

Form M.H. 5

THE MENTAL HEALTH LAW, 1979
[Section 8 (1)]

ORDER

To -----
of -----

This is to require you to take into your charge ----- of -----
----- presently detained at ----- and to convey him
to ----- of ----- at ----- by ---
----- and there deliver him into the care of ----- of -----
----- aforesaid together with the enclosed duplicate copy of this Order.

Dated the ----- day of ----- 19

Governor of the Cayman Islands

Passed the Legislative Assembly this 11th day of June, 1979.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.

CAYMAN ISLANDS



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THE MENTAL HEALTH
LAW, 1979
(Law 22 of 1979)

CAYMAN ISLANDS

THE MENTAL HEALTH LAW, 1979

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Form M.H. 4

THE MENTAL HEALTH LAW, 1979
[Section 7]

TO WHOM IT MAY CONCERN

I, -----, Member of Executive Council responsible for Health,
having perused the certificate dated the day of ----- 19 ----- issued
in respect of ----- of -----, a patient detained
under the above Law, HEREBY ORDER

(a) that the said ----- be released forthwith; OR

(b) that the said ----- be further detained

until the ----- day of ----- 19 -----.

Dated the ----- day of ----- 19 ---.

Signed
Member Responsible for Health

Form M.H.3.

THE MENTAL HEALTH LAW, 1979
[Section 7]

To the Hon. Member of Executive Council Responsible for Health

WE, ----- Chief Medical Officer and -----
-- of -----, medical practitioner, having under our care -----
----- of ----- who by an order made of the -----
-- day of ----- 19 ----- was ordered to be detained until the -----
----- day of ----- 19 ----- for treatment and care as a patient
under the above Law, HEREBY CERTIFY that the said -----
in our opinion

is fit to be released; OR
ought to be detained for a further period
ending the ----- day of ----- 19-----.

And we further report as follows:

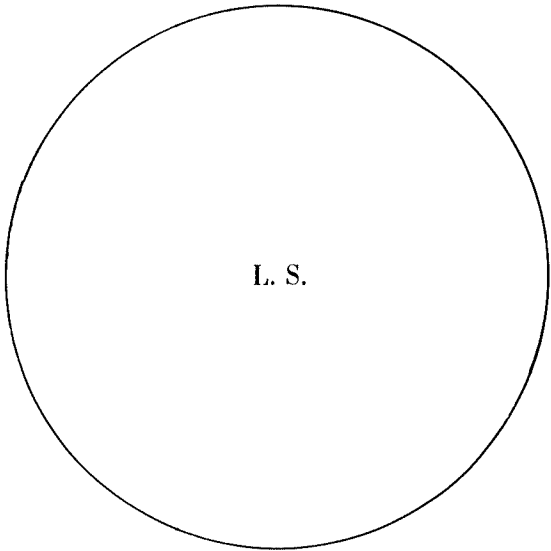
.....
.....

Dated the ----- day of ----- 19-----

Signed -----
Chief Medical Officer

Signed -----
Medical Practitioner

CAYMAN ISLANDS



Law 22 of 1979

I assent

T. RUSSELL
Governor

28th June, 1979.

A LAW to make provision for the care, treatment and control of
mentally disordered people

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Mental Health Law, 1979.

Interpretation.

2. In this Law unless the context otherwise requires –
“Chief Medical Officer” has the meaning ascribed to it in the
Health Services Law;

Law 20 of 1974.

“Commissioner” has the meaning ascribed to it in the Police
Law;

Law 5 of 1976.

“confinement” means, with relation to a patient, the detention of
such patient in a hospital, place of safety or prison;

“court” means a court of the Islands having criminal and civil

jurisdiction;

“Governor” means the Governor in Council;

“guardian” means a person appointed as such by an order of the Grand Court made by virtue of its jurisdiction conferred by section 16 of the Grand Court Law;

Law 8 of 1975.

“hospital” means the government hospital or a hospital outside the Islands to which a patient may be transferred by the direction of the Governor upon the advice of the Chief Medical Officer;

“medical practitioner” means a person lawfully practising medicine in the Islands;

“Member” means the Member of the Executive Council responsible for Health;

“mentally defective” is descriptive of a person who –

- (a) before reaching the age of 18 years suffered from a condition of incomplete or arrested development of mind whether arising from inherent causes or induced by disease or injury; or
- (b) by reason of mental defect is unable to guard himself from common physical dangers; or
- (c) by reason of mental defect is incapable of managing his own affairs; or
- (d) by reason of mental defect requires care, supervision and control for his own protection and that of others; or
- (e) by reason of mental defect is of vicious or criminal propensities and requires to be kept under control for the physical protection of others;

“mentally disordered” includes “mentally ill and mentally defective”;

“mentally ill” means suffering from a disease of the mind responsive to medical treatment;

“nearest relative” of a person means a person not under disability, resident in the Islands who is the –

- (a) spouse;
- (b) child;
- (c) parent;
- (d) brother or sister;
- (e) grand-parent;
- (f) uncle or aunt; or
- (g) nephew or niece;

in that order, of that person who is willing to act as such under this

Form M.H. 2.

THE MENTAL HEALTH LAW, 1979
[Section 7]

To the Hon. Member of Executive Council Responsible for Health

WE, ----- Chief Medical Officer, and -----
----- of -----, medical practitioner, HEREBY CER-
TIFY that we have had under observation ----- of -----
----- who was detained for that purpose at hours on the -----
--day of -----19----- upon a report received from -----
----- of-----being ----- and who has since
been confined at ----- in care of ----- and that
we are of opinion that he is (has been) suffering from

.....
.....
.....

and that he is now in a condition when he may safely be released.

OR

and that his condition is such that he should be further detained for a period not exceeding six months or until in the meantime his condition shows sufficient improvement to justify his sooner release from detention as a patient under the above Law.

Dated the -----day of ----- 19 --.

Signed
Chief Medical Officer

Signed
Medical Practitioner

Effect of
certain pro-
visions of
the Criminal
Procedure Code

18. Sections 44, 45, 46, 149 and 150 of the Criminal Procedure Code are to be read together with this Law as if they formed part thereof but where any provision of that Code is in conflict with any specific provision of this Law the Code shall prevail.

THE SCHEDULE

Form M.H.1.

The Mental Health Law, 1979
[Section 6]

ORDER

TO WHOM IT MAY CONCERN

I, ----- Chief Medical Officer having examined -----
----- of ----- and having con-
sidered the report of ----- concerning him HEREBY ORDER
that the said ----- be kept in confinement at -----
----- until ----- hours on the day of -----
----- 19 ----- or until I sooner order his release and that during such confinement
the said ----- shall be under the observation of myself and --
-----, a medical practitioner.

Dated the-----day of -----19 --.

.....

Chief Medical Officer

Application.

Law 8 of 1975.

Request for
observation
order.

Apprehension
of person
suspected to
be a danger.

Observation
period.

Certification
and detention.

Treatment out-
side the Islands.

Law and, where there are two such persons of equal propinquity, the elder of the two;

“patient” means a person undergoing or ordered to undergo treatment for mental disorder;

“treatment” includes remedial and other measures applied for the purposes of alleviating mental disorder and for the protection of patients and of those with whom such patients may come into contact.

3. (1) This Law has no application to any person upon the sole ground that he has voluntarily sought or offered himself for treatment for mental disorder.

(2) The authority of a guardian appointed under section 16 of the Grand Court Law shall, for the purposes of this Law, prevail over that of any other person in whom custody or control of the person subject to such order is vested.

4. A guardian, the Commissioner or the nearest relative of any person who believes that person to be in need of treatment under this Law may make request to the Chief Medical Officer that such person be detained for observation and the Chief Medical Officer may, at his discretion, order and require that such person be so detained.

5. Where it appears to any constable that any person is, by reason of mental disorder, an immediate danger, or is likely to become a danger to himself or others, he may take such person into protective custody and with all reasonable despatch bring him before a Government Medical Officer who shall examine such person and if such Medical Officer considers that such person should be further detained he shall direct that he be detained in a hospital or in a prescribed place of safety able to receive and care for him, there to await the decision of the Chief Medical Officer as to his further detention.

6. A person detained under section 4 or 5 may, at the discretion of the Chief Medical Officer be kept in detention for a period not exceeding forty-eight hours from the time of his original detention or apprehension and, during the said period, be under the observation of the Chief Medical Officer and of at least one other medical practitioner appointed by the Chief Medical Officer for that purpose.

7. At any time during an observation period of any person as provided by section 6 the Chief Medical Officer jointly with one other medical practitioner, both having had such a person under observation may issue a certificate addressed to the Member in the prescribed form certifying such person to be a patient in need of treatment and stating the nature of the mental disorder suspected and ordering that the patient be kept in detention for a period not exceeding six months within which period the Chief Medical Officer may issue a further certificate in the prescribed form recommending the patient's release or further detention and the Member, upon perusal of such certificate may make an order accordingly.

8. (1) In appropriate cases the Chief Medical Officer may recommend to the Governor that a patient be transferred to a hospital out-

side the Islands specializing in the treatment of mental disorder, there to continue undergoing treatment, subject to the laws of the country in which such hospital is situated, and the Governor may make an order accordingly in the prescribed form.

(2) The Governor may provide for the reception outside the Islands of persons subject to an order made under subsection (1).

Enforcement
of orders.

9. An order made under this Law is sufficient to the person or persons to whom it is directed to apprehend the person referred to therein and convey him to a hospital or other place as directed in such order and there detain him or cause him to be detained.

Postal
restrictions.

10. (1) Postal packets addressed to a patient detained under this Law may be withheld if, in the opinion of a medical practitioner having care of him, the receipt thereof might have an adverse effect upon him and any such packet so withheld shall be returned to the sender if he can be identified and located.

(2) Postal packets addressed by a patient detained under this Law for despatch by the post office may be withheld therefrom —

(a) if the addressee has given notice in writing to the Chief Medical Officer requesting that communications addressed to him by the patient should be withheld; or

(b) it appears to the Chief Medical Officer that the packet would be unreasonably offensive to the addressee, or is defamatory to other persons (other than persons having care of the patient) or would be likely to prejudice the interests of the patient:

Provided this subsection does not apply to any postal packets addressed to —

- (i) the Governor;
- (ii) the Member;
- (iii) a member of the Legislative Assembly;
- (iv) a Judge of the Grand Court; or
- (v) his nearest relative.

Mental
treatment of
prisoners.

11. (1) When a person while undergoing a sentence of imprisonment has been made the subject of a request under section 4 and has been detained for observation under section 6 his period of sentence shall be treated as suspended from the time of his detention for observation and thereafter until the expiry of any further period of detention under this Law.

(2) Where a person detained for observation under subsection (1) is further detained for any further period under this Law, the Chief Medical Officer shall make report to the Governor with a prognosis of the patient's mental disorder and the patient shall thereafter be dealt with at the Governor's pleasure.

Power of
Juvenile

12. Before making an order under subsection (1) of section 14 of the Juvenile Law, the Juvenile Court, if it suspects that the juvenile

Courts.
Law 16 of 1975.

subject to such order is suffering from mental disorder, may order such juvenile to be held in detention for examination by the Chief Medical Officer who may, after making such examination, detain such juvenile for a period of observation in accordance with section 5 and shall in any event report to the Juvenile Court his opinion of the juvenile's mental condition.

Jurisdiction
of the Grand
Court over the
property of
patients and
persons under
guardianship.
Law 8 of 1975.

13. In the case of —

- (a) a patient under this Law; or
- (b) a person in respect of whom the Grand Court has appointed a guardian under section 16 of the Grand Court Law and has thereafter found upon examination to be a person incapable of managing his own affairs,

the Grand Court may, with respect to the property and affairs of such person do or secure the doing of all such things as appear desirable for the maintenance or benefit of such person, of his family, of those for whom he might be expected to provide if he were not mentally disordered and for otherwise administering his affairs but shall, in so doing, have regard to the interests of creditors and obligees and to the making of provision for them, notwithstanding that the relevant debts and obligations may not be legally enforceable.

Powers of the
Grand Court
exercising
jurisdiction
under section 13.

14. In the exercise of its jurisdiction under section 13 the Grand Court may on behalf of a patient or person under guardianship —

- (i) arrange for a person or persons to —
 - (a) manage, sell, acquire, charge or deal with property;
 - (b) enter into any settlement;
 - (c) provide for the management of a business;
 - (d) dissolve a partnership;
 - (e) complete a contract;
 - (f) conduct legal proceedings;
 - (g) act as trustee; or
- (ii) appoint a Receiver.

Regulations.

15. The Governor may make regulations prescribing procedures to be used in the administration of this Law.

Penal.

16. Without prejudice to the operation of any other law, whoever —

- (a) for the purpose of procuring any person to be detained under this Law makes a statement in any form in the truth of which he does not believe; or
- (b) inter-meddles with or deals or offers to deal with any property falsely claiming authority so to do under this Law

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or both and may be ordered to make restitution of any property involved and missing.

Forms.
The Schedule.

17. The forms referred to in this Law are prescribed in the Schedule.