

BILL

No 51 of 1931.

An Act to amend The Mental Diseases Act.

(Assented to _____, 1931.)

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

1. This Act may be cited as "*The Mental Diseases Act Amendment Act, 1931.*"

2. *The Mental Diseases Act*, being chapter 223 of the Revised Statutes of Alberta, 1922, is hereby amended by inserting therein, immediately after section 1 and before the heading "Interpretation" the heading "Part I."

3. The said Act is further amended as to section 22s thereof by striking out the word "three" where the same occurs in subsection (2) and by substituting therefor the word "ten."

4. The said Act is further amended by inserting therein, immediately after section 28, the following:

"PART II.

"29. In this Part of this Act, unless the context requires a contrary meaning—

"(a) 'Director' means the Commissioner of Mental Institutions and Director of Mental Health appointed pursuant to this Part;

"(b) 'Psychopathic ward' means the psychopathic ward of the University of Alberta Hospital at Edmonton and any ward in any other hospital declared by the Lieutenant Governor in Council to be a psychopathic ward.

"30. The Lieutenant Governor in Council may from time to time—

"(a) appoint a duly qualified medical practitioner as the Commissioner of Mental Institutions and Director of Mental Health and fix his remuneration and prescribe his duties; and

"(b) from time to time prescribe the conditions under which patients may be received into a psychopathic ward.

"31. The director shall have the supervision of all psychopathic wards and shall have the power to investigate or make any inquiry he thinks fit into the management and

conduct of any such ward or with reference to any occurrence therein and to make such reports to the Minister as he may from time to time deem necessary.

"32. No person shall be admitted to or detained in a psychopathic ward otherwise than pursuant to the provisions of this Part.

"33. With the consent in writing of the director, any person who is or is believed to be suffering from mental illness and on that account to be a fit subject for treatment in a psychopathic ward may be so admitted—

- "(a) upon the voluntary application in writing signed by the patient in such form as may be prescribed from time to time by the Minister,
- "(b) upon the warrant of the Attorney General in cases where an order for committal has been made pursuant to section 5 of this Act;
- "(c) upon the certificate of two legally qualified medical practitioners issued pursuant to section 22b of this Act;
- "(d) if the patient can be conveyed to the psychopathic ward without resort to any methods of deception, restraint, or violence when a legally qualified medical practitioner issues his certificate in such form as may be from time to time prescribed by the Minister to the effect that he has examined the person named therein, and that such person is mentally ill and is in need of treatment of the kind furnished in a psychopathic ward.

"34. Any person who has been duly received into a psychopathic ward may not be discharged therefrom without the consent in writing of the director:

"Provided always that no person shall be detained in a psychopathic ward for a longer period than three months without the authority of the Minister on the report and recommendation of the director.

"35. Every person admitted to a psychopathic ward pursuant to this Act shall remain subject to the custody of the officers and other persons in charge of such ward until discharged under the provisions of this Act.

"36.—(1) Every person who has been detained in a psychopathic ward shall be forthwith discharged as soon as such person is, in the opinion of the medical officer in charge of such ward and of the director, mentally recovered and is fit to be discharged.

"(2) In case the discharged person is in indigent circumstances, such person may be furnished with necessary clothing and with an amount of money sufficient for sustenance and with transportation to his home or sufficient money to pay for the same and also a sum of money for sustenance and other necessary expenses during the journey, which last mentioned sum shall not exceed twenty dollars.

"37.—(1) The director may permit a patient in a psychopathic ward to be absent on trial for so long as he thinks fit and the director may furnish such patient, if in indigent circumstances, with transportation to and from his home

or sufficient money to pay for the same, also a sum of money for sustenance and other necessary expenses during the journey, which last mentioned sum shall not exceed forty dollars.

"(2) The medical officer in charge of a psychopathic ward may, upon his own authority, permit any patient to be absent for a period not exceeding ten days and furnish him with the aforesaid transportation and money.

"38.—(1) In any case in which the director is satisfied that the mental condition of a patient is such that further detention in the psychopathic ward is not likely to prove beneficial or is not for any reason whatsoever advisable, and that the patient is in need of such care and treatment as is provided by a mental hospital, the director may cause the patient to be examined by a legally qualified medical practitioner and if he issues his certificate to the effect that he has examined the person named therein and that such person should be confined in a hospital and such certificate has been submitted to and approved of by the director or by the superintendent, such person may, if it is so directed by a justice of the peace, be conveyed to a hospital without any further or other authority than is provided by the issue of such direction.

"(2) The justice of the peace, in giving directions for the conveyance to a hospital of any such person, shall give such directions as may appear to him to be necessary for the safe conveyance of such person to the hospital.

"39. Any person being in lawful custody upon any criminal charge in respect of whom the Lieutenant Governor makes a lawful order for his reception into and detention at a psychopathic ward, shall be received and detained in such ward pursuant to such order and such person shall be so detained until further order of the Lieutenant Governor"

FIRST SESSION
SEVENTH LEGISLATURE
21 GEORGE V
1931

B I L L

An Act to amend The Mental
Diseases Act.

Received and read the

First time.

Second time

Third time.

HON. MR HOADLEY
