

DÁIL ÉIREANN.

AN BILLE COIREALA MEABHAIR-GHALAR, 1944— AN TUARASCAIL.

MENTAL TREATMENT BILL, 1944—REPORT.

Leasuithe.

Amendments.



1. In page 18, to insert before section 25, line 27, the following new section:—

“ 25.—(1) A mental hospital authority may, with the consent of the Minister, and shall, if the Minister so directs, provide and maintain a laboratory for research in connection with mental and nervous diseases. Laboratory.”

(2) A mental hospital authority by whom a laboratory is maintained under this section may permit the services afforded by the laboratory to be available for a mental institution not maintained by such authority and may make such charge as they consider reasonable where any service is availed of under such permission.”

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

2. In page 28, section 63 (2), line 31, to insert after the word “ commencement ” the words “, subject to the modification that, in any application to him of section 16 of the Act of 1909, the word ‘ three ’ shall be substituted for the word ‘ ten ’ in both places where the latter word occurs in the said section 16 ”.—Aire Rialtais Aitiúil agus Sláinte Poiblí.

3. In page 29, section 65, to delete lines 14 to 19 inclusive, and substitute therefor the following:—

“ (i) Twenty-thirtieths of the yearly salary in respect of the first 20 years of service, and

(ii) where he has been in the service of a mental hospital authority for 20 or more completed years, five-sixtieths for each year after 20 years, so as to provide a maximum lump sum on the completion of 30 years’ service.”

—James Everett.

4. In page 32, section 71 (2), line 21, to delete the figure “ 73 ” and substitute the figure “ 72 ”.—Aire Rialtais Aitiúil agus Sláinte Poiblí.

5. In page 33, section 74 (1), paragraph (c), lines 53 and 54, to delete the words “ of the certificate of the medical practitioners ” and substitute the words “ on which it is cancelled ”.—Aire Rialtais Aitiúil agus Sláinte Poiblí.

6. In page 34, before section 75, line 17, to insert a new section as follows:—

“ 75. Where—

(a) a female officer or servant of a mental hospital authority leaves their service in order to be married, and

(b) she has been in the service of a mental hospital authority for not less than five years, and

Marriage
gratuities.

- (c) within three months after so leaving, she produces to the mental hospital authority whose service she has left a marriage certificate showing that she has been married within that period,

the mental hospital authority whose service she has left shall pay to her a gratuity consisting of one-twelfth of her yearly salary or wages in respect of each of her completed years of service, but subject to the limitation that the gratuity shall not exceed her yearly salary or wages."

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

7. In page 34, section 75 (1), to insert in line 19 after the word "misconduct" the words "or negligence" and to delete in lines 20 and 21 the words "and was directly attributable to the nature of his duties."—Aire Rialtais Aitiúil agus Sláinte Poiblí.
8. In page 34, section 76 (1), to insert in line 52 after the word "misconduct" the words "or negligence", to delete in lines 53 and 54 the words "and was directly attributable to the nature of his duties", and to insert in line 54 after the word "widower" the words "or widow".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
9. In page 35, section 76 (3), line 11, to insert after the word "widower" the words "or widow".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
10. In page 38, to delete sub-section (4) of section 84 and substitute the following sub-section:—
- "(4) Where—
- (a) a female officer or servant of a mental hospital authority leaves their service in order to be married, and
- (b) she has been in the service of a mental hospital authority for less than five years, and
- (c) within three months after so leaving, she produces to the mental hospital authority whose service she has left a marriage certificate showing that she has been married within that period,
- the mental hospital authority whose service she has left shall, subject to the proviso to sub-section (1) of section 31 of the Finance Act, 1922, pay to her the aggregate amount of her contributions under this Part of this Act."
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
11. In page 40, section 87 (3), line 44, to insert after the word "may" the words, "on application being made to him in that behalf."—Aire Rialtais Aitiúil agus Sláinte Poiblí.
12. In page 41, section 89 (2), paragraph (b), line 21, to insert after the words "or sub-section (2)" the words "or sub-section (4)".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
13. In page 44, section 94 (6), lines 27 and 28, to delete the words "collectively, and every member of such committee shall individually," and substitute the words "either acting collectively or by any two or more members nominated by them in that behalf."—Aire Rialtais Aitiúil agus Sláinte Poiblí.
14. In page 45, section 95 (6), lines 42 and 43, to delete the words "collectively, and every member of such committee shall individually," and substitute the words "either acting collectively or by any two or more members nominated by them in that behalf."—Aire Rialtais Aitiúil agus Sláinte Poiblí.

15. In page 48, section 103, to insert after the word "authorities" in line 3 the words "and any such regulations may relate to contracts generally or to contracts of a specified class" and to insert in line 5 after the word "contracts" the words "to which such regulations relate".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
16. In page 50, section 108, to insert in line 9 after the word "officers" the words "or servants" and to insert in line 12 after the words "officer" the words "or servant".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
17. In page 52, section 118, to insert before paragraph (f), line 51, the following paragraphs:—
- “(f) that the Minister is satisfied that the care or treatment afforded to such person or persons has been inadequate,
- (g) that the Minister is satisfied that the food given to such person or persons has been unsuitable or inadequate.”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
18. In page 53, section 119, to insert before paragraph (f), line 21, the following paragraphs:—
- “(f) that the Minister is satisfied that the care or treatment afforded to such person or persons has been inadequate,
- (g) that the Minister is satisfied that the food given to such person or persons has been unsuitable or inadequate.”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
19. In page 58, section 140, to insert before paragraph (f), line 13, the following paragraphs:—
- “(f) that the Minister is satisfied that the care or treatment afforded to such persons has been inadequate,
- (g) that the Minister is satisfied that the food given to such persons has been unsuitable or inadequate.”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
20. In page 58, section 141, to insert before paragraph (f), line 41, the following paragraphs:—
- “(f) that the Minister is satisfied that the care or treatment afforded to such persons has been inadequate,
- (g) that the Minister is satisfied that the food given to such persons has been unsuitable or inadequate.”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
21. In page 73, section 187 (1), to delete lines 47 to 53 and substitute the following:—
- “may be detained—
- (a) the person in charge of the institution may request the Minister to extend the said period,
- (b) where such request is made, 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,
- (c) where the Minister makes any such order or orders, *paragraph (b) of sub-section (1) of section 184 of this Act shall have effect subject to the extension of the said period effected by such order or orders.*”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.

22. In page 77, section 200 (3), to delete the words " sub-section (2) of " in lines 1 and 2 and in line 5.—Aire Rialtais Aitiúil agus Sláinte Poiblí.

23. In page 78, before section 204, line 19, to insert the following new section :—

Transfer to
Dundrum Central
Criminal Lunatic
Asylum.

204.—(1) Where—

(a) a person detained in a district mental hospital or other institution maintained by a mental hospital authority is charged before a justice of the District Court with an indictable offence, and

(b) evidence is given which, in the opinion of the justice, constitutes *prima facie* evidence—

(i) that such person has committed the offence, and

(ii) that he would, if placed on trial, be unfit to plead,

the justice shall by order certify that such person is suitable for transfer to the Dundrum Central Criminal Lunatic Asylum and shall cause copies of such order to be sent to the Minister and to the person in charge of such district mental hospital or other institution.

(2) Where an order is made under *sub-section* (1) of this section in relation to a person detained in a district mental hospital or other institution—

(a) such person shall be retained in or brought back to such district mental hospital or other institution and his detention therein shall be continued subject to any order which may be made under this sub-section,

(b) the Minister shall require the Inspector of Mental Hospitals to visit such person and to make a report on his mental condition to the Minister,

(c) after consideration of the report of the Inspector of Mental Hospitals, the Minister may, if he so thinks fit, by order direct and authorise the transfer of such person to the Dundrum Central Criminal Lunatic Asylum.

(3) The Minister may by order direct and authorise the sending back of a person transferred under an order made under *sub-section* (2) of this section to the district mental hospital or other institution from which he was transferred.

(4) Where the resident governor and physician of the Dundrum Central Criminal Lunatic Asylum and the Inspector of Mental Hospitals agree and certify that a person transferred under an order made under *sub-section* (2) of this section has ceased to be of unsound mind, the said governor and physician shall discharge such person and, where necessary, pay to him the expenses of his travelling to his home."

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

24. In page 79, at the end of section 205, line 18, to add the following sub-section :—

" (4) A mental hospital authority may, subject to any regulations which the Minister may think fit to make in that behalf, appoint a committee or committees to visit patients boarded-out by the authority under this section and to report to the authority on the condition of such patients and of the dwellings in which they are boarded-out."

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

25. In page 80, section 206 (1), paragraph (m), lines 29 to 31, to delete the words " and the mental hospital authority, if they so think fit, may pay the cost of the burial of the patient."—Aire Rialtais Aitiúil agus Sláinte Poiblí.

26. In page 80, section 206 (1), paragraph (p), to insert in line 40 after the word "time" the words "visit the patient or" and to insert in line 43 after the word "such" the words "visit or".—Aire Rialtais Aitiúil agus Sláinte Poiblí.

27. In page 81, section 207 (1), paragraph (n), to insert in line 55 after the word "time" the words "visit the patient or" and to insert in line 58 after the word "such" the words "visit or".—Aire Rialtais Aitiúil agus Sláinte Poiblí.

28. In page 84, section 214 (1), line 14, to delete the words "mental institution" and substitute the words "district mental hospital or other institution maintained by a mental hospital authority".—Aire Rialtais Aitiúil agus Sláinte Poiblí.

29. In page 84, section 214 (2), line 25, to delete the word "forthwith".—Aire Rialtais Aitiúla agus Sláinte Poiblí.

30. In page 84, before section 215, line 36, to insert the following new section:—

215.—(1) Where the person in charge of a district mental hospital or other institution maintained by a mental hospital authority is satisfied that a person detained therein as a chargeable patient has recovered, but such person in charge is not aware of any relative of the person detained to whom notice might be given under section 214 of this Act, the person detained shall be discharged.

Discharge of person detained as chargeable patient where no relative known.

(2) A person detained in a district mental hospital or other institution maintained by a mental hospital authority shall not be discharged under this section save with the approval of the authority.

(3) Where a person detained in a district mental hospital or other institution maintained by a mental hospital authority is discharged under this section, the authority may, if they so think proper, pay to or in respect of him such sum as they consider reasonable towards his travelling expenses on his journey to his home."

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

31. In page 85, section 216 (2), paragraph (d), line 19, to insert after the word "may" the words "by order".—Aire Rialtais Aitiúil agus Sláinte Poiblí.

32. In page 86, section 224 (2), line 43, to insert after the word "made" the words "or, where that period has been extended under section 187 of this Act, after the expiration of that period as so extended."—Aire Rialtais Aitiúil agus Sláinte Poiblí.

33. In page 94, at the end of section 243, line 25, to add the following sub-section:—

"(8) Every report under sub-section (7) of this section shall be laid before each House of the Oireachtas."

—Aire Rialtais Aitiúil agus Sláinte Poiblí.

34. In page 94, section 244 (1), to delete in line 28 the words "Save as otherwise provided by this Act," and to insert in line 30 after the word "this" the words "Act which is mentioned in the Fifth Schedule to this".—Aire Rialtais Aitiúil agus Sláinte Poiblí.

35. In page 95, section 246, to insert the words "or parole" after the word "trial" in line 6 and line 11—Aire Rialtais Aitiúil agus Sláinte Poiblí.

36. In page 96, section 254, to delete in lines 40 and 41 the words "pursuance of this Act" and substitute the words "a mental institution" and to insert in line 42 after the word "act" the words "purporting to have been".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
37. In page 96, section 255 (1), to insert in line 45 after the word "No" the word "civil" and to insert in line 46 after the word "act" the words "purporting to have been".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
38. In page 97, section 255 (3), line 2, to insert after the word "act" the words "purporting to have been".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
39. In page 97, at the end of section 255, to add the following sub-section:—
- “(4) Where, on an application under *sub-section* (1) of this section, leave is given to bring any proceedings and the proceedings are commenced within four weeks after the date on which leave was so given, the proceedings shall, for the purposes of section 254 of this Act and of the Public Authorities Protection Act, 1893, be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought.”
- Aire Rialtais Aitiúil agus Sláinte Poiblí.
40. In page 105, Third Schedule, paragraph 6, line 29, to insert after the word "meeting" the words "of the council".—Aire Rialtais Aitiúil agus Sláinte Poiblí.
41. In page 109, to insert after the Fourth Schedule a new Schedule as follows:—

“ FIFTH SCHEDULE.

SECTIONS AND SUB-SECTIONS FOR WHICH A PENALTY IS PROVIDED BY
section 244.

Sections 111, 124, 125, 126, 129, 133, 146, 147, 148, 150, 153, 158, 194, 222, 223, 240, 252, 259, 261, 262, 263, 266, 267.

Sub-sections (1), (2), (3), (4) and (5) of section 128; (1) and (2) of section 152; (1) and (2) of section 157; (1), (2) and (3) of section 195; (1) of section 197; (1) and (2) of section 200; (4) of section 204; (2) of section 208; (1) of section 213; (1) of section 214; (2) of section 217; (1) and (2) of section 239; (1) and (2) of section 260; (1) of section 264.

—Aire Rialtais Aitiúil agus Sláinte Poiblí.