



SUPPLEMENT No. 2

TO

THE SOVEREIGN BASE AREAS GAZETTE

No. 309 of 11th September, 1970.

LEGISLATION

ORDINANCE 15 OF 1970.

AN ORDINANCE

TO AMEND THE MENTAL PATIENTS ORDINANCE.

W.D. HODGKINSON

26th August, 1970.

ADMINISTRATOR.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. This Ordinance may be cited as the Mental Patients (Amendment) Ordinance, 1970 and shall be read as one with the Mental Patients Ordinance (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 252 (Laws of Cyprus).

2. The principal Ordinance is hereby amended by inserting immediately after Section 29 thereof the following heading and the following new sections to be numbered 29A, 29B and 29C, respectively:

New Sections 29A, 29B and 29C added to the principal Ordinance.

"PART VA

ADMINISTRATION OF PROPERTY AND AFFAIRS OF MENTAL PATIENTS WHO ARE NOT PROPER SUBJECTS OF CONFINEMENT.

"Application of this Part.

29A. This Part shall apply to cases where the Court, upon medical evidence, is satisfied that a person, who is not a proper subject of confinement in accordance with the provisions of this Ordinance (hereinafter referred to as "the patient") is incapable, by reason of mental affliction, of managing and administering his property and affairs.

Control and administration of the property and affairs of the patient.

29B. (1) Notwithstanding the foregoing provisions of this Ordinance, the Court shall have power with respect to the property and affairs of the patient to take all necessary measures and give directions—

- (a) for the maintenance or benefit of the patient or members of his family ;
- (b) for making provision for other persons for whom or for other purposes for which the patient would have been responsible if he had not been mentally afflicted ; or
- (c) otherwise for the administration of the property and affairs of the patient.

(2) In the exercise of the powers conferred by this Section the Court shall have regard chiefly to the needs and welfare of the patient, but in matters of administration of his affairs the Court shall also take into account the interests of the creditors of such patient and without prejudice to the generality of sub-section (1) of this Section, the Court shall have power to make such orders and give such directions as it thinks fit for the purposes of the said sub-section (1) and in particular for the following purposes—

- (a) the control and management of the property of the patient ;
- (b) the sale, exchange, charge or other disposal of any property of the patient ;
- (c) the acquisition of any property by or on behalf of the patient ;
- (d) the carrying on by a suitable person of any profession, trade or business of the patient ;
- (e) the dissolution of any partnership in which the patient is a partner ;
- (f) the execution of any contract entered into by the patient ;
- (g) the institution or defence of any action or the taking of any legal proceedings in the name of the patient or on his behalf, provided that in the case of an action or the taking of any legal proceedings relating to the marital status of the patient, the prior consent of the Legal Adviser shall be obtained ;
- (h) the appointment of an administrator of the property and affairs of the patient under such terms, including the remuneration of the administrator, as the Court might think fit to prescribe.

Powers of
Court in
cases of
emergency.

29C. Whenever, in consequence of representations, the Court has reasons to believe that on account of mental affliction a person is likely to be incapable of managing and administering his property and affairs, and that it is necessary to make immediate provision therefor, the Court may, until it is established as to whether the said person is incapable of managing and administering his property and affairs, exercise any of the powers conferred upon it under section 29B of this Ordinance to the extent necessary for such purpose.”

J.E. CARRUTHERS

Chief Officer

26th August, 1970.



