

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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CAP. LXIV.

An Act to amend an Act of the Second and Third Year of His present Majesty, for regulating the Care and Treatment of Insane Persons in *England*. [28th *August* 1833.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in* England: And whereas it is expedient that some of the Provisions of the said Act should be amended: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whensoever the Justices in Session shall, under the Provisions of the said recited Act, appoint a Time and Place for the Visitors to meet for the Purpose of executing the Duties imposed on them by the said Act, every such Appointment shall be made as privately as may be, and in such Manner that no Proprietor or resident Superintendent of any House to be visited shall at any Time have Notice of the Day or Time appointed for the Visitation of such House. 2 & 3 W. 4. c. 107.

Notice of Meetings of Visitors to be as private as possible.

II. And be it enacted, That the Clerk of the Metropolitan Commissioners in Lunacy shall preserve every Notice and Copy of Order and Medical Certificate transmitted to him when any Patient is received

Clerk of Metropolitan Commissioners and

Clerks of the Peace to preserve a Copy of all Orders, Certificates, and Notices.

received into any House licensed under the said Act, and also every Notice of Death, Removal, or Discharge of any Patient or Patients transmitted to him under the said recited Act or this Act, and that every Clerk of the Peace shall also preserve every Duplicate Copy of Order and Medical Certificate and Notice transmitted to him in every such Case as aforesaid; and that each of them the said Clerk of the said Commissioners and Clerk of the Peace shall, at all Times within Five clear Days next after he shall receive every such Notice or Copy of Order and Medical Certificate as aforesaid, enter in a Register to be provided for that Purpose the Christian and Surname of the Insane Person to whom such Notice or Copy shall relate, and also of the Persons by whose Order and upon whose Medical Certificate or Certificates such Insane Person shall be confined, and the House in which such Insane Person shall be confined, according to the Form directed by the said Act; and if the said Clerk of the said Commissioners and Clerk of the Peace, or either of them, shall omit or neglect any thing by them or him herein-before directed to be done, then each of them so offending shall for every such Omission or Neglect forfeit and pay, on Conviction before any one of His Majesty's Justices of the Peace, the Sum of Five Pounds.

Penalty for Neglect, 5*l.*

Notice of Deaths or Removals of Patients to be transmitted to Clerk of Metropolitan Commissioners.

III. And be it enacted, That whenever any Patient confined in any House licensed under the said recited Act shall be removed or discharged therefrom, or shall die therein, the Proprietor or resident Superintendent of such House shall, within Two clear Days next after such Removal, Discharge, or Death, transmit a written Notice thereof, and (in case the Patient so dying shall be a Parish Pauper Patient, then) also a Copy of the Statement of the Cause of his or her Death, in the said Act directed to be made, certified and according to the Forms respectively prescribed by the said Act, or as near thereto as may be, to the said Clerk of the said Commissioners, if the House wherein the Patient shall then have died, or from which he shall have been removed or discharged, shall have been licensed by the said Commissioners, but if such House shall have been licensed by the Justices in Sessions, then such Proprietor or resident Superintendent shall transmit one such Notice to the Clerk of the Commissioners, and one other such Notice to the Clerk of the Peace.

All Copies of Orders, Certificates, &c. which have been transmitted to the Clerk of the Metropolitan Commissioners, shall be registered.

IV. And be it enacted, That all Copies of Orders and Medical Certificates, and Notices of Admissions, and also of Removals and Deaths, which have been transmitted to the Clerk of the Metropolitan Commissioners or to any Clerk of the Peace since the Eleventh Day of *August* One thousand eight hundred and thirty-two under the said recited Act, and which have not been registered by the said Clerk of the Metropolitan Commissioners or the said Clerk of the Peace, as the Case may be, shall be registered forthwith by the said Clerk of the Metropolitan Commissioners or Clerk of the Peace, as the Case may require, in the same Manner as in this Act is provided for the Registry of Orders, Medical Certificates, and Notices of Admissions, Removals, and Deaths, hereafter to be transmitted to the said Clerk of the Metropolitan Commissioners and Clerk of the Peace respectively.

V. And

Notices of Deaths or Removals, &c. since August 1832 if not already transmitted shall be forthwith transmitted to Clerk of Metropolitan Commissioners.

V. And be it enacted, That where any Insane Person shall, since the Eleventh Day of *August* One thousand eight hundred and thirty-two, have died in or been removed from any House licensed under the said Act, and the Proprietor or resident Superintendent thereof shall not have transmitted Notice of such Death or Removal, with a Copy of the Statement of the Causes of Death in every Case where the Insane Person so dying shall have been a Parish Pauper Patient, to the Clerk of the Metropolitan Commissioners, and also, in case such House shall have been licensed by the Justices in Sessions, to the Clerk of the Peace, then and in every such Case such Proprietor or resident Superintendent shall forthwith transmit every such Notice and Copy of Statement so omitted to be sent or transmitted to the Clerk of the Metropolitan Commissioners or Clerk of the Peace, or to the Clerk of the Metropolitan Commissioners and Clerk of the Peace, as the Case may require.

Commissioners, being practising Barristers, to be paid for the Time employed in the Duties of his Office.

VI. And be it enacted, That every Metropolitan Commissioner appointed or to be appointed under the said recited Act, being a practising Barrister, shall be allowed and paid for the Time he shall be employed in executing the Duties of his Office after the same Rate, and in the same Manner, and out of the same Fund or Funds, as by the said Act is provided concerning the Payment or Allowance of Commissioners being Physicians: Provided always, that not more than Two of the said Commissioners at any one Time shall be capable of receiving such Payment or Allowance; and if more than Two of such Commissioners shall be practising Barristers, such Payment or Allowance shall be made to such Two of such Barristers as the Lord Chancellor or the Lord Keeper or Commissioner of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, shall direct.

Proprietors, &c. neglecting to comply with this Act to be deemed guilty of a Misdemeanor.

Prosecutions to be carried on and Penalties recovered in the same Manner as under recited Act.

VII. And be it enacted, That every Proprietor and resident Superintendent of any House licensed under the said recited Act who shall knowingly and wilfully neglect to transmit any Notice, Copy of Order, Medical Certificate, or Statement by this Act required to be by him transmitted, shall be deemed guilty of a Misdemeanor; and that all Complaints, Informations, and Prosecutions of and for Offences against this Act shall be made and prosecuted, and all Fines, Penalties, or Forfeitures shall be recovered, levied, and applied, by such Persons and in such and the same Manner respectively as in the said recited Act is provided respectively concerning the Offences against the said Act, and the Fines, Penalties, and Forfeitures thereby imposed; and every Provision whatsoever in the said recited Act contained concerning Actions and Suits commenced and brought against any Person for any thing done in pursuance of the said Act shall be applicable and applied to all Actions and Suits which shall be commenced or brought against any Person for any thing done in pursuance of this Act, as if the same Provisions were here repeated and applied to the said last-mentioned Actions and Suits.

VIII. And

Construction of Words.

VIII. And be it enacted, That the Provisions in the said recited Act contained concerning the Meaning and Construction of Words and Phrases in the said recited Act shall extend and be applied to the like Words and Phrases in this Act.

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