

No. 58

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 58

A Bill to amend The Mental Diseases Act

HON. DR. CROSS

EDMONTON, ALBERTA
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1956

Explanatory Note

2. Subsections (4) and (5) of section 4 presently read:

"(4) When two legally qualified medical practitioners issue their certificates according to the form laid down by the Minister, to the effect that they have separately examined the person named therein and that he should be confined in a hospital, and such certificates have been submitted, such person may if it is so directed by a justice of the peace and approved by either the Director or the superintendent be conveyed to a hospital, without any further or other authority than is provided by the issue of the direction.

"(5) The justice of the peace in giving directions for the conveyance to a hospital of any such person shall name some person or persons, either near relatives or intimate friends of such person, or officers of a municipality, who, shall be charged with the duty of conveying such person to the hospital."

The amendment will clarify the procedure on committal by medical certificates.

3. Section 29 presently reads as follows:

"29. If a patient be removed on trial from a hospital by his friends with the consent of the superintendent thereof, then in case within six months of his temporary discharge such person should again become dangerous to be at large, the Attorney General may by his warrant in or to the effect of Form H in the Schedule directed to any person or persons or to all constables or peace officers of the Province authorize and direct that such person be apprehended and taken back to the hospital from which he was discharged on trial or to any other hospital within or without the Province and the warrant shall be sufficient authority to any one acting thereunder to apprehend the person named therein and to take him to any such hospital without any further or other proceedings."

This section makes no provision for the retaking of an escaped patient, nor does it appear to make provision for the apprehension of a patient permitted to go home on trial who later requires hospitalization. Both cases are included in the new section.

BILL

No. 58 of 1956

An Act to amend The Mental Diseases Act

(Assented to _____, 1956)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I

1. *The Mental Diseases Act*, being chapter 192 of the Revised Statutes of Alberta, 1942 is hereby amended.

2. Section 4 is amended by striking out subsections (4) and (5) and by substituting the following:

“(4) When two legally qualified medical practitioners issue, in accordance with the form laid down by the Minister, their certificates to the effect that they have separately examined the person named therein and are of the opinion that he should be confined in a hospital, if the certificates have been submitted to a justice of the peace, the justice may, by his order direct that such person be apprehended and detained in a hospital without any further or other authority than is provided by the issue of the order, but subject to the approval of the Director or superintendent of the hospital.

“(5) In giving directions for the conveyance to a hospital of any such person, the justice of the peace may name some person or persons, either near relatives or intimate friends of such person, or constables or officers of the municipality, who shall be charged by the justice with the duty of conveying such person to the hospital.”.

3. Section 29 is struck out and the following is substituted:

“**29.** (1) A patient, not having voluntarily submitted to treatment in a hospital, who escapes from a hospital or who, contrary to the provisions of this Act or the regulations thereunder, leaves or is taken away or removed from a hospital may be apprehended without a warrant, at any time within sixty days from the date of his escape, by any constable or peace officer or any person appointed by the Director or superintendent.

“(2) Upon apprehension the patient shall be taken to and confined in any place of detention and from thence be returned to the hospital without delay.

4. Form H in the Schedule is amended to make it clear that the patient referred to need not be one originally committed because he was found dangerous to be at large. The third paragraph of Form H presently reads:

“And whereas it appears to me, from the information received by me, that the said A.B. has again become dangerous;”.

Part II relates the amendments to the revision and consolidation.

“(3) Where a patient is removed on trial from a hospital by his friends with the consent of the superintendent thereof, if within six months of his temporary discharge such person should again require hospitalization by reason of his becoming dangerous to be at large, the Attorney General may by his warrant, in or to the effect of Form H in the Schedule, directed to any person or persons or to all constables or peace officers of the Province, authorize and direct that such person be apprehended and taken back to the hospital from which he was discharged on trial, or to any other hospital within or without the Province.

“(4) A warrant issued pursuant to subsection (3) is sufficient authority to anyone acting thereunder to apprehend the person named therein and to take him to the hospital specified in the warrant without any further proceedings.”.

4. Form H in the Schedule is amended by striking out the word “again” where it occurs in the third paragraph.

PART II

5. *The Mental Diseases Act*, being chapter 200 of the Revised Statutes of Alberta, 1955, is hereby amended.

6. Section 6 is struck out and the following is substituted:

“6. (1) When two legally qualified medical practitioners issue, in accordance with the form laid down by the Minister, their certificates to the effect that they have separately examined the person named therein and are of the opinion that he should be confined in a hospital, if the certificates have been submitted to a justice of the peace, the justice may, by his order, direct that such person be apprehended and detained in a hospital without any further or other authority than is provided by the issue of the order, but subject to the approval of the Director or superintendent of the hospital.

“(2) In giving directions for the conveyance to a hospital of any such person, the justice of the peace may name some person or persons, either near relatives or intimate friends of such person, or constables or officers of the municipality, who shall be charged by the justice with the duty of conveying such person to the hospital.”.

7. Section 34 is struck out and the following is substituted:

“34. (1) A patient, not having voluntarily submitted to treatment in a hospital, who escapes from a hospital or who contrary to the provisions of this Act or the regulations thereunder, leaves or is taken away or removed from a

hospital may be apprehended without a warrant, at any time within sixty days from the date of his escape, by any constable or peace officer or any person appointed by the Director or superintendent.

“(2) Upon apprehension the patient shall be taken to and confined in any place of detention and from thence be returned to the hospital without delay.

“(3) Where a patient is removed on trial from a hospital by his friends with the consent of the superintendent thereof, if within six months of his temporary discharge such person should again require hospitalization by reason of his becoming dangerous to be at large, the Attorney General may by his warrant, in or to the effect of Form H in the Schedule, directed to any person or persons or to all constables or peace officers of the Province, authorize and direct that such person be apprehended and taken back to the hospital from which he was discharged on trial, or to any other hospital within or without the Province.

“(4) A warrant issued pursuant to subsection (3) is sufficient authority to anyone acting thereunder to apprehend the person named therein and to take him to the hospital specified in the warrant without any further proceedings.”.

8. Form H in the Schedule is amended by striking out the word “again” where it occurs in the third paragraph.

9. Part I and this section come into force on the day this Act is assented to, and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Mental
Diseases Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS
