shall be a decision of the Tribunal.

(3) The chairman shall determine any question relating to the admissibility of evidence, and any other question of law or procedure.

Powers of
the Tribunal.

36. (1) In the exercise of its powers and functions under this Act, the Tribunal may -

- (a) by summons signed on behalf of the Tribunal by a member of the Tribunal, or by the secretary to the Tribunal, require the attendance before the Tribunal of any person;
- (b) by summons signed on behalf of the Tribunal by a member of the Tribunal, or by the secretary to the Tribunal, require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before it and retain them for such reasonable period as it thinks fit, and make copies of them or any of their contents;
- (d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Tribunal, or by any person appearing before the Tribunal, relating to any matter being inquired into by the Tribunal;
- or
- (e) require any person appearing before the Tribunal to answer any relevant questions put to him by any member of the Tribunal, or by any other person appearing before the Tribunal.