

DÁIL ÉIREANN.

AN BILLE COIREALA MEABHAIR-GHALAR, 1944—

AN COISTE.

MENTAL TREATMENT BILL, 1944—COMMITTEE.

Leasuithe.

Amendments.



SECTION 3.

1. In page 10, to insert before the definition of the appropriate assistance officer the following definition:—

“the word ‘addict’ means a person who—

addict.

(a) by reason of his addiction to drugs or intoxicants is either dangerous to himself or others or incapable of managing himself or his affairs or of ordinary proper conduct, or

(b) by reason of his addiction to drugs, intoxicants or perverted conduct is in serious danger of mental disorder;”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

2. In page 11, line 4, to delete the words “for the reception of chronic patients”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

3. In page 11, to delete the definition of chargeable patient and substitute the following definition:—

“the expression ‘chargeable patient’ means a patient who is receiving mental hospital assistance and who (with the persons, if any, liable to maintain him) is unable to provide the whole of the cost of such assistance;”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

4. In page 11, to insert before the definition of the Inspector of Mental Hospitals the following definition:—

“the expression ‘the Dundrum Central Criminal Lunatic Asylum’ means the central criminal lunatic asylum established in pursuance of the Central Criminal Lunatic Asylum (Ireland) Act, 1845;”.

the Dundrum
Central
Criminal
Lunatic
Asylum.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

5. In page 11, to delete the definition of local authority and substitute the following definition:—

“the expression ‘local authority’ means—

(a) a local authority for the purposes of the Local Government Act, 1941 (No. 23 of 1941), or

(b) a sub-committee appointed by a local pensions committee under section 8 of the Old Age Pensions Act, 1908, or

(c) a vocational education committee, or

(d) a committee of agriculture;”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

6. In page 11, to delete lines 46, 47 and 48.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

7. In page 11, line 47, to delete the words “maintenance, or advice” and substitute the words “or maintenance”.—William Norton.

SECTION 3—*continued.*

8. In page 11, line 51, to delete the words “ the expression ‘ person of unsound mind ’ means a lunatic ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

9. In page 12, lines 1 and 2, to delete the words “ carried on wholly or mainly for the care of persons of unsound mind gratuitously or at less than cost ” and substitute the words “ for the care of persons of unsound mind which is supported wholly or in part by voluntary contributions and which is not kept for profit by any private individual ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

10. In page 12, lines 8 and 9, to delete the words “ and in respect of whom the whole of the cost of his or their maintenance is paid ” and substitute the words “ for profit ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

11. In page 12, to insert before the definition of private patient reception order the following definition:—

private
patient.

“ the expression ‘ private patient ’ means a patient other than a chargeable patient; ”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

12. In page 12, to insert before the definition of reception order the following definition:—

public
assistance
district.

“ the expression ‘ public assistance district ’ means a public assistance district under the Public Assistance Act, 1939 (No. 27 of 1939); ”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

13. In page 12, to delete the definition of temporary patient and substitute the following definition:—

“ the expression ‘ temporary patient ’ means a patient either—

(a) who is—

(i) suffering from mental illness, and

(ii) is believed to require, for his recovery, not more than six months suitable treatment, and

(iii) is unfit on account of his mental state for treatment as a voluntary patient, or

(b) who is—

(i) an addict, and

(ii) is believed to require, for his recovery, at least six months preventive and curative treatment; ”.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 5.

14. In sub-section (2), page 13, line 49, to delete the words “ or sister, step-sister or sister-in-law ” and substitute the words “ sister, step-sister or sister-in-law, or guardian or trustee ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

15. In sub-section (2), line 49, after the words “ sister-in-law ” to insert the words “ or uncle, aunt or cousin in the first degree ”.—James Larkin (Junior).

SECTION 6.

16. In line 53, after the word “ being ”, to add the words “ unless it can be shown that he was ordinarily residing elsewhere in the State during the previous two years ”.—Martin O’Sullivan.

SECTION 7.

17. In page 13, line 55, to delete the word “ paying ” and substitute the word “ private ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 11.

18. In sub-section (2), page 14, line 22, to insert before the word "of", where that word occurs secondly, the words "of sub-section (1) and paragraph (b) of sub-section (2)".
Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 12.

19. In sub-section (4), page 14, to delete in line 45 the words "for all purposes".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 13.

20. In sub-section (2), page 14, lines 56 and 57, to delete the words, "while acting under the directions of the Inspector of Mental Hospitals".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 14.

21. In sub-section (3), page 15, to add the following paragraph at the end of the sub-section:—

"(d) the transfer of patients."
—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 18.

22. In paragraph (e), page 17, line 1, to insert before the words "the same" the words "subject to the provisions of this Act".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 19.

23. To insert before section 19 and before Part V a new section as follows:—

"PART IV.

GENERAL DUTY OF MENTAL HOSPITAL AUTHORITY TO PROVIDE TREATMENT, MAINTENANCE, ADVICE AND SERVICES.

19.—Where—

- (a) a person is ordinarily resident in a mental hospital district, and
(b) such person requires, by reason of mental illness, any treatment, maintenance, advice or service, and
(c) such person (with the persons, if any, liable to maintain him) is unable to provide the whole of the cost of such treatment, maintenance, advice or service,

General duty of mental hospital authority to provide treatment, maintenance, advice and services.

the mental hospital authority for such mental hospital district shall, subject to the provisions of this Act, provide such treatment, maintenance, advice or service for such person."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

NOTE.—*Acceptance of this amendment involves the deletion of Part IV of the Bill.*

24. To add the following new sub-section:—

"(2) Where the Minister is of the opinion that a mental hospital authority have failed in any respect to perform their duties under sub-section (1) of this section he may by order require them to remedy their failure within the time and in the manner (if any) specified in the order, and it shall be the duty of the authority to comply with the order."

—James Larkin (Junior).

SECTION 22.

25. In sub-section (1), page 17, line 35, to delete the words "chronic patients" and substitute the words "patients who, not being dangerous to themselves or others, are certified by the resident medical superintendent of such dis-

SECTION 22—*continued.*

trict mental hospital not to require special care and treatment in a fully equipped mental hospital".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

26. In sub-section (2), line 37, to delete the words " if the Minister so directs ".—William Norton.

27. In page 17, to delete sub-section (3).—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 23.

28. In page 17, lines 46 and 47, to delete the words " who are chargeable patients ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 24.

29. In sub-section (1), lines 1 and 2, to delete the words " may, with the consent of the Minister and shall, if the Minister so directs " and substitute the word " shall ".—William Norton.

30. In sub-section (1), page 18, lines 4 and 5, to delete the words " where persons can obtain advice and treatment " and substitute the words " for affording advice and preventive and curative treatment in cases of mental disorder (including cases of suspected or incipient mental disorder) and for the investigation of such cases ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

31. To delete sub-section (2) and substitute the following new sub-section :—

" (2) Where the Minister is of opinion that a mental hospital authority have failed in any respect to perform their duties under sub-section (1) of this section, he may by order require them to remedy their failure within the time and in the manner (if any) specified in the order and it shall be the duty of the authority to comply with the order."

—James Larkin (Junior).

32. In sub-section (3), page 18, line 17, to insert before the word " will " the words " , clinic, dispensary or health centre ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

33. In sub-section (4), page 18, to delete lines 21, 22 and 23 and substitute the words " persons to attend at the consulting room or clinic as private patients and may charge for such attendances fees in accordance with a scale approved of by the Minister ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

34. In sub-section (4) to delete all words after the word " clinic " in line 22 to the end of the sub-section.—James Larkin (Junior).

SECTION 29.

35. In page 18, lines 51 and 52, to delete the words " ground for the burial of chargeable patients dying " and substitute the words " place for the burial of the remains of patients who die ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 30.

36. In page 18 to delete all words in lines 52 and 53 after the word " authority " in line 52, and substitute the words " may with the sanction of the Minister ".—William Norton.

SECTION 33.

37. Before section 33, page 19, to insert a new section as follows:—

“ 33.—A mental hospital authority may, with the consent of the Minister, and shall, if so directed by the Minister, contribute to the capital cost of providing a clinic, dispensary or health centre in which the authority (whether of their own motion or in compliance with a direction of the Minister) propose to arrange under *section 24* of this Act that accommodation will be available as a consulting room or clinic.”

Contributions to cost of providing clinic, dispensary or health centre.

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

38. In line 18, to delete the words “ plan or contract ” and substitute the word “ proposal ” and to delete in line 23 the word “ contract ” and substitute the words “ specification relating to the proposal ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

39. In line 19 to delete the words “ five hundred ” and substitute the words “ two thousand ”.—Richard Corish.

SECTION 34.

40. In page 19, to delete in line 26 the words “ plan or contract ” and substitute the word “ proposal ” and to delete in line 32 the word “ contract ” and substitute the words “ specification relating to the proposal ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

41. In lines 26 and 27 to delete the words “ five hundred ” and substitute the words “ two thousand ”.—Richard Corish.

SECTION 35.

42. In page 19, to delete in line 35 the words “ plan or contract ” and substitute the word “ proposal ” and to delete in line 39 the word “ contract ” and substitute the words “ specification relating to the proposal ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

43. In line 36 to delete the words “ five hundred ” and substitute the words “ one thousand ”.—Richard Corish.

SECTION 37.

44. Before sub-section (1), in page 19, to insert the following new sub-section:—

“ (1) A mental hospital authority may provide and maintain a laboratory for pathological research in connection with mental and nervous diseases ”.

—Martin O’Sullivan.

45. In sub-section (1), lines 53 and 54, to delete the words “ with the consent of the Minister ”.—Martin O’Sullivan.

46. In sub-section (1), page 19, line 54, to insert before the word “ provide ” the words “ and shall, if the Minister so directs, ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

47. In sub-section (1), page 19, line 55, to delete the word “ pathological ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

48. In sub-section (2), page 20, line 1, before the word “ this ” to insert the words “ the next preceding sub-section of ”.—James Larkin (Junior).

49. In page 20, to add at the end of the section a new sub-section as follows:—

“ (3) A joint authority through whom a laboratory is managed under this section on behalf of any mental hospital authorities may permit the services afforded by the laboratory to be avail-

SECTION 37—*continued.*

able for a mental institution not maintained by any of those authorities and may make such charge as they consider reasonable where any service is availed of under such permission.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 38.

50. In line 5, after the word “may” to insert the words “after consultation with mental hospital authorities”.—
Michael J. Keyes.

SECTION 39.

51. In sub-section (3), page 20, line 28, to insert before the word “sub-section” the words “proviso (b) (repealed by this Act) to”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 41.

52. Before section 41, and in Part VI of the Bill, to insert the following new section:—

“The expenses incurred by mental hospital authorities shall be made a national charge.”

—Dominick Cafferky, Michael Donnellan.

53. In sub-section (3), page 21, lines 5 and 6, to delete the words “average daily number of” and substitute the words “net cost of maintenance, determined by the prescribed method, of the”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

54. In sub-section (4), page 21, line 17, to delete the words “average daily number of” and substitute the words “net cost of maintenance, determined by the prescribed method, of the”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 45.

55. In sub-section (1), line 57, after the word “board” to insert the following proviso: “Provided that nothing contained in this section shall require a patient to remit a payment direct to the treasurer”.—Timothy J. Murphy.

SECTION 51.

56. In sub-section (4), page 23, to delete lines 41 to 45 and substitute the words “been given under this section by a mental hospital authority may, not later than fourteen days after the giving of such notice, apply, on notice to such mental hospital authority, to the justice of the District Court having jurisdiction in the district in which the land is situate for an order prohibiting the entry, and, upon”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 58.

57. In page 26, to delete in line 20 the word “payment” and substitute the words “annual payment payable” and to insert the word “annual” before the word “payment” in line 23 and in line 25.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 61.

58. In sub-section (1), page 26, line 51, to insert before the word “who” the words “whose duties relate to the functions of a mental hospital authority under this Act and”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

59. In sub-section (1), page 27, line 8, to insert before the word “who” the words “whose duties relate to the functions of a mental hospital authority under this Act and”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

60. In sub-section (1), page 27, line 18, to delete the word “overtime”.—James Larkin (Junior).

SECTION 61—*continued.*

61. Before sub-section (2) to insert a new sub-section as follows:—

“ A mental hospital authority, when calculating the period of service of an officer or servant, shall take into account any period spent on probation previous to appointment.”

—James P. Pattison.

62. To delete sub-section (4) and substitute the following new sub-section:—

“ (4) For the purpose of this Part of this Act, service rendered before the coming into force of this Part of this Act to a Committee of Management of a mental hospital provided under section 9 of the Local Government (Ireland) Act, 1898, shall be deemed to be service under a mental hospital authority and in case the service or any part thereof was service with a committee to which a joint board are a successor, the service or the said part of the service shall be deemed to be service with the joint board.”

—James Larkin (Junior).

63. In sub-section (4), page 27, line 48, to delete the word “ paid ” and substitute the word “ made ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

64. In page 27, to add at the end of the section a new sub-section as follows:—

“ (5) Where an officer or servant of a mental hospital authority gave service before the commencement of this Part of this Act in respect of which he would have made contributions under the Act of 1909 but for such service having been given while he was regarded as not being an established officer or servant within the meaning of the Act of 1909, such officer or servant may elect to make such contributions after the commencement of this Part of this Act notwithstanding that the Act of 1909 has been repealed and, on so making such contributions, they shall be regarded for the purposes of this Part of this Act as contributions made under the Act of 1909.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 62.

65. To insert at the beginning a new sub-section as follows:—

“ (1) Where a person who, upon the commencement of this Part of this Act, is an officer or servant of a mental hospital authority was, immediately before such commencement, subject, by virtue of section 20 of the Act of 1909, to the provisions of the enactments repealed by the Act of 1909—

(a) this Part of this Act (with the exception of this sub-section) shall not apply to such person, and

(b) such person shall continue to be subject to the said provisions repealed by the Act of 1909.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

66. In page 27, line 55, to insert before the word “ may ” the words “ and who, immediately before such commencement, was not a person subject, by virtue of section 20 of the Act of 1909, to the provisions of the enactments repealed by the Act of 1909 ” and in page 28, line 1, to delete the word “ section ” and substitute the word “ sub-section ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

67. To add at the end of the section a new paragraph as follows:—

“ provided that a person who signifies his intention not to avail of the provisions of this part of this Act shall have his superannuation under the 1909 Act calculated on the average salary for his last three years of service.”

—Thomas F. O'Higgins, James P. Pattison.

SECTION 63.

68. In sub-section (1), page 28, line 11, to delete the word "normal" and substitute the word "usual".—Aire Rialtais Aitiúla agus Sláinte Poiblí, Michael J. Keyes.

69. In page 28, to delete sub-section (3) and substitute the following sub-sections:—

"(3) No name, other than the name of an officer or servant whose employment consists solely of the care or charge of patients, shall be entered in a register maintained under this section save with the consent of the Minister.

(4) No name shall be removed from a register maintained under this section save with the consent of the Minister."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

70. To delete sub-section (3).—Richard Corish.

SECTION 64.

71. In sub-section (1) (c), line 33, page 28, to delete the words "fifty-five" and substitute the word "fifty".—John O'Leary, Dominick Cafferky, Joseph Blowick.

72. At the end of sub-section (1) to add a new paragraph as follows:—

"(d) and has not completed thirty years' service".

—Patrick Burke (Dublin).

73. In sub-section (2) (a) (i), line 40, and in paragraph (a) (ii), line 43, to delete the words "twenty-eightieths" and "two-eightieths" respectively and substitute therefor the words "twenty-sixtieths" and "two-sixtieths".—Dominick Cafferky, Joseph Blowick.

74. In sub-section (2) (a) (i), line 40, to delete the words "twenty-eightieths" and substitute the words "twenty-sixtieths".—Thomas F. O'Higgins, James P. Pattison.

75. In sub-section (2) (a) (ii), line 43, to delete the words "two-eightieths" and substitute the words "two-sixtieths".—James P. Pattison.

76. In sub-section (2) (b) (ii), line 52, to add the word "or", and also the following new paragraph:—

"(c) an allowance, the annual amount of which shall consist of—

(i) twenty-sixtieths of his yearly salary or wages, and

(ii) where he has been in the service of a mental hospital authority for twenty-one or more completed years, two-sixtieths of his yearly salary or wages in respect of each of the twenty-first and the subsequent (if any) of such completed years, subject to a maximum allowance not exceeding two-thirds of such yearly salary or wages."

—James P. Pattison.

SECTION 65.

77. In sub-section (1), page 29, to delete paragraph (c) and substitute the following paragraph:—

"(c) who either—

(i) has been in the service of a mental hospital authority for less than twenty years, or

(ii) is less than fifty-five years of age."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

78. In sub-section (1) (c), line 5, to delete the words "fifty-five" and substitute the word "fifty".—John O'Leary.

SECTION 65—*continued.*

79. In sub-section (2) (a) (i), line 17, to delete the words "one-eightieth" and substitute the words "one-sixtieth".—Thomas F. O'Higgins, James P. Pattison, Dominick Cafferky, Joseph Blowick.
80. In sub-section (2) (a) (i), line 17, to delete the words "one-eightieth" and substitute the words "two-eightieths".—James Larkin (Junior).
81. In sub-section (2) (a) to delete paragraph (ii), lines 20 to 22.—James Larkin (Junior).
82. In sub-section (2) (a) (ii), line 22, to delete the word "and" and substitute the word "or" and insert a new paragraph as follows:—
- " (iii) an allowance during life, the annual amount of which shall consist of one-sixtieth of his yearly salary or wages, subject to a maximum allowance not exceeding two-thirds of his yearly salary or wages; and "
- James P. Pattison.
83. In sub-section (2) (b) (i) (I), line 27, page 29, to delete the words "twenty-eightieths" and substitute the words "twenty-sixtieths".—Thomas F. O'Higgins, James P. Pattison, Dominick Cafferky, Joseph Blowick.
84. In sub-section (2) (b) (i), line 31, to delete the words "two-eightieths" and substitute therefor the words "two sixtieths".—Dominick Cafferky, Joseph Blowick.
85. In sub-section (2) (b) (ii), at the end of line 43, to add the word "or" and also a new sub-paragraph as follows:—
- " (iii) an allowance during life, the annual amount of which shall consist of twenty-sixtieths of his yearly salary or wages, and where he has been in the service of a mental hospital authority for twenty-one or more completed years, two-sixtieths of his yearly salary or wages in respect of each of the twenty-first and the subsequent (if any) of his completed years."
- James Everett.

SECTION 66.

86. In sub-section (1), page 29, to delete in line 49 the words "twenty-five" and substitute the word "twenty" and to delete in line 50 the words "sixty-five" and substitute the word "sixty".—Aire Rialtais Aitiúla agus Sláinte Poiblí.
87. In sub-section (1) (b), line 49, to delete the words "twenty-five" and substitute the word "twenty", and in line 50, paragraph (c), to delete the words "sixty-five" and substitute the word "sixty".—John O'Leary.
88. In sub-section (1), page 29, line 50, to delete the words "sixty-five" and substitute the word "sixty".—Richard Corish.
89. In sub-section (2) to delete paragraph (a), lines 55-58, and substitute the following:—
- " (a) an allowance during life, the annual amount of which shall consist of—
- (i) twenty-five eightieths of his yearly salary or wages, and
- (ii) where he has been in the service of a mental hospital authority for twenty-five or more completed years

SECTION 66—*continued.*

two-eightieths of his yearly salary or wages in respect of each of the twenty-fifth and the subsequent (if any) of such completed years, and”.

—James Larkin (Junior).

90. In sub-section (2) (a), line 56, to delete the words “one-eightieth” and substitute the words “one-sixtieth”.—Dominick Cafferky, Joseph Blowick.

91. In sub-section (2) (b), page 30, line 3, to delete the fullstop and add the following words:—

“or, an allowance during life the annual amount of which shall consist of one-fiftieth of his yearly salary or wages in respect of each completed year of service”.

—Daniel Spring.

SECTION 67.

92. In sub-section (1), to delete paragraph (c) and substitute the following paragraph:—

“ (c) who either—

(i) has been in service of a mental hospital authority for less than twenty years, or

(ii) is less than sixty years of age.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

93. In sub-section (1) (c), line 11, to delete the words “twenty-five” and substitute the word “twenty” and in line 12, to delete the words “sixty-five” and substitute the word “sixty”.—John O’Leary.

94. In sub-section (2) (a), line 22, to delete the words “one-eightieth” and substitute “two-eightieths”.—James Larkin (Junior).

95. In sub-section (2) (a), line 22, to delete the words “one-eightieth” and substitute the words “one-sixtieth”.—Dominick Cafferky, Joseph Blowick.

96. In sub-section (2) to delete paragraph (b).—James Larkin (Junior).

97. At the end of sub-section (2) to add a new paragraph as follows:—

“ (c) or an allowance during life, the annual amount of which shall consist of one-fiftieth of his yearly salary or wages in respect of each of his completed years of service”.

—James Everett.

SECTION 68.

98. In line 31, to delete the word “which” and substitute the word “whom”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

99. In lines 33-34 to delete the words “may, in their discretion” and substitute the word “shall”.—Martin O’Sullivan, Patrick Burke (Dublin).

100. At the end of the section to add the following new sub-section:—

“ () Where an officer or servant of a mental hospital authority who has ceased to be in the service of such mental hospital authority and is in receipt of an annual allowance under this Part of this Act, dies within a period of five years after ceasing to be in the service of such mental hospital authority, the widow (if any) of such officer or servant shall upon such death be entitled to receive a lump sum payment equal to twice the amount of the said annual allowance.”

—Timothy J. Murphy.

SECTION 69.

101. In sub-section (1), lines 53 and 54, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.

102. In sub-section (3) (a), line 13, page 31, after the word "illness" to insert the words and brackets "(including tuberculosis)".—James P. Pattison.

103. In sub-section (3), page 31, lines 13 and 14, to delete the words "discharge of his duties" and substitute the words "service of such authority".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

104. In sub-section (3), line 21, page 31, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.

105. Before sub-section (4), in page 31, to insert the following new sub-section:—

"(4) For the purpose of this Act it shall be assumed that every person whose name is registered in the register maintained under this Part of this Act was in a condition of good health at the time of such registration."

—James Larkin (Junior).

106. To delete sub-section (4).—James Larkin (Junior).

107. In sub-section (4), line 29, after the word "service" to add the words "and in the case of an officer or servant having contracted tuberculosis in the discharge of his duties the allowance and lump sum granted shall be calculated on the basis of twenty-five completed years of service".—James P. Pattison.

108. To add at the end of the section a new sub-section as follows:—

"(5) The superannuation of an officer or servant certified as incapacitated by tuberculosis and who has over five but not less than ten years' service, shall be calculated as if he had twenty-five years' service, and in the case of an officer or servant having not less than ten years' service, shall be calculated at the maximum rate."

—Eamonn O'Neill.

SECTION 70.

109. Before section 70 to insert a new section as follows:—

"70.—(1) A mental hospital authority shall, with the consent of the Minister, grant to any officer or servant in their service, who has been in the service of a mental hospital authority for not less than ten years and—

- (a) who is removed from his office or employment for a cause other than misconduct or incapacity, or
- (b) whose office or employment is abolished, or
- (c) whose position has, in the opinion of the Minister, been materially altered to his detriment owing to changes in his conditions of service made without reasonable cause, and who resigns his office or employment with the consent of the Minister,

such annual allowance and lump sum as in all the circumstances of the case they consider proper.

(2) Where an officer or servant of a mental hospital authority becomes entitled to be granted an allowance and lump sum under this section, and he would, but for this sub-section, also be entitled to an allowance and lump sum granted pursuant to *section 64* or *section 66* of this Act, such officer or servant shall not be entitled to the latter allowance and lump sum, but, without prejudice to *section 71* of this Act, the allowance and lump sum which are

Pension, etc.,
in certain
special cases.

SECTION 70—*continued.*

granted to him under this section shall not be less respectively than the allowance and lump sum which he would have been granted under the said *section 64* or the said *section 66* (as the case may be) but for this sub-section."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 71.

110. In sub-section (1), lines 56 and 57, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.

111. In sub-section (3), page 32, line 15, to delete the words "discharge of his duties" and substitute the words "service of such authority".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

112. In sub-section (3), line 23, page 32, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.

SECTION 72.

113. In sub-section (1) (*b*), line 45, before the word "refuses" to insert the word "unreasonably".—Richard Corish.

114. In sub-section (1) (*c*), lines 53 and 54, to delete the words "certificate of the medical practitioners" and substitute the words "cancellation thereof".—Martin O'Sullivan.

115. In sub-section (1) (*c*), to delete all words after the word "practitioners" in line 54 to the end of the paragraph and substitute the words: "Provided, however, that the authority shall not cancel the allowance before offering to him a position in their service of a kind and at a rate of salary or wages at least equal to that enjoyed by him when formerly in their service".—Martin O'Sullivan.

116. In sub-section (1) (*c*), line 55, to delete the words "may, in their discretion" and substitute the word "shall".—Patrick Burke (Dublin), James Everett.

117. In sub-section (2), paragraph (*a*), line 5, page 33, to delete the words "fifty-five" and substitute the word "fifty".—John O'Leary.

118. In sub-section (2), page 33, line 7, to delete the words "sixty-five" and substitute the word "sixty".—Aire Rialtais Aitiúla agus Sláinte Poiblí, John O'Leary.

SECTION 73.

119. In sub-section (1), lines 20 and 21, to delete the words "and was directly attributable to the nature of his duties".—Daniel Spring.

120. At the end of sub-section (1), line 26, to add the words "but such allowance shall not be less than one-third of the superannuation allowance or 15/- whichever is greater".—Eamonn O'Neill.

121. In sub-section (3), page 33, lines 37 and 38, to delete the words "discharge of his duties" and substitute the words "service of such authority".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

122. In sub-section (3), lines 37-38, to delete the words "in the discharge of his duties".—Patrick Burke (Dublin), Timothy J. Murphy.

123. In sub-section (3), lines 40 and 41, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.

SECTION 74.

124. In sub-section (1), lines 53 and 54, to delete the words "and was directly attributable to the nature of his duties".—Daniel Spring.
125. In sub-section (1), line 54, after the word "widower" to insert the words "or widow".—James Larkin (Junior).
126. In sub-section (3), page 34, line 11, to delete the words "discharge of his duties" and substitute the words "service of such authority".—Aire Rialtais Aitiúla agus Sláinte Poiblí.
127. In sub-section (3), page 34, lines 10-11, to delete the words "in the discharge of his duties".—Patrick Burke (Dublin).
128. In sub-section (3), line 11, page 34, after the word "widower" to insert the words "or widow".—James Larkin (Junior).
129. In sub-section (3), page 34, line 13, and in sub-section (6), line 30, to delete the word "sixteen" and substitute the word "eighteen".—Eamonn O'Neill.
130. In sub-section (3), line 15, to delete the words "may in their discretion" and substitute the word "shall".—James Everett.
131. At the end of sub-section (3), line 18, to add the words "but such allowance shall not be less than 7/6 per week up to the age of eighteen years".—Eamonn O'Neill.
132. In sub-section (6), to add at the end, line 30, the following words: "or where the child is continuing its education on the attainment of the age of nineteen years".—Dominick Cafferky, Joseph Blowick.

SECTION 75.

133. To delete sub-section (1) (a) and substitute the following paragraph:—
" (a) an allowance under this Part of this Act shall not exceed two-thirds of the yearly salary or wages of the officer or servant in question".
—Dominick Cafferky, Joseph Blowick.
134. In sub-section (1) (a), to delete sub-paragraphs (i) and (ii) and substitute:—
" (i) in the case of an allowance under *section 73* of this Act, one-half of the yearly salary or wages of the officer or servant in question,
 (ii) in any other case, two-thirds of such yearly salary or wages."
—Timothy J. Murphy.
135. In sub-section (1) (a) (i), line 35, to delete the words "one-third" and to insert the words "two-thirds".—James Everett.
136. In sub-section (1) (a) (i), line 35, to delete the words "one-third" and substitute the words "one-half".—Thomas F. O'Higgins.
137. In sub-section (1), paragraph (a), to delete sub-paragraph (ii) and to delete paragraph (b) and substitute:—
" (ii) in any other case, such lump sum or annual allowance shall not be payable in respect of any service subsequent to the thirty-fifth year of such service;
 (b) any officer or servant on retiring shall have the option of claiming an annual allowance of one-fiftieth of his

SECTION 75—*continued.*

salary for each completed year of service or, alternatively, a lump sum and annual allowance calculated in accordance with the provisions of this Act."

—Oliver J. Flanagan.

138. To delete sub-paragraph (a) (ii) and paragraph (b) of sub-section (1), lines 37 to 41, and substitute the following three new sub-sections:—

"(2) For the purposes of this Part of this Act all registered officers and servants of a mental hospital authority who have completed thirty years of service shall be entitled to resign.

(3) In no case shall any registered officer or servant be allowed to continue in the service of a mental hospital authority for more than forty years. The ceiling with regard to lump sum payable and annual allowance shall come into operation after thirty-five years' service.

(4) Any officer or servant who is about to retire shall be given the option of claiming an annual allowance based on one-fiftieth of his, or her, annual salary or wages for each completed year of service instead of the lump sum payment and annual allowance to which he, or she, is entitled."

—Patrick Burke (Dublin).

139. In sub-section (1) to delete sub-paragraph (ii), lines 37 and 38, and substitute the following:—

"(ii) in any other case, one half of such salary or wages where the person to whom, or in respect of whom, the allowance is payable has not more than twenty-five years' service, and

(iii) sixty per cent. of such salary or wages where the person to whom, or in respect of whom, the allowance is payable has more than twenty-five years' service."

—James Larkin (Junior).

140. In sub-section (1) (a) (ii), line 37, to delete the words "one half" and substitute the words "two-thirds".—Thomas F. O'Higgins, James Everett.

SECTION 78.

141. In sub-section (5), page 35, line 47, to add after the word "Act" the words "in accordance with this section".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 81.

142. In sub-section (1), page 36, line 33, to delete the word "and" and substitute the word "or".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

143. To delete sub-section (2) and substitute the following new sub-section:—

"(2) Every deduction from salary or wages authorised by this section shall be made at the time that salary or wages covering the period in respect of which such deduction is authorised is or are being paid and at no other time"

—Timothy J. Murphy.

144. In sub-section (3), page 36, lines 45 and 46, to delete the words "before the commencement of this Part of this Act".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 82.

145. In page 36, to delete sub-section (1) and substitute the following sub-sections:—

"(1) Where—

(a) an officer or servant of a mental hospital authority loses

SECTION 82—*continued.*

his office or employment by any cause other than misconduct or voluntary resignation, and

- (b) he has been in the service of a mental hospital authority for less than ten years,

the mental hospital authority in whose service he was immediately before he lost his office or employment shall, save where such authority make a grant to him under *section 69* of this Act, pay (subject to the proviso to sub-section (1) of *section 31* of the Finance Act, 1922) to him the aggregate amount of his contributions under this Part of this Act.

(2) Where an officer or servant of a mental hospital authority resigns voluntarily from their service and is not thereupon entitled to an allowance under this Part of this Act, the authority may, in their discretion, pay (subject to the proviso to sub-section (1) of *section 31* of the Finance Act, 1922) to him a sum equal to the whole or part of the aggregate amount of his contributions under this Part of this Act."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

146. In sub-section (1), page 36, line 52, to delete the words " or voluntary resignation ".—Martin O'Sullivan.

147. In sub-section (1), line 56, after the word " Act " to add the following proviso:—

" Provided that nothing contained in this sub-section shall operate so as to deprive a female officer or servant of a mental hospital authority of the benefits or advantages of sub-section (2) of this section."

—James Larkin (Junior).

148. In page 36, to insert before sub-section (2) a new sub-section as follows:—

" (2) Where an officer or servant of a mental hospital authority dies while in their service and such officer or servant had been in the service of a mental hospital authority for less than five years, the mental hospital authority in the service of whom he died (whether such authority have or have not made a grant in relation to him under *section 73* or *74* of this Act) may, in their discretion, pay (subject to the proviso to sub-section (1) of *section 31* of the Finance Act, 1922) to his legal personal representative the aggregate amount of the contributions of such officer or servant under this Part of this Act."

—Aire Rialtais agus Sláinte Poiblí.

149. In sub-section (2), page 37, to delete all words after the word " period " in line 1 and substitute the words " such authority shall pay to her the aggregate amount of her contributions under this Part of this Act together with three per cent. thereon calculated at simple interest ".—Michael J. Keyes.

150. In sub-section (2), page 37, to delete all words after the word " authority " in line 2, and substitute: " shall pay to her the aggregate amount of her contributions under this Part of this Act and, in addition, shall pay to her the equivalent of one month's salary and emoluments based on her average earnings for the previous twelve months in respect of each completed year of service ".—Timothy J. Murphy.

151. In sub-section (2), line 2, page 37, to delete the words " may in their discretion " and substitute the word " shall ", and after the word " Act " in line 5, to add the words: " together with a lump sum equivalent to one month's salary and emoluments for each year of service completed ".—James P. Pattison.

SECTION 82—*continued.*

152. In sub-section (2), page 37, line 2, to delete the words "may, in their discretion" and substitute the word "shall".—Patrick Burke (Dublin), Dominick Cafferky, Joseph Blowick.

153. In sub-section (2), page 37, at the end of the sub-section, line 5, to add the words "and in addition one month's pay for every completed year of service".—Thomas F. O'Higgins.

SECTION 83.

154. In sub-section (1), line 19, after the words "section" to insert the words "and in section 88".—William Norton.

SECTION 85.

155. In sub-section (3), page 39, line 33, to delete the words "pursuance of sub-section (1) of" and substitute the words "accordance with".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

156. In page 39, to delete sub-section (4) and substitute the following sub-section:—

"(4) Where any payment is made by a mental hospital authority to any person in accordance with this section, the Minister for Finance may make such contribution to the payment as he considers reasonable out of moneys provided by the Oireachtas and shall pay the contribution to such authority."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 89.

157. Before section 89, but in Part VIII, to insert a new section as follows:—

Age limit.

"89.—(1) The Minister may by regulations declare any specified age to be the age limit for all officers of mental hospital authorities, for such officers of mental hospital authorities as belong to a specified class, description or grade or for one or more than one specified officer of a mental hospital authority.

(2) The Minister may by regulations declare any specified age to be the age limit for all servants of mental hospital authorities, for such servants of mental hospital authorities as belong to a specified class, description or grade or for one or more than one specified servant of a mental hospital authority.

(3) A declaration under this section shall come into force six months after the day on which it is made.

(4) If, on the day when a declaration under this section comes into force, an officer or servant to whom the declaration applies reaches or is older than the age specified in the declaration as the age limit applicable to him, he shall cease to hold office or employment on the said day when the declaration comes into force.

(5) If, on a day after the day when a declaration under this section comes into force, an officer or servant to whom the declaration applies reaches the age specified in the declaration as the age limit applicable to him, he shall cease to hold office or employment on the said day after the day on which the declaration comes into force."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

158. In page 41, to delete sub-section (2) and substitute the following sub-section:—

"(2) Where, in addition to their district mental hospital, a mental hospital authority maintain any other institution, the resident medical superintendent of their district mental hospital

SECTION 89—*continued.*

shall exercise such control over the other institution as the mental hospital authority, with the consent of the Minister, may determine.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 90.

159. In page 41, to delete sub-section (2) and substitute the following sub-section:—

“ (2) The acts of a committee appointed under this section shall be subject to confirmation by the mental hospital authority appointing the committee, save that the mental hospital authority may, with the sanction of the Minister, empower the committee to do any act (including the institution of legal proceedings) within the authority conferred on the committee by the mental hospital authority which the mental hospital authority themselves could lawfully do.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

160. In page 41, to delete sub-section (5) and substitute the following sub-section:—

“ (5) The provisions of sub-section (2) of section 18 of the County Management Act, 1940 (No. 12 of 1940), shall apply in relation to the power to delegate conferred on a mental hospital authority by sub-section (1) of this section.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 91.

161. In sub-section (1), page 41, line 48, after the word “ committee ” to insert the words and brackets “ (in this Part of this Act referred to as the visiting committee) ”.—Michael J. Keyes.

162. In sub-section (3), page 42, line 14, to delete the word “ inmate ” and substitute the word “ patient ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

163. To delete sub-section (4), page 42.—James Larkin (Junior).

164. In sub-section (7), line 43, to delete the words “ The Minister ” and substitute the words “ The mental hospital committee ”.—James Larkin (Junior).

165. To delete sub-section (8) and substitute the following new sub-section:—

“ Where a mental hospital authority has made rules under the preceding sub-section of this section, such rules shall not apply or have effect until they have been confirmed by the Minister, but having been so confirmed the visiting committee of a district mental hospital shall comply with and observe such rules for the time being in force so far as such rules apply to such committee.”

—James Larkin (Junior).

SECTION 92.

166. In sub-section (3), page 43, line 25, to delete the word “ inmate ” and substitute the word “ patient ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

167. To delete sub-section (4).—James Larkin (Junior).

168. In sub-section (7), line 53, to delete the words “ The Minister ” and substitute the words “ The mental hospital committee ”.—James Larkin (Junior).

169. In sub-section (8), page 44, line 2, to delete the words “ by the Minister ”.—James Larkin (Junior).

SECTION 94.

170. In sub-section (2), page 45, to delete in lines 6 and 7 the words “ resident medical superintendent of their district

SECTION 94—*continued.*

mental hospital ” and substitute the words “ chief clerk to the joint board ”, and to delete in line 13 the words “ resident medical superintendent ” and substitute the words “ chief clerk ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 96.

171. In sub-section (1), page 45, lines 19 and 20, to delete the words “ the chargeable patients in the mental hospital district of the authority ” and substitute the words “ their chargeable patients ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 97.

172. In page 45, lines 33, 34 and 35, to delete the words “ a temporary or voluntary patient in an approved institution, of any chargeable patient in the mental hospital district of the authority ” and substitute the words “ temporary patients or voluntary patients in an approved institution, of any of their chargeable patients ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 100.

173. In sub-section (1), line 3, to delete the words “ The Minister may make regulations ” and substitute the words “ A mental hospital authority may make regulations, subject to confirmation by the Minister ”.—Richard Corish.

174. In sub-section (1), page 46, line 3, to insert before the word “ make ” the words “ , if he so thinks fit, ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

175. In page 46, to delete sub-section (2) and substitute the following sub-section :—

“ (2) Where regulations made under this section are for the time being in force, all contracts made by a mental hospital authority shall be entered into and made in accordance with such regulations and, if any such contract is not so entered into or is not so made, it shall, if the Minister so directs, be wholly void and shall, unless or until the Minister gives such direction, be voidable at the option of any party thereto.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 102.

176. In sub-section (1), page 46, lines 33 and 34, to delete the words “ in receipt of mental hospital assistance from ” and substitute the words “ being maintained as a chargeable patient in the mental hospital district of ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

177. In sub-section (2), page 46, lines 35, 36 and 37, to delete the words “ a chargeable patient dies while in receipt of mental hospital assistance outside the mental hospital district of the relevant mental hospital authority ” and substitute the words “ being maintained as a chargeable patient outside the mental hospital district of the mental hospital authority responsible for such maintenance dies, ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 104.

178. To delete the word “ paying ” in page 47, lines 20, 22, 45, 50 and 51, 58 and 61 and page 48, line 4, and substitute in each case the word “ private ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 104—*continued.*

179. In sub-section (4), before paragraph (b), to insert the following new paragraph:—

“(b) shall prescribe the accommodation (including sleeping accommodation) food and other services and the attendance to which the persons admitted as paying patients shall be entitled”.

—James Larkin (Junior).

SECTION 105.

180. In line 10, after the word “Minister” to insert the words “after consultation with mental hospital authorities”.—
Michael J. Keyes.

SECTION 107.

181. In sub-section (2), line 34, after the word “institution” to insert the words “and the number of qualified and the number of unqualified persons having the care or charge of patients in the normal course of their employment”.—
James Larkin (Junior).

SECTION 114.

182. In paragraph (d), line 22, to delete the word “staff”.—
James Larkin (Junior).

183. Before paragraph (e), line 25, to insert the following two new paragraphs:—

“(e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution will not receive adequate and proper food, care and attention;

(f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind.”

—James Larkin (Junior).

SECTION 115.

184. Before paragraph (e) to insert the following two new paragraphs:—

“(e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution did not receive adequate and proper food, care and attention;

(f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind.”

—James Larkin (Junior).

185. Before paragraph (e) to insert the following three new paragraphs:—

“(e) that the Minister is satisfied that the food provided for the staff and for the patients has been inadequate or unsuitable;

SECTION 115—*continued.*

- (f) that the Minister is satisfied that the conditions of service for the staff are not reasonably satisfactory;
- (g) that the Minister is satisfied that the staff is inadequate or not properly qualified for the performance of the duties assigned to them."

—James Larkin (Junior).

SECTION 116.

186. Before paragraph (e) to insert the following two new paragraphs:—

- " (e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution did not receive adequate and proper food, care and attention;
- (f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind."

—James Larkin (Junior).

187. Before paragraph (e) to insert the following three new paragraphs:—

- " (e) that the Minister is satisfied that the food provided for the staff and for the patients has been inadequate or unsuitable;
- (f) that the Minister is satisfied that the conditions of service for the staff are not reasonably satisfactory;
- (g) that the Minister is satisfied that the staff is inadequate or not properly qualified for the performance of the duties assigned to them."

—James Larkin (Junior).

SECTION 117.

188. To add at the end of the section the words " and it shall be lawful to carry on the institution during that period for the purposes of effecting such discharge, removal, and transfer ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 118.

189. In page 51, to add at the end of the section the words " or the Minister consents to his being a member of the governing body ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 121.

190. In line 2, page 52, after the word " made " to insert the words " at a cost exceeding one hundred pounds ".—Thomas F. O'Higgins.

SECTION 122.

191. In page 32, line 13, to delete the words " interested person " and substitute the words " person authorised by the Minister to inspect such copy ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 124.

192. In sub-section (1), line 19, after the words " medical practitioners " to insert the words " not being a relative of any person or persons of unsound mind in such private institutions ".—Timothy J. Murphy.

SECTION 124—*continued.*

193. At the end of sub-section (2) to add after the word " pounds " the words " and in the case of a continuing offence to a further fine not exceeding five pounds in respect of each day on which the offence is continued ".—William Norton.

SECTION 125.

194. In sub-section (1), line 35, after the words " medical practitioner " to insert the words " not being a relative of such person ".—Timothy J. Murphy.

195. In sub-section (3), lines 43 and 44, after the words " health of " to insert the words " and the food, accommodation, care and attention being received by ".—James Larkin (Junior).

SECTION 127.

196. In sub-section (1) (b), line 11, after the words " medical staffs " to insert the words " and nursing staffs ".—James Larkin (Junior).

197. In sub-section (1), before paragraph (c), to insert the following new paragraph:—

" (c) prescribing the minimum rate of salaries, the emoluments and the maximum hours of duty for the medical and nursing staffs in such institutions."

—James Larkin (Junior).

SECTION 129.

198. In sub-section (2), line 44, to insert after the word " institution " the following words: " and the number of qualified and the number of unqualified persons having the care or charge of patients in the normal course of their employment ".—James Larkin (Junior).

SECTION 136.

199. In paragraph (d), line 37, to delete the word " staff ".—James Larkin (Junior).

200. Before paragraph (e) to insert the following two new paragraphs:—

" (e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution will not receive adequate and proper food, care and attention;

(f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind."

—James Larkin (Junior).

SECTION 137.

201. In paragraph (d), line 6, page 56, to delete the word " staff ".—James Larkin (Junior).

202. Before paragraph (e), in page 56, to insert the following two new paragraphs:—

" (e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution did not receive adequate and proper food, care and attention;

(f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of

SECTION 137—*continued.*

persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind.”

—James Larkin (Junior).

203. Before paragraph (e), in page 56, to insert the following three new paragraphs:—

“(e) that the Minister is satisfied that the food provided for the staff and for the patients has been inadequate or unsuitable;

(f) that the Minister is satisfied that the conditions of service for the staff are not reasonably satisfactory;

(g) that the Minister is satisfied that the staff is inadequate or not properly qualified for the performance of the duties assigned to them.”

—William Norton.

SECTION 138.

204. In paragraph (d), line 34, to delete the word “staff”.—
James Larkin (Junior).

205. Before paragraph (e), to insert the following two new paragraphs:—

“(e) that the Minister is satisfied that the person or persons of unsound mind to be taken care of in the institution did not receive adequate and proper food, care and attention;

(f) that the Minister is satisfied (i) that the staff of the institution is not sufficiently qualified to have charge of persons of unsound mind, (ii) that the staff is insufficient in numbers or qualifications properly to care for and have charge of the number of persons of unsound mind which the institution proposes to admit, (iii) that the conditions of service for the staff are not satisfactory or are not of such character as to ensure the employment of properly qualified persons to care for or have charge of persons of unsound mind.”

—James Larkin (Junior).

206. Before paragraph (e) to insert the following three new paragraphs:—

“(e) that the Minister is satisfied that the food provided for the staff and for the patients has been inadequate or unsuitable;

(f) that the Minister is satisfied that the conditions of service for the staff are not reasonably satisfactory;

(g) that the Minister is satisfied that the staff is inadequate or not properly qualified for the performance of the duties assigned to them.”

—William Norton.

SECTION 139.

207. To add at the end of the section the words “and it shall be lawful to carry on the institution during that period for the purposes of effecting such discharge, removal and transfer”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 140.

208. In page 57, to add at the end of the section the words “or the Minister consents to his being a member of the governing body”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 143.

209. In line 23, page 57, after the word "made" to insert the words "at a cost exceeding one hundred pounds".—Thomas F. O'Higgins.

SECTION 144.

210. In page 57, line 35, to delete the words "interested person" and substitute the words "person authorised by the Minister to inspect such copy".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 146.

211. In sub-section (1), line 41, before the word "of" to insert the words "not being relatives of persons in charge of or of patients in".—Timothy J. Murphy.

SECTION 148.

212. In sub-section (1), paragraph (b), line 8, after the word "staffs" to insert the words "and nursing staffs".—James Larkin (Junior).

213. In sub-section (1), before paragraph (c), to insert the following new paragraph:—

"(c) prescribing the minimum rate of salaries, the emoluments and the maximum hours of duty for the medical and nursing staffs in such institutions."

—James Larkin (Junior).

SECTION 151.

214. In sub-section (1), before paragraph (e), to insert the following new paragraph:—

"(e) that the nursing staff are not qualified or that they are insufficient or that the conditions of service for the staff are unsatisfactory, or"

—James Larkin (Junior).

SECTION 152.

215. In page 59, to add at the end of sub-section (3) the words "and it shall be lawful to carry on such institution during that period for the purpose of effecting such discharge, removal and transfer".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 156.

216. In sub-section (1), before paragraph (c), to insert the following new paragraph:—

"(c) prescribing the nursing staffs to be employed in approved institutions and the minimum rates of salaries and emoluments and the maximum hours off duty for such nursing staffs."

—James Larkin (Junior).

SECTION 158.

217. In sub-section (2), page 61, to insert the word "or" at the end of line 10.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 159.

218. In sub-section (1), page 61, line 29, to delete the words "twenty-four" and substitute the word "six".—Martin O'Sullivan.

219. In sub-section (1), page 61, line 36, to delete the word "is" and substitute the words "will, if received, be".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

220. Before sub-section (2), page 61, to insert the following new sub-section:—

"(2) When the authorised medical officer is satisfied that he

SECTION 159—*continued.*

cannot reasonably comply with the provisions of the next preceding sub-section of this section, the following provisions shall have effect—

- (a) such authorised medical officer shall immediately arrange with the nearest available of the medical officers of dispensary districts who is not disqualified in relation to the person to whom the application relates to visit and examine such person, and
- (b) the medical officer last mentioned, after such examination shall either—
 - (i) if he is satisfied that it is proper to make the recommendation and is of opinion that the person to whom the application relates is a chargeable patient, make the application in the prescribed form, or
 - (ii) in any other case, refuse the application.”

—Martin O’Sullivan.

221. In sub-section (2), page 61, line 47, to insert before the word “ is ” the words “ is of unsound mind, ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

222. In sub-section (2), page 61, line 49, to delete the word “ three ” and substitute the word “ six ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 161.

223. Before sub-section (4) to insert the following new sub-section:—

“ (4) Where a recommendation for reception has been made under the preceding sub-section of this section and a relative of the person so recommended for reception is not satisfied that such recommendation should have been made, such relative may by notice to the authorised medical officer have such person further examined by another medical practitioner (selected by such relative) and if upon examination the last-mentioned medical practitioner certifies that the person in respect of whom the recommendation was made is not in his opinion of unsound mind, then such person shall be examined by the resident medical superintendent of the district mental hospital and if the said resident medical superintendent shall certify that such person is of unsound mind, the person aforesaid shall forthwith be admitted to the district mental hospital.”

—James Larkin (Junior).

SECTION 162.

224. Before sub-section (4). in page 63 to insert the following new sub-section:—

“ (4) Where a recommendation for reception has been made under the preceding sub-section of this section and a relative of the person so recommended for reception is not satisfied that such recommendation should have been made, such relative may by notice to the authorised medical officer have such person further examined by another medical practitioner (selected by such relative) and if upon examination the last-mentioned medical practitioner certifies that the person in respect of whom the recommendation was made is not in his opinion of unsound mind, then such person shall be examined by the resident medical superintendent of the district mental hospital and if the said resident medical superintendent shall certify that such person is of unsound mind the person aforesaid shall forthwith be admitted to the district mental hospital.”

—James Larkin (Junior).

SECTION 163.

225. In sub-section (1), page 63, line 11, to insert before the word “ may ” the words “ or, in the case of a recommen-

SECTION 163—*continued.*

dition for reception made under *section 161* of this Act, any member of the *Gárda Síochána* ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 165.

226. In paragraph (*a*), line 44, to delete the words “ may, in his discretion ” and substitute the word “ shall ”.—Michael J. Keyes.

227. To delete paragraph (*b*).—Michael J. Keyes.

SECTION 166.

228. To delete sub-sections (1) and (2) and substitute the following sub-section:—

“ (1) The appropriate assistance officer shall defray the reasonable expenses of the conveyance of the person to whom a recommendation for reception relates to the district mental hospital mentioned in the recommendation save where such person is conveyed thereto by a member of the *Gárda Síochána* ”.
—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 167.

229. In sub-section (1), page 64, line 19, to insert before the word “ forthwith ” the words “ and is a proper person to be taken charge of and detained under care and treatment ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 170.

230. In sub-section (3), page 65, line 19, to delete the word “ he ” and substitute the words, “ and if the Minister so directs, such person ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 171.

231. In paragraph (*a*), page 65, line 42, to delete the words “ mental hospital authority for the mental hospital ” and substitute the words “ public assistance authority for the public assistance ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

232. To add to the section a new sub-section as follows:—

“ (2) Expenses repaid under this section by a public assistance authority shall be recoverable under the Public Assistance Act, 1939 (No. 27 of 1939), by such authority as if the expenses represented the cost of public assistance within the meaning of that Act given by such authority to the person removed.”
—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 172.

233. In page 66, lines 8 and 9, to delete the words “ of such district mental hospital ” and substitute the words “ and the dispensary district in which he is for the time being.”—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 173.

234. In sub-section (2), page 66, line 20, to delete the word “ paying ” and substitute the word “ private ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 174.

235. In sub-section (2), page 67, line 5, to insert before the words “ or partner ” the words “ guardian or trustee,”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

236. In sub-section (2), page 67, line 14, to delete the word “ three ” and substitute the word “ six ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 175.

237. In sub-section (1), page 67, line 38, to delete the words " or the " and substitute the words " guardian or trustee, or ".
—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 177.

238. In sub-section (1), page 68, line 5, to delete the word " appropriate ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 178.

239. In sub-section (2), page 68, line 45, to delete the word " he " and substitute the words " , if the Minister so directs, such person ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 180.

240. In sub-section (2), page 69, to insert the word " or " at the end of line 31 and at the end of line 34.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

241. In page 69, to delete sub-section (4) and substitute the following sub-section :—

" (4) An application under this section shall be accompanied by a certificate in the prescribed form of the authorised medical officer certifying that he has examined the person to whom the application relates on a specified date not earlier than seven days before the date of the application and is of opinion either—

(a) that such person—

(i) is suffering from mental illness, and

(ii) requires, for his recovery, not more than six months suitable treatment, and

(iii) is unfit on account of his mental state for treatment as a voluntary patient, or

(b) that such person—

(i) is an addict, and

(ii) requires, for his recovery, at least six months preventive and curative treatment."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

242. In sub-section (4), page 69, line 47, to delete the words " certifying that such officer " and substitute the words " or registered medical practitioner certifying that such authorised medical officer or registered medical practitioner ".—Martin O'Sullivan.

SECTION 181.

243. In sub-section (1), page 70, to delete the word " paying " in line 3 and in line 7 and substitute in each case the word " private ".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

244. In page 70, to delete sub-section (4) and substitute the following sub-section :—

" (4) An application under this section shall be accompanied by a certificate in the prescribed form signed by two registered medical practitioners certifying that each of them has examined separately the person to whom the application relates on a specified date not earlier than seven days before the date of the application and is of opinion either—

(a) that such person—

(i) is suffering from mental illness, and

(ii) requires, for his recovery, not more than six months' suitable treatment, and

(iii) is unfit on account of his mental state for treatment as a voluntary patient, or

SECTION 181—*continued.*

(b) that such person—

(i) is an addict, and

(ii) requires, for his recovery, at least six months' preventive and curative treatment."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

245. In sub-section (5), before paragraph (c), to insert the following new paragraph:—

"(c) a person who is a relative of the person in respect of whom a certificate is to be given or"

—Timothy J. Murphy.

246. In sub-section (5), page 70, to delete the word "or" in line 33 and to delete paragraph (d).—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 182.

247. In sub-section (1), page 70, line 48, to delete the word "appropriate".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

248. In sub-section (1), page 70, to delete the word "three" in line 51 and in line 56 and substitute in each case the word "six".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 183.

249. To delete sub-sections (1) and (2) and substitute the following sub-section:—

"(1) The appropriate assistance officer shall defray the reasonable expenses of the conveyance of the person to whom a temporary chargeable patient reception order relates to the approved institution mentioned in the order."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 185.

250. Before section 185, but in Part XIV, to insert a new section as follows:—

"185.—(1) Where the chief medical officer of an approved institution becomes of opinion that a person detained in the institution under a temporary chargeable patient reception order or a temporary private patient reception order will not have recovered on the expiration of the period during which, pursuant to paragraph (b) of sub-section (1) of section 182 of this Act, he may be detained the person in charge of the institution may request the Minister to extend the said period and thereupon the Minister, if he so thinks fit, may by order extend the said period by a further period not exceeding six months or by a series of orders extend it by further periods none of which shall exceed six months and the aggregate of which shall not exceed eighteen months.

Extension of period of detention of temporary patient.

(2) In sub-section (1) of this section, the reference to a chief medical officer shall, where the relevant approved institution consists of premises for the reception of one person only, be construed as a reference to the medical attendant of the person detained."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

251. In sub-section (3), page 71, line 48, to delete the word "fourteen" and substitute the word "seven".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

252. After sub-section (3) to add the following new sub-section:—

"(4) Notwithstanding the provisions of sub-section (3) of this section an application under this section may, at the discretion of the appropriate applicant, be accompanied in substi-

SECTION 185—*continued.*

tution for the recommendation mentioned in sub-section (3) of this section by a certificate in the prescribed form issued by a registered medical practitioner certifying that such medical practitioner has examined the person whose reception is sought on a specific date not earlier than fourteen days before the date of the application and is of opinion that he will benefit by the proposed reception."

—Martin O'Sullivan.

SECTION 186.

253. In sub-section (1), page 71, line 52, to delete the word "paying" and substitute the word "private".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

254. In sub-section (3), page 72, line 10, to delete the word "fourteen" and substitute the word "seven".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 187.

255. In page 72, to add at the end of the section the words "and, on his recovery, may be discharged".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 188.

256. In sub-section (1), page 72, line 21, to delete the words "may, in his discretion" and substitute the word "shall".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 198.

257. In sub-section (2), page 74, line 44, to delete the words "or an approved institution".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 199.

258. Before section 199 to insert a new section as follows:—

Absence
on parole.

"199.—(1) The chief medical officer of a mental institution may permit a person detained in such institution who is not dangerous to himself or others to be absent from such institution on parole for any period not exceeding forty-eight hours.

(2) In *sub-section (1)* of this section the reference to a chief medical officer shall, where the relevant mental institution consists of premises for the reception of one person only, be construed as a reference to the medical attendant of the person detained.

(3) Where a person absent on parole under this section from a mental institution does not return on the expiration of the period during which he is permitted to be absent, he may at any time within twenty-eight days after the expiration of such period be retaken in like manner as if he had escaped from such institution."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 200.

259. In sub-section (3), page 75, to delete in lines 48 and 49 the words "subject to the approval of the Inspector of Mental Hospitals".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

260. In page 75, to insert before sub-section (4) a new sub-section as follows:—

"(4) Where a person is removed under this section from a mental institution, a report containing full particulars of the removal shall be given to the Minister not later than three days after the removal."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 201.

261. In page 75, to insert before section 201 a new section as follows :—

“ (1) A mental hospital authority may make and carry out an arrangement for the boarding-out in a private dwelling (whether within or outside their mental hospital district) of any person detained as a chargeable patient in their district mental hospital or any other institution maintained by them. Boarding-out.

(2) A mental hospital authority may, with the consent of the applicant for the relevant reception order, make and carry out an arrangement for the boarding-out in a private dwelling (whether within or outside their mental hospital district) of any person detained as a private patient in their district mental hospital or any other institution maintained by them.

(3) A person detained in a district mental hospital or other institution maintained by a mental hospital authority shall not be boarded-out under this section save where the following conditions are complied with :—

- (a) that the boarding-out of the person is recommended by the resident medical superintendent of such hospital,
- (b) that the person is certified by the resident medical superintendent not to require treatment in an institution and not to be dangerous to himself or others,
- (c) that the mental hospital authority are satisfied that the person will be comfortably housed, sufficiently fed and clothed, and otherwise suitably provided for,
- (d) that the mental hospital authority are satisfied that the person in charge of the proposed dwelling is trustworthy and will carry out the directions given to him in relation to the person boarded-out,
- (e) that no other person is boarded-out under this section in the same dwelling.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

262. To insert before section 201 a new section as follows :—

“ (1) Where a person (in this sub-section referred to as the patient) detained as a chargeable patient is boarded-out under section 201 of this Act in any dwelling by a mental hospital authority, the following provisions shall have effect :— Provisions applicable where chargeable patient is boarded-out.

- (a) the mental hospital authority shall inform the Minister of the boarding-out of the patient,
- (b) the appropriate assistance officer shall visit the patient from time to time and not less often than once in every three months,
- (c) the resident medical superintendent of the district mental hospital of the mental hospital authority or another medical officer of such hospital shall visit the patient from time to time and not less often than twice in each year or, if the Minister directs that he shall be visited more frequently, not less often than may be appropriate in accordance with the direction,
- (d) whenever the patient is visited pursuant to paragraph (b) or (c) of this sub-section, the person making the visit shall enter a report of the visit in a book which the person in charge of the dwelling shall keep and shall produce for the purpose of such entry being made,
- (e) the appropriate assistance officer or the resident medical superintendent, on being required by the mental hospital authority to furnish any information in relation to the patient or the dwelling, shall give such information,

SECTION 201—*continued.*

- (f) the appropriate assistance officer or the resident medical superintendent, if he is not satisfied with the condition of the patient or the dwelling or if he considers it necessary to make any recommendation in relation to the patient, shall make a special report on the case to the mental hospital authority,
- (g) if the patient becomes at any time in need of medical aid, the person in charge of the dwelling shall—
 - (i) report the matter to the appropriate assistance officer or, in a case of urgency, call on the services of the medical officer of the dispensary district in which the dwelling is situated or, if that officer is not available, of any other registered medical practitioner, and
 - (ii) report the matter to the resident medical superintendent and include in such report the name of the medical officer or other registered medical practitioner (if any) whose services have been called on,
- (h) if the patient is ill and there is, in the opinion of a medical practitioner attending the patient, anything unusual in the illness calling for the attention of the resident medical superintendent, the practitioner shall report the illness to the resident medical superintendent,
- (i) the mental hospital authority may at any time remove the patient to any institution maintained by them or to a different private dwelling, and, if the patient becomes dangerous to himself or others, it shall be the duty of the mental hospital authority to remove him forthwith to an institution maintained by them,
- (j) where the mental hospital authority remove the patient pursuant to *paragraph (i)* of this sub-section, they shall inform the Minister of the removal,
- (k) the mental hospital authority may, on the recommendation of the resident medical superintendent, discharge the patient if he ceases to be of unsound mind,
- (l) if the patient is discharged, the resident medical superintendent shall, not later than seven days after the discharge, inform the Minister thereof,
- (m) if the patient dies, the person in charge of the dwelling shall forthwith report the death to the resident medical superintendent, and the mental hospital authority, if they so think fit, may pay the cost of the burial of the patient,
- (n) on receipt of a report of the death of the patient, the resident medical superintendent shall inform the Minister of the death,
- (o) the payment to be made by the mental hospital authority in respect of the maintenance, clothing, and care of the patient while boarded-out shall be determined by the mental hospital authority, but shall not exceed such amount as may be approved of by the Minister,
- (p) the Inspector of Mental Hospitals may at any time inspect the dwelling and the person in charge of the dwelling shall give the Inspector all reasonable facilities for carrying out such inspection, and shall also produce the book kept by him for the purposes of *paragraph (d)* of this sub-section for inspection by the Inspector.

SECTION 201—*continued.*

(2) If any person required to do any act by *sub-section (1)* of this section fails to do such act, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

263. To insert before section 201 a new section as follows:—

"(1) Where a person (in this sub-section referred to as the patient) detained as a private patient is boarded-out under *section 201* of this Act in any dwelling by a mental hospital authority, the following provisions shall have effect:—

Provisions applicable where private patient is boarded-out.

- (a) the mental hospital authority shall inform the Minister of the boarding-out of the patient,
- (b) the resident medical superintendent of the district mental hospital of the mental hospital authority or another medical officer of such hospital shall visit the patient from time to time and not less often than once in every three months or, if the Minister directs that he shall be visited more frequently, not less often than may be appropriate in accordance with the direction,
- (c) whenever the patient is visited pursuant to *paragraph (b)* of this sub-section, the person making the visit shall enter a report of the visit in a book which the person in charge of the dwelling shall keep and shall produce for the purpose of such entry being made,
- (d) the resident medical superintendent, on being required by the mental hospital authority to furnish any information in relation to the patient or the dwelling, shall give such information,
- (e) the resident medical superintendent, if he is not satisfied with the condition of the patient or the dwelling or if he considers it necessary to make any recommendation in relation to the patient, shall make a special report on the case to the mental hospital authority,
- (f) if the patient becomes at any time in need of medical aid, the person in charge of the dwelling shall either—
 - (i) report the matter to the resident medical superintendent, or
 - (ii) in a case of urgency, call on the services of any registered medical practitioner and report to the resident medical superintendent the name of such practitioner and the fact that his services have been called on,
- (g) if the patient is ill and there is, in the opinion of a medical practitioner attending the patient, anything unusual in the illness calling for the attention of the resident medical superintendent, the practitioner shall report the illness to the resident medical superintendent,
- (h) the mental hospital authority may at any time remove the patient to any institution maintained by them or to a different private dwelling, and, if the patient becomes dangerous to himself or others, it shall be the duty of the mental hospital authority to remove him forthwith to an institution maintained by them,
- (i) where the mental hospital authority remove the patient pursuant to *paragraph (h)* of this sub-section, they shall inform the Minister of the removal,
- (j) the mental hospital authority may, on the recommendation of the resident medical superintendent, discharge the patient if he ceases to be of unsound mind,

SECTION 201—*continued.*

- (k) if the patient is discharged, the resident medical superintendent shall, not later than seven days after the discharge, inform the Minister thereof,
- (l) if the patient dies, the person in charge of the dwelling shall forthwith report the death to the resident medical superintendent,
- (m) on receipt of a report of the death of the patient, the resident medical superintendent shall inform the Minister of the death,
- (n) the Inspector of Mental Hospitals may at any time inspect the dwelling and the person in charge of the dwelling shall give the Inspector all reasonable facilities for carrying out such inspection, and shall also produce the book kept by him for the purposes of *paragraph (c)* of this sub-section for inspection by the Inspector.

(2) If any person required to do any act by *sub-section (1)* of this section fails to do such act, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

NOTE.—*Acceptance of amendments Nos. 261, 262 and 263 involve deletion of section 201 of the Bill.*

264. In sub-section (5), paragraph (b), line 36, to delete the words "three months" and substitute the words "one month".—Martin O'Sullivan.
265. In sub-section (5), paragraph (c), line 40, to delete the words "twelve months" and substitute the words "three months".—Martin O'Sullivan.
266. In sub-section (5), before paragraph (d), to insert the following new paragraph:—
- "(d) the mental hospital authority may authorise a number of members of the committee of the mental hospital authority to visit any patient or patients and to report to the committee on the condition of the patient or patients on the condition of the dwelling and to make any recommendation in relation thereto."

—James Larkin (Junior).

SECTION 203.

267. In page 78, to delete sub-section (2) and substitute the following sub-sections:—

"(2) The person carrying on a mental institution not maintained by a mental hospital authority may apply to the Minister for an order authorising the transfer of a person detained in the institution under a reception order to another mental institution, and thereupon the Minister, if he so thinks fit, may by order authorise such transfer.

(3) Before the Minister gives a consent under *sub-section (1)* of this section or makes an order under *sub-section (2)* of this section, there shall be produced to him an approval in writing of the proposed transfer, signed by the applicant for the reception order relating to the person proposed to be transferred, unless, for due cause shown, the Minister dispenses with the production of such approval."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 205.

268. In sub-section (1), page 78, lines 20 and 21, to delete the word "paying" and substitute the word "private".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 206.

269. To delete sub-section (2), page 78, and substitute the following sub-section:—

“(2) The recommendation referred to in *sub-section (3)* of *section 185* of this Act shall, in the case of an application made in pursuance of *sub-section (1)* of this section in relation to a person detained in an institution and who does not ordinarily reside in the dispensary district in which the institution is situate, be made by the authorised medical officer who would be appropriate to make the recommendation if such person were ordinarily resident in that dispensary district.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 207.

270. In sub-section (1), page 79, line 22, to delete the word “paying” and substitute the word “private”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 209.

271. In sub-section (1), page 80, line 2, to delete the words “mental institution” and substitute the words “district mental hospital or other institution maintained by a mental hospital authority”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

272. In sub-section (1), page 80, lines 6 and 7, to delete the words “will no longer be a charge on the ratepayers and”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 210.

273. In sub-section (1), page 80, lines 14 and 15, to delete the words “subject to the provisions of *sub-section (3)* of this section” and substitute the words “save where the Minister directs the discharge of such person under this Act”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

274. To delete sub-sections (2) and (3) and substitute the following sub-section:—

“(2) Where a certificate is given under this section, the following provisions shall have effect:—

(a) notice in writing of objection to the certificate may be given to the Minister by or on behalf of the person to whom the certificate relates,

(b) on receipt of such notice, the Minister may, by notice in writing given to the person in charge of the relevant mental institution, require such person to give to the Minister a copy of the certificate and such person shall comply with such requisition forthwith,

(c) the Minister, on receipt of such copy of the certificate, may require the Inspector of Mental Hospitals to examine the person to whom the certificate relates,

(d) after consideration of the report of the Inspector of Mental Hospitals on his examination of the person to whom the certificate relates, the Minister, if he so thinks fit and provided that not more than fourteen days have elapsed since he received such copy of the certificate, may direct the discharge of the person to whom the certificate relates and, if the Minister so directs, such person shall be discharged accordingly.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 211.

275. In sub-section (2), page 80, lines 48 and 49, to delete the words “his discharge and he” and substitute the words “the discharge of such person and, if the Minister so directs, such person”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 215.

276. Before section 215 to insert a new section as follows.—

Making available of case books to mental hospital authority.

“ 215.—The resident medical superintendent of a district mental hospital shall from time to time make available to the mental hospital authority by whom the hospital is maintained case books showing the mental condition of the persons detained in the hospital and the other institutions maintained by the authority, and shall so make such case books available that a case book showing the condition of each person so detained is submitted to the authority at least once in each year.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

NOTE.—Acceptance of this amendment involves the deletion of section 214 of the Bill.

SECTION 218.

277. In sub-section (2), page 82, line 2, to delete the word “ three ” and substitute the word “ six ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 220.

278. In page 83, to delete in lines 4 and 5 the words “ receivable as ”, to delete in line 14 the words “ receivable as ” and to delete in line 15 the words “ so receivable ” and substitute the words “ a chargeable patient ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 227.

279. In page 86, line 36, to delete the words “ not maintained by a mental hospital authority ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 228.

280. Before section 228 to insert a new section as follows:—

Further consideration of detention of patient in institution maintained by mental hospital authority.

“ 227.—(1) Where the Inspector of Mental Hospitals becomes of opinion that the propriety of the detention of a patient detained in a district mental hospital or other institution maintained by a mental hospital authority requires further consideration, he shall report the matter to the Minister.

(2) After consideration of a report under *sub-section (1)* of this section, the Minister may, if he so thinks fit, require the Inspector of Mental Hospitals to visit the patient to whom the report relates and to make a report on his mental condition to the Minister.

(3) After consideration of a report under *sub-section (2)* of this section, the Minister may, if he so thinks fit, by order direct the discharge of the patient to whom the report relates and, if the Minister so directs, the patient shall be discharged accordingly.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 229.

281. Before section 229 to insert a new section as follows:—

Further consideration of detention of patient in institution not maintained by mental hospital authority.

“ 228.—(1) Where the Inspector of Mental Hospitals becomes of opinion that the propriety of the detention of a patient detained in a mental institution not maintained by a mental hospital authority requires further consideration, he shall report the matter to the Minister.

(2) After consideration of a report under *sub-section (1)* of this section in relation to a patient detained in a mental institution, the Minister may, if he so thinks fit, require the Inspector of Mental Hospitals and the resident medical superintendent of the district mental hospital nearest to such institution (in this section referred to as the visitors) to visit the patient.

SECTION 229—*continued.*

(3) On a requisition being made by the Minister under *sub-section (2)* of this section, the visitors shall make two visits to the patient, the second visit being not less than eighteen days after the first visit.

(4) A first visit and a second visit under this section to a patient shall be made by the same persons as the visitors.

(5) Not less than fourteen days' notice of a second visit under this section to a patient shall be given by the Inspector of Mental Hospitals—

(a) to the person in charge of the mental institution where the patient is detained, and

(b) if it is practicable, to the person at whose instance the patient is detained.

(6) A notice under *sub-section (5)* of this section to the person in charge of a mental institution may (without prejudice to the giving of such notice in any other manner authorised by this Act) be given by an appropriate entry in any register of patients kept in the institution.

(7) After a second visit under this section has been made to a patient, the Inspector of Mental Hospitals shall make a report on the patient's mental condition to the Minister.

(8) After consideration of a report under *sub-section (7)* of this section, the Minister, if he so thinks fit, may by order direct the discharge of the patient to whom the report relates and, if the Minister so directs, the patient shall be discharged accordingly.

(9) The Minister may pay to a resident medical superintendent visiting under this section such sum for his services and expenses as may be prescribed."

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

NOTE.—*Acceptance of this amendment involves the deletion of section 228 of the Bill.*

SECTION 232.

282. In *sub-section (1)*, page 87, to delete paragraph (a) and substitute the following paragraph:—

"(a) a list of the patients which shall, in the case of a district mental hospital or other institution maintained by a mental hospital authority, distinguish chargeable patients from others and which shall, in all cases, distinguish males from females and indicate the patients believed to be curable,"

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 236.

283. At the end of the section to add the following new *sub-section*:—

"(8) Every report made under this section shall be laid before each House of the Oireachtas."

—James Larkin (Junior).

SECTION 244.

284. In *sub-section (2)*, page 91, to insert in line 25 before the word "to" the words "or any order or regulation made thereunder" and to insert in line 29 before the word "shall" the words "and the orders and regulations made thereunder".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 249.

285. In page 92, line 6, to insert before the word "boarder" the word "a".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 254.

286. In page 92, line 50, to insert before the word "or" the words "a mental hospital authority".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 255.

287. In lines 2 and 3 to delete the words "if the Minister so directs".—Richard Corish.

SECTION 261.

288. In paragraph (e), line 41, to delete the word "other".—William Norton.

SECTION 262.

289. In sub-section (1), page 93, line 45, to insert before the word "by" the words ", at the time of such retirement, relinquishment of commission, or discharge,".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

290. Before sub-section (4), in page 94, to insert the following new sub-section:—

"(4) Where an order under this section has been made and the mental hospital authority of the district mental hospital to which the person to whom the order relates is sent, disagrees with the decision of the Minister for Defence, they may appeal against such decision to the Minister who shall consider the appeal and give a decision on same and in such event his decision shall be final and conclusive."

—James Larkin (Junior).

291. In sub-section (5), page 94, line 23, to insert before the word "reception" the words "chargeable patient".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 263.

292. To delete sub-section (2).—James Larkin (Junior).

SECTION 266.

293. In sub-section (6), page 96, line 27, to delete the word "costs" and substitute the word "sum".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 269.

294. In lines 40 and 41 to delete the words "in every mental hospital district" and substitute the words "in two or more mental hospital districts".—William Norton.

SECTION 270.

295. In sub-section (1), lines 50 and 51, to delete the words "subject to any order made by the Minister under this section".—William Norton.

296. To delete sub-section (2).—William Norton.

SECTION 271.

297. In sub-section (1), page 98, line 5, to delete the words "a prepaid registered" and substitute the word "an".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 272.

298. In page 98, to delete in lines 29, 35 and 40 the words "the President" and to substitute in each case the words "a Judge".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

SECTION 272—*continued.*

299. In page 98, to insert after section 272 a new section as follows:—

“ 273.—(1) Each of the following sections shall be a specified section for the purposes of this section:—

Saver in respect of certain sections.

- (a) sections 17 and 18 of the Lunacy (Ireland) Act, 1821,
- (b) sections 2 and 3 of the Criminal Lunatics (Ireland) Act, 1838,
- (c) section 12 of the Central Criminal Lunatic Asylum (Ireland) Act, 1845,
- (d) sections 12 and 13 of the Lunatic Asylums (Ireland) Act, 1875,
- (e) section 2 of the Trial of Lunatics Act, 1883,
- (f) section 17 of the Criminal Justice Administration Act, 1914.

(2) Nothing in this Act shall affect any power exercisable immediately before the commencement of this section under any specified section.

(3) No power, restriction or prohibition contained in this Act shall apply in relation to a person detained by virtue of any specified section.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

FIRST SCHEDULE.

300. In the third column opposite the mention of the Local Government (Ireland) Act, 1898, to add the following repeal: “ proviso (b) to sub-section (2) of section 110 ”.—
—Aire Rialtais Aitiúla agus Sláinte Poiblí.

301. In the third column opposite the mention of the County Management Act, 1940, to add the following repeal: “ paragraph 8 of the Second Schedule ”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

THIRD SCHEDULE.

302. In rule 1, page 100, line 4, to delete the words “ a number of persons appointed ” and substitute the words “ the persons appointed in accordance with these Rules ”.—
Aire Rialtais Aitiúla agus Sláinte Poiblí.

303. In rule 1, line 7, after the word “ board ” to add the words “ and at least one-third of the persons so appointed shall be persons who are not members of the council or councils as the case may be ”.—Martin O’Sullivan.

304. Before rule 2 to insert the following rule:—

“ 2. The total number of the members of a joint board shall be such as the Minister from time to time by order determines in respect of such board.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

305. Before rule 3 to insert the following rules:—

“ 3. Where an appointment by the council of a county of members of a joint board is being made, two-thirds at least of the members appointed shall be persons who are members of the council.

4. Where an appointment by the corporation of a county borough of members of a joint board is being made, two-thirds at least of the members appointed shall be persons who are members of the city council of the county borough.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

THIRD SCHEDULE—*continued.*

306. In rule 5, page 100, before sub-paragraph (1) to insert the following new sub-paragraph:—

“(1) Every person who shall directly or indirectly have any interest in any contract made with a joint board shall be disqualified to act on or be a member of such joint board or of any committee appointed by or with the approval of such joint board.”

—Richard Corish.

307. In rule 6, paragraph (1), page 101, lines 12, 13 and 14, to delete the words “and to the resident medical superintendent of the district mental hospital maintained by the joint board”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

308. In rule 6, paragraph (2), page 101, lines 19, 20 and 21, to delete the words “and to the resident medical superintendent of the district mental hospital maintained by the joint board”.—Aire Rialtais Aitiúla agus Sláinte Poiblí.

309. To delete rule 16 and substitute the following rule:—

“*Chairman and Vice-Chairman.*”

“16.—(1) At every annual meeting of a joint board, the board shall elect one of their members to be chairman of the board and may elect another of their members to be vice-chairman of the board.

(2) Whenever the office of chairman or vice-chairman of a joint board becomes vacant otherwise than by the termination of the ordinary term of the office, the board shall at their next meeting after the vacancy occurs elect one of their members to be chairman or vice-chairman of the board.

(3) A person elected to be chairman or vice-chairman of a joint board shall, unless he sooner ceases to be, or becomes disqualified for being, a member of the board, hold office as chairman or vice-chairman until the day after his successor has been appointed.

(4) The chairman or vice-chairman of a joint board may at any time resign his office as chairman or vice-chairman by giving notice in writing signed by him to the board, but the resignation shall not become effective until the commencement of the meeting of the board held next after the receipt by them of the resignation.

(5) Whenever the chairman or vice-chairman of a joint board ceases to be, or becomes disqualified for being, a member of the board, he shall forthwith cease to be chairman or vice-chairman of the board.

(6) Whenever, at the election of chairman of the joint board, there is an equality of votes for two or more persons, it shall be determined by lot which of those persons shall be chairman of the board.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.

310. To delete rule 23 and substitute the following rule:—

“23.—At a meeting of a joint board—

(a) the chairman of the board shall, if he is present, be chairman of the meeting,

(b) if and so long as the chairman of the board is not present or the office of chairman is vacant, the vice-chairman (if any) shall, if he is present, be chairman of the meeting,

(c) if and so long as the chairman of the board is not present or the office of chairman is vacant and there is no office of vice-chairman, the vice-chairman is not present or the office of vice-chairman is vacant, the members of the board who are present shall choose one of their number to be chairman of the meeting.”

—Aire Rialtais Aitiúla agus Sláinte Poiblí.