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**M E N T A L   P A T I E N T S   L A W**  
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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Mental Patients Law	CAP.252	
Mental Patients (Amendment) Ordinance 1970	15/1970	11/09/1970
Mental Patients (Amendment) Ordinance 2014	39/2014	05/01/2015
Criminal Procedure Ordinance 2016	9/2016	01/05/2016

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**SCHEDULE —** Regulations with respect to Duties and Powers of  
Administrators.

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M E N T A L P A T I E N T S L A W  
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A Law relating to the Custody and Maintenance of Mental Patients, Criminal Mental Patients and Insane Prisoners and the Administration of the Property of such Patients

**Short title**

**1.** This Law may be cited as the Mental Patients Law.

**Interpretation**

**2.** In this Law—

“Court” means a District Court or any Judge thereof;

“criminal mental hospital” means a criminal mental hospital appointed under this Law;

“~~criminal mental patient~~” means a person found to be insane upon inquiry directed to be made by a District Court or any Assize Court before which such person is being tried and shall include a person who has been acquitted by a District Court or any Assize Court or the Supreme Court on the ground of insanity under the provisions of the Criminal Procedure Law (a) or of the Criminal Law (b);

“*criminal mental patient*” means a person whom the court orders to be detained during the Administrator’s pleasure under section 103(2)(b) of the Criminal Procedure Ordinance 2016 (powers of court, etc. to deal with persons incapable of following proceedings by reason of mental disorder or acquitted on grounds of insanity)(c); (d)

“District Court” includes any Judge thereof;

“~~medical practitioner~~” means any medical practitioner duly registered under the Medical Registration Law (e), or any amendment thereof;

“*medical practitioner*” means any person who, under the Medical Practitioners Ordinance 1964(f), is entitled to practise medicine in the Areas; (g)

“*mental health practitioner*” means a medical practitioner who—

(a) is accredited as being a neurologist-psychiatrist under the Republic’s Medical Practitioners (Special Qualifications) Regulations 1979 (h) (as amended, modified or replaced from time to time) or accredited under those Regulations as possessing a specialism in mental health; or

(b) is approved by the Chief Officer as competent to deal with persons of unsound mind; (i)

“mental hospital” means any mental hospital appointed under this law;

“mental patient” means a lunatic and includes an idiot or any other person of unsound mind;

“offence” means an act, attempt or omission punishable by law or enactment.

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(a) Cap 255

(b) Cap 254

(c) Ordinance 19/2016

(d) Definition repealed and replaced by Ordinance 9/2016 – came into force on 01 May 2016

(e) Cap 250

(f) Ordinance 10/1964

(g) Definition repealed and replaced by Ordinance 39/2014 – came into force on 05 January 2015

(h) Republican P.I. 54/1979 (as amended) Republic of Cyprus Gazette No. 1509 of 23 March 1979

(i) Definition inserted by Ordinance 39/2014 – came into force on 05 January 2015

### **Inquiry as to the mental state of any person**

3. Any Court, upon the information on oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be mentally afflicted and a proper subject of confinement, may, in any place which such Court deems convenient, examine such suspected person, and, in the same place or elsewhere, may hold an inquiry as to the state of mind of such suspected person. For the purposes of such inquiry, the Court shall have the same powers as if the suspected person were a person against whom a complaint for an offence had been made:

Provided that such Court may, if it thinks fit, proceed with such inquiry in the absence of the suspected person, and without proof of the service of a summons upon him.

### **Medical certificate**

4.—(1) The Court shall also appoint a medical practitioner to examine the suspected person. Such medical practitioner if he considers that the facts warrant him so doing shall sign a certificate (in this Law referred to as the certificate) certifying that in his opinion the suspected person is in fact mentally afflicted and a proper subject of confinement as a mental patient.

(2) The medical practitioner before giving the certificate shall inquire of any person able to give him information as to the previous history of the suspected person and shall state in the certificate all matters known to him which he deems likely to be of service with reference to the medical treatment of such person.

(3) The certificate shall specify in full detail the facts upon which the medical practitioner founds his opinion and shall distinguish facts which he has himself observed from facts communicated to him by others.

(4) No certificate shall have any effect under this Law which purports to be founded on facts wholly communicated to the medical practitioner by others.

### **Offences with respect to certificates**

5.—(1) Any person, not being a medical practitioner, who knowingly and wilfully signs any certificate under this Law in which he is described as a medical practitioner, shall be guilty of an offence and shall be liable to imprisonment for any term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(2) Any medical practitioner, who knowingly and wilfully in any certificate under this Law falsely states or falsely certifies anything shall be guilty of an offence and shall be liable to imprisonment for any term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

### **Adjudication of person as mental patient and rescission thereof**

6.—(1) Where, upon such inquiry as is provided for by this Law, it appears to the Court that any person is a mental patient and a proper subject of confinement, and a certificate as by this Law is required of his unsoundness of mind has been given, the Court may adjudge such person to be a mental patient and a proper subject of confinement, and shall proceed to make an order according to this Law for the care and custody of such patient.

(2) Any Court may, upon the application of any person, upon being satisfied that a person who has been adjudged to be a mental patient and a proper subject of confinement is of sound mind or has regained his sanity, rescind such adjudication and shall thereupon revoke any such order made in consequence thereof.

## **Custody of mental patient**

**7.** Where, under this Law, any person who has been duly adjudged a mental patient and a proper subject of confinement, any Court may order such patient to be confined in a mental hospital or by some person to whom a licence has been issued under the provisions of section 21 of this Law.

## **Jurisdiction of Court**

**8.** Any Court may make an order adjudging any person to be a mental patient and a proper subject of confinement notwithstanding that none of the facts constituting such a person a mental patient happened in the district of such Court.

## **Appeals**

**9.—(1)** If any Court under this Law adjudge any person to be a mental patient and a proper subject of confinement, or make any order under section 7 of this Law, an appeal by or on behalf of the patient affected thereby shall lie to the Supreme Court, subject to the same conditions as if such patient had been convicted of an offence punishable on summary conviction in respect of which an appeal would lie. Upon the hearing of any such appeal the Supreme Court may confirm, vary or set aside any order of the Court.

(2) The Court may, if it thinks fit, suspend the execution of any order made by it under the decision of the appeal or any shorter period, and upon such terms and conditions, if any, as it thinks fit.

(3) The Supreme court or any Judge thereof, upon the application by or on behalf of the appellant, may, at any time, and notwithstanding any previous order of a Court, make such order, subject to such terms and conditions, if any, as it or he thinks fit, as to the care and custody or allowing to be at large, until the decision of the appeal, or for any shorter period, of the person adjudged to be a mental patient and a proper subject of confinement.

The Supreme Court or any Judge thereof may vary or revoke any such order.

## **Apprehension of persons of unsound mind wandering at large**

**10.** Any police officer who has reasonable grounds for believing that any person wandering at large is of unsound mind and by reason thereof dangerous shall immediately apprehend and, subject to section 11, take that person, or cause him to be apprehended and taken, before the Court to be dealt with under the provisions of this Law.

## **Removal of person of unsound mind to mental hospital-(a)**

**11.** ~~If a medical officer or a police officer not below the rank of Inspector is satisfied that it is necessary for the public safety or the welfare of a person alleged to be of unsound mind with regard to whom it is his duty to take any proceedings under this Law, that the said person should, before any such proceedings are taken, be placed under care and control, the medical officer or police officer may remove the said person to a mental hospital or observation ward designated by the Director of Medical Services for the purposes of this section, and the person in charge of the said hospital or observation ward shall receive and detain the said person therein, but no person shall be detained under this section for more than three days.~~

## **Power to take person of unsound mind into legal custody and detain**

**11.—(1)** A relevant officer may, other than under the authority of the court and in accordance with this section,—

- (a) take a person ("P") into legal custody; and

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(a) Section 11 repealed and replaced by 39/2014 – came into force on 05 January 2015

(b) detain P.

(2) Before exercising the powers in subsection (1), the relevant officer must have reasonable grounds for believing that P—

(a) is of unsound mind; and

(b) is in immediate need of care and control—

(i) in the interest of P's own health and safety; or

(ii) for the protection and safety of other persons.

(3) Where P is taken into legal custody under subsection (1), P must be detained at a place approved by a medical practitioner which may include the place in which P is found.

(4) The maximum period for which P may be detained under this section is 72 hours.

(5) Where the relevant officer exercising the power under subsection (1) is not a mental health practitioner, a mental health practitioner must, as soon as reasonably practicable after P is taken into legal custody, confirm that there are reasonable grounds for believing the matters set out in subsection (2)(a) and (b).

(6) Whilst P is detained under this section, a relevant officer must ensure that arrangements are in place to provide P with adequate care and supervision and, where necessary, such arrangements may include measures to protect P or any other person from harm.

(7) Where P is detained under this section—

(a) an assessment of P's mental health may be carried out by a mental health practitioner;

(b) P may be treated in accordance with instructions received from a mental health practitioner.

(8) As soon as reasonably practicable, the relevant officer must inform a person falling within paragraphs (a) to (c) that P has been taken into legal custody, the place at which P is, or is to be, detained and the reasons why P has been taken into legal custody—

(a) a family member of P with whom P normally resides;

(b) where there is no person falling within paragraph (a) or such a person cannot be found, a relative of P;

(c) where there is no person falling within paragraph (a) or (b) or such person cannot be found, any other person that the relevant officer considers it appropriate to inform.

(9) Subsection (8) does not apply if, following reasonable enquiries, it has not been possible to identify a person falling within paragraphs (a) to (c) of that subsection.

(10) For the purposes of this section a “a relevant officer” means a police officer not below the rank of inspector or a medical practitioner.

#### **Power to move person from original place of detention to another place (a)**

**11A.**—(1) A person (“P”) who is detained in accordance with section 11 may be moved, under the authority of the Chief Officer, from the original place of detention to another place for one or more of the following purposes—

(a) to assess P's mental health;

(b) to provide care (including supervision) to P;

(c) to provide treatment to P.

(2) Before authorising the move of a person under subsection (1), the Chief Officer must consult a mental health practitioner and be reasonably satisfied that—

(a) P is of unsound mind;

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(a) Section 11A, 11B and 11C inserted by Ordinance 39/2014 – came into force on 05 January 2015

- (b) it is in the interests of P's own health and safety, or necessary for the protection and safety of any other person, that P continues to be detained;
- (c) it is necessary to move P to another place for one or more of the purposes mentioned in subsection (1)(a) to (c);
- (d) a person responsible for, or who has control over, the place to which P is to be moved is willing to receive P; and
- (e) the place is suitable for the purpose for which P is to be moved.

(3) Despite any other provision in this Ordinance, the place to which P may be moved under this section—

- (a) need not be a mental hospital or a place in respect of which a licence has been issued under section 21; and
- (b) may be a place outside the Areas.

(4) As soon as reasonably practicable, the Chief Officer must inform the person notified (if any) under subsection 11(8) of the decision to move P, and the place to which P is to be, or has been, moved and the reasons why P has been moved.

(5) This section does not affect the period of time for which P may be detained under section 11.

(6) The functions of the Chief Officer in this section as general delegated functions under the Delegation of Functions to the Republic Ordinance 2007.(a)

### **Sections 11 and 11A: supplementary**

**11B.**—(1) Reasonable force may be used for the purpose of the exercise of a function under section 11 and 11A where the use of such force is necessary—

- (a) in the interests of P's own health and safety; or
- (b) for the protection and safety of any other person.

(2) Without limit to the power in subsection (1), reasonable force may be used to move P from the original place of detention to another place in accordance with section 11A(1).

### **Mental patient not to be confined except under this Law**

**12.** No person shall confine, detain or take charge of any person adjudged to be a mental patient and a proper subject of confinement or of a criminal mental patient otherwise than in a mental hospital or a criminal mental hospital or under a licence issued under the provisions of section 21 of the Law:

Provided that the provisions of this section shall not apply to any mental patient or criminal mental patient who is absent on parole or is discharged from such hospital under and in accordance with the provisions of this Law.

## **PART 1**

### Mental Hospitals

#### **Appointment of mental hospital**

**13.** The Governor may, by proclamation, appoint the whole or any part of any building, together with any ground or any other premises thereto belonging, to be a mental hospital.

(a) Ordinance 17/2007 (as amended by Ordinance 8/2012)

### **Retaking mental patient who has escaped**

**14.** The Medical Superintendent of any mental hospital or any officer or servant thereof, or any peace officer may retake any mental patient who is escaping from such mental hospital, and may, within fourteen days after his escape, retake any mental patient who has escaped from such mental hospital, and may return to the mental hospital any mental patient so retaken, where he shall revert to his former custody.

### **Discharge or absence o parole of mental hospital**

**15.—(1)** The Director of Medical Services may order the discharge form any mental hospital of any mental patient whether recovered or not, detained under this Law, or may, subject to the provisions of this Law, allow any mental patient to be absent from any mental hospital on parole for such period as he thinks fit, and may at any time grant an extension of such period.

(2) No mental patient shall be allowed to be absent on parole under this section unless some person enters into an agreement approved by the Director of Medical Services to take charge of such mental patient.

(3) If any mental patient allowed to be absent on parole under this section does not return at or before the expiration of the allowed period of absence, such patient may, at any time within fourteen days from the expiration of such period, be retaken as if he had escaped from the mental hospital.

## **PART 2**

### **Criminal Mental Hospital**

#### **Appointment of criminal mental hospital**

**16.** The Governor may, by proclamation, appoint the whole or any part of any building, together with any ground or any other premises thereto belonging , to be a criminal mental hospital.

#### **Confinement of criminal mental patients**

**17.** Criminal mental patients may be confined in a mental hospital or a criminal mental hospital as the Governor in Council may by Order direct.

#### **Discharge of criminal mental patient**

**18.—(1)** The Governor may order the discharge absolutely or upon conditions of any criminal mental hospital or criminal mental hospital whether recovered or not.

(2) Where, upon information upon oath of a police officer not below the rank of sergeant, it appears to a Court that a condition, subject to which a discharge under this section was granted, has been broken, such Court may order the person discharged to be conveyed to the mental hospital or the criminal mental hospital from which he was discharged.

(3) An order made under subsection (2) hereof shall be final and conclusive and no appeal therefrom shall lie to the Supreme Court.

#### **Escape of criminal mental patient**

**19.** Any criminal mental patient escaping or having escaped from a mental hospital or a criminal mental hospital may at any time be retaken by the Medical Superintendent or by any officer or servant of such hospital or by any peace officer and conveyed to such mental hospital or criminal mental hospital and detained therein as if he had not escaped.

### **Absence on parole**

**20.**—(1) The Governor may allow any criminal mental patient confined in a mental hospital or a criminal mental hospital to be absent from such mental hospital or criminal mental hospital on parole for any period he thinks fit, and may at any time grant an extension of such period. If such patient does not return at or before the expiration of such period or extended period of parole he may be retaken as if he had escaped on the last day of such period or extended period.

(2) No criminal mental patient shall be allowed to be absent on parole under this section unless some person enter into an agreement approved by the Governor to take charge of him.

## **PART 3**

### **Charge and Care of Mental Patient in Places other than Mental Hospitals**

#### **Licence to detain mental patients in other places**

**21.**—(1) Any person wishing to take charge and care of any person adjudged to be a mental patient and a proper subject of confinement in any place other than a mental hospital or a criminal mental hospital shall obtain from the Director of Medical Services a licence to do so.

The Director of Medical Services may at his discretion issue or refuse such licence or may issue such licence subject to such terms and conditions as to him seem fit.

(2) The Director of Medical Services may at his discretion revoke any licence granted under this section.

(3) Where any mental patient is confined under the terms of any licence which is revoked by the Director of Medical Services, the Director of Medical Services shall immediately upon such revocation apply to any Court and such Court shall make such further order as to the confinement of such patient under the provisions of section 7 of this Law as to the Court seems fit.

#### **Power to Director of Medical Services to enter licensed premises**

**22.** The Director of Medical Services or any other person authorized by him in that behalf, may enter at any time any place where a mental patient is detained under a licence issued under the provisions of section 32 of this Law and examine such mental patient and may take such steps as may be necessary to ensure that the terms or conditions, if any, in the licence are observed.

#### **Escape of mental patient kept under licence**

**23.** The holder of any licence to take charge of any mental patient or any servant of such holder or any peace officer may retake any mental patient who is escaping from any place where he may be confined under the terms of such licence and may within fourteen days after his escape retake any mental patient who has escaped from such place and may return to such place any mental patient so taken where he shall revert to his former custody.

#### **Absence on parole of mental patient detained under licence**

**24.**—(1) The Director of Medical Services may, subject to the provisions of this Law, allow any mental patient to be absent on parole from any place where he is confined under any licence for such period as he thinks fit, and may at any time grant an extension of such period.

(2) No mental patient shall be allowed to be absent on parole under this section unless some person enter into an agreement approved by the Director of Medical Services to take charge of such mental patient.

(3) If any mental patient allowed to be absent on parole under this section does not return at or before the expiration of the allowed period of absence, such patient may, at any time within

fourteen days from the expiration of such period, be retaken as if he had escaped from the place of his confinement under such licence.

## PART 4

### Insane Prisoners

#### **Insane prisoners**

**25.**—(1) Where the Governor is satisfied that any person imprisoned for any cause in any prison is insane, he may, by warrant under his hand, direct that such prisoner be removed to such mental hospital or criminal mental hospital as the Governor thinks proper, and that he be detained in such mental hospital or criminal mental hospital until discharged as in this section provided.

(2) Where any prisoner is detained in any mental hospital or criminal mental hospital under this section, the Governor, upon the certificate of the Superintendent of such mental hospital or criminal mental hospital certifying that such prisoner is of sound mind, may, by warrant under his hand, direct, if the term of imprisonment of such prisoner has expired and such prisoner is not liable to any other punishment, that he shall be discharged; or if such prisoner still remains liable to imprisonment or any other punishment, that he be returned to the prison from which he was removed there to undergo the imprisonment or other punishment to which he has been sentenced, as if no warrant for his removal to a mental hospital or to a criminal mental hospital had been issued:

Provided that the time during which any prisoner under sentence of imprisonment is detained in any mental hospital or criminal mental hospital shall be reckoned as served under such sentence.

(3) Where the term of imprisonment of any person removed to a mental hospital or criminal mental hospital under the provisions of this section has expired and such person has not been certified as being of sound mind, the Director of Medical Services shall apply to the Court under the provisions of section 3 of this Law and the Court shall thereupon inquire into the state of mind of such person and shall proceed to an adjudication thereon.

(4) Notwithstanding anything in this section contained, the Governor may, by warrant under his hand, discharge any prisoner (hereinafter in this section referred to as "insane prisoner") detained in a mental hospital or in a criminal mental hospital under this section, either absolutely or on such conditions as the Governor may think fit.

(5) Where in pursuance of subsection (4) hereof an insane prisoner has been discharged conditionally, if any of the conditions of such discharge appear to the Governor to be broken, or the conditional discharge is revoked, the Governor may, by warrant under his hand, direct him to be taken into custody and to be conveyed—

- (a) to a mental hospital or criminal mental hospital mentioned in the warrant whereupon the insane prisoner shall be taken to such hospital and received and detained therein as if he had been removed thereto under the foregoing provisions of this Law; or
- (b) if the insane prisoner is of sound mind and still remains liable to imprisonment, to a prison mentioned in the warrant to undergo therein the imprisonment to which he remains liable.

## PART 5

### Custody of the Property of, and Maintenance of, Mental Patients

#### **Expenses of maintaining mental patients and criminal mental patients**

**26.** The expenses of the maintenance of mental patients or of criminal mental patients whilst confined in any mental hospital or in any criminal mental hospital shall, subject to the provisions of this Law, be charged upon the public revenue of the Colony of Cyprus.

## **Control and management of the property of mental patients and criminal mental patients**

**27.**—(1) The district Court having jurisdiction in the place where any mental patient or criminal mental patient usually resided before his confinement as a mental patient or a criminal mental patient (hereinafter referred to as the District Court) shall have the custody, control and management of the property of such mental patient or criminal mental patient,

Provided that if in any case there be any doubt as to the Court having jurisdiction, the powers conferred by this Law upon the District Court may be exercised by the District Court of Nicosia.

(2) The District Court, on the application—

- (a) of any person on behalf of the Government of Cyprus; or
- (b) of any person who shall satisfy such Court that the application is made *bona fide* with a view to the benefit of the mental patient or the criminal mental patient or to the due and proper administration of the property and affairs of such patient,

may appoint an administrator of the property of the mental patient or the criminal mental patient (hereinafter referred to as the administrator), who shall give such security for the due and proper administration of the property and affairs of such patient as to such Court shall see fit.

The administrator shall take charge of the property of such patient until such patient shall die or become bankrupt, or

- (c) in the case of a person adjudged to be a mental patient and a property subject of confinement until such adjudication is revoked; or
- (d) in the case of a criminal mental patient, until the District Court otherwise directs.

(3) The administrator may be either the person making the application or any other person willing to be appointed an administrator and competent to discharge the duties thereof as to the District Court may seem fit.

(4) The District Court may allow the administrator such remuneration as to such Court may seem fit.

(5) The administrator may be removed for cause shown to the satisfaction of the District Court upon the application of any relative of the mental patient or the criminal mental patient or of any person interested in the due and proper administration of his property and affairs or upon the District Court's own motion, and upon the death or removal of the administrator a new administrator may in the like manner and subject to the same conditions be appointed by the District Court.

(6) The provisions of this section shall not apply to insane prisoners removed to a mental hospital or to a criminal mental hospital under the provisions of section 25 of this Law.

## **Property of mental patients and criminal mental patients to be charged with their maintenance and support**

**28.**—(1) The District Court, upon the application of the Director of Medical Services or of any person authorised by him in writing in that behalf, may make an order as to the application of any property of any person adjudged to be a mental patient and a proper subject of confinement or of a criminal mental patient, or the income thereof, in or towards the expense of the maintenance and support of such patient or in or towards recouping the expenses of his past maintenance or support or such portion of these expenses as the District Court may deem reasonable and the expenses of such maintenance and support shall be a charge upon the property of such patient and the administrator thereof shall be bound to apply the property of such patient according to the terms of such order, as if such patient had the power to charge and by writing under his hand had agreed to charge, his property therewith.

(2) The provisions of this section shall not apply to insane prisoners removed to a mental hospital or a criminal mental hospital under the provisions of section 25 of this Law.

**Relatives of a mental patient or criminal mental patient may be charged with his maintenance and support**

**29.**—(1) Where it is proved to the satisfaction of the District Court that the mental patient or criminal mental patient has no property or that his property is not sufficient for his full maintenance and support, or that his property is insufficient to justify an order under the preceding section, the District Court may, on the application of the Director of Medical Services or of any person authorised to by him in writing in that behalf, order that all or such of the following relatives of any person adjudged to be a mental patient and a proper subject of confinement or of a criminal mental patient in such proportion as the District Court may direct, shall make contribution for or towards the maintenance and support of such patient whilst he is confined in any mental hospital, that is to say, the husband, wife, father, mother, brothers, sisters, lawful children:

Provided that no such order shall be made unless—

- (a) the District Court is satisfied that sufficient notice has been given by the Director of Medical Services to the person or persons to be charged therewith of his intention to apply to such Court for an order; and
- (b) the District Court is satisfied that the person or persons to be charged therewith possess the means and are able to make such contribution:

Provided further that the total amount of contribution to be ordered under this section shall not exceed two pounds per week.

(2) An order made under this section may be varied from time to time upon application to the District Court by the Director of Medical Services or by any person affected by such order.

(3) Any order made under this section and any order varying the same small be subject to appeal to the Supreme Court in the same way and subject to the same Rules as are applicable to appeals to the Supreme Court from the judgement of a District Court.

(4) The provisions of this section shall not apply to insane prisoners removed to a mental hospital or a criminal mental hospital under the provisions of section 25 of this Law.

## **PART 5A (a)**

### *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.

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(a) Part 5A inserted by Ordinance 15/1970 – came into force on 11 September 1970

(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 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 case of emergency**

**29C.** Whenever, in consequence of representations, the Court has reason 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 therefore, 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.

## **PART 6**

### **Offences**

#### **Ill-treatment of mental patients or criminal mental patients**

**30.** Any superintendent, officer, nurse, attendant, servant or other person employed in any mental hospital, criminal mental hospital or the owner of or any person employed in any place in which a mental patient is confined by reason of a licence issued under section 21 of this Law, who strikes, ill-treats or wilfully neglects any mental patient or criminal mental patient confined in such mental hospital, criminal mental hospital or place of confinement shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

#### **Offences by licensees**

**31.** Any person to whom a licence has been issued under section 21 of this Law who—

- (a) fails to comply with the terms or conditions of such licence; or
- (b) neglects or refuses to allow the Director of Medical Services or any person authorised by him to enter any place where a mental patient is detained; or
- (c) neglects or refuses to allow the Director of Medical Service or any person authorised by him to examine any mental patient detained under the terms of such licence,

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

### **Rescue and permitting to escape**

**32.**—(1) Any person who rescues any mental patient or criminal mental patient while being conveyed to or while confined in any mental hospital, criminal mental hospital or any other lawful place of confinement under this Law, and any officer or servant of any mental hospital or criminal mental hospital or servant in any such place who secretes, or through wilful neglect or connivance permits to escape, any mental patient or criminal mental patient confined in any mental hospital or criminal mental hospital or other place under this Law shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(2) Any officer or servant of any mental hospital or criminal mental hospital who carelessly permits any person confined therein under this Law to escape shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds.

### **Offences by person in charge of a mental patient or criminal mental patient on parole**

**33.** Any person who accepts the charge of a mental patient or a criminal mental patient allowed to be absent on parole, and who

- (a) wilfully neglects to provide such patient with suitable lodging, clothing, food, medical attendance when required, or other necessaries, or fails to take proper care of such patient; or
- (b) refuses to allow such patient to be visited by any medical officer of the mental hospital or criminal mental hospital from which he was liberated on parole or by a District Medical Officer,

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

### **Ill-treating mental patient or criminal mental patient on parole and obstructing visitors**

**34.** Any person who ill-treats a mental patient or criminal mental patient absent on parole, or who obstructs any medical officer of the mental hospital or criminal mental hospital from which such patient was liberated, or a District Medical Officer, while visiting or attempting to visit any such patient shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds or to both such imprisonment and fine.

### **Taking charge, etc. of mental patient or criminal mental patient contrary to provisions of this Law**

**35.** Any person who shall confine, detain or take charge of any person adjudged to be a mental patient and a proper subject of confinement or of any criminal mental patient contrary to the provisions of this law shall be guilty of an offence and shall on summary conviction be liable to imprisonment for a term not exceeding two years or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

### **Obstructing execution of order for delivery**

**36.** Any person who resists or obstructs any person acting in execution of any order for the delivery of a mental patient or a criminal mental patient to a mental hospital or criminal mental hospital shall be guilty of an offence and shall on summary conviction be liable to imprisonment

for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

## PART 7

### Miscellaneous

#### **Transfer from mental hospital to another place**

**37.**—(1) It shall be lawful for the Governor, when it appears necessary, to order any person confined in any mental hospital under the provisions of this Law to be removed to some place other than the mental hospital and there detained for care or treatment.

(2) The provisions of this Law, so far as they are applicable, shall apply to such mental patient as to the place where he is ordered to be detained as if such person had not been removed and as if such place were a mental hospital.

#### **Power to Governor in Council to make Regulations**

**38.**The Governor in Council may make Regulations to be published in the Gazette—

- (a) providing for the management of mental hospitals or of criminal mental hospitals, the care and custody of the patients therein and the fees to be paid for the maintenance of such patients;
- (b) providing for the establishment in any mental hospital or criminal mental hospital of special or private wards and for the payment of fees in respect of the use of such wards;
- (c) regulating the duties and powers of the administrators:
  - Provided that until such Regulations are made such duties and powers shall be regulated by the Regulations in the Schedule to this Law;
- (d) prescribing forms to be used with respect to any matter under this Law;
- (e) making provisions with respect to any other matter with respect to which it is necessary to make provisions for the purpose of carrying into effect the provisions of this Law.

#### **Rules of Court**

**39.** The Governor with the advice and assistance of the Chief Justice may by writing under the hand and official seal of the Governor and the hand of the Chief Justice make Rules of Court for regulating the practice (including forms and fees) in respect of any proceedings under this Law before any Court or the District Court with reference to the adjudication or the rescission of the adjudication and the maintenance and support of a mental patient and the control and management of the property of a mental patient or a criminal mental patient.

#### **Persons detained in Lunatic Asylum**

**40.** All persons who on the coming into operation of this Law are detained in the place heretofore known as the Lunatic Asylum about a mile south-east of Nicosia shall be deemed to have been and to be lawfully detained therein and the provisions of this Law shall apply to such persons and the property of such persons as if they had been adjudged to be mental patient and proper subjects of confinement or were criminal mental patients under the provisions of this Law.

#### **Prerogative of Crown**

**41.**Nothing in this Law contained shall prejudice any right or prerogative of Her Majesty, or of the Governor on behalf of Her Majesty.

## SCHEDULE

(Section 38)

### Regulations with respect to Duties and Powers of Administrators.

1. Subject to the provisions of this Law and of these Regulations the administrator shall hold in trust and preserve the property of the mental patient or the criminal mental patient and may invest the income thereof in such securities as he shall from time to time think fit for the use and benefit of the mental patient or the criminal mental patient.
2. The administrator may apply to the District Court for directions as to the disposal of any money in his hands.
3. The administrator shall at such time or times as may be directed by the District Court furnish such Court with true and just accounts of his receipts and expenditure with regard to the property of the mental patient or criminal mental patient, and the District Court may direct that such accounts be verified by affidavit.
4. The administrator shall have power to let on lease any part of the property of the mental patient or the criminal mental patient: Provided that no lease shall be for a period longer than two years, except with the approval of the District Court.
5. The administrator may, with the permission of the District Court, mortgage, sell and transfer any part of the property of the mental patient or the criminal mental patient.
6. The administrator may cause such payments and allowance as to him shall see fit to be made from time to time out of the property of the mental patient or the criminal mental patient or the income thereof for the support and maintenance of the wife or husband or child of the mental patient or the criminal mental patient and, subject to the approval of the District Court, of any other person who was dependent or partly dependent on such mental patient or criminal mental patient for support.