

LAWS OF THE GILBERT ISLANDS  
REVISED EDITION 1977

CHAPTER 56

MENTAL TREATMENT

ARRANGEMENT OF SECTIONS

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## SCHEDULES

**An Ordinance to provide for the care and maintenance of persons of unsound mind**

6 of 1927  
(Cap. 38 of  
1952)

*Commencement: 28th December 1927*

1 of 1954  
8 of 1957  
7 of 1964  
8 of 1968

## PART I

2 of 1969  
L.N. 15/71  
8 of 1971  
3 of 1972  
(Cap. 37 of  
1973)  
26 of 1977

## PRELIMINARY

1. This Ordinance may be cited as the Mental Treatment Ordinance. Short title

2. In this Ordinance—

Interpretation

- “medical officer” means a medical officer or medical practitioner approved by the Minister;
- “medical officer in charge” means the medical officer for the time being in charge of the mental health wing;
- “the mental health wing” means the mental health wing of the Central Hospital at Tarawa and includes such other hospital wings or departments wheresoever situated as the Minister may by notice designate additionally or in substitution;
- “patient” means every person received into the mental health wing or detained therein as a person of unsound mind;
- “person of unsound mind” includes idiot;
- “Visiting Committee” means the Visiting Committee for the constitution of which provision is made in section 4;
- “visitor” means any person who is for the time being a mental health wing visitor under the provisions of section 3;
- “Visitors’ Book” means the book kept under section 23 (2).

Visitors

3. The following persons shall be mental health wing visitors—
- (a) the Chief Justice and other judges of the High Court;
  - (b) Members of the Council of Ministers and House of Assembly;
  - (c) the Chief Medical Officer;
  - (d) all magistrates and justices of the peace;
  - (e) such other persons or classes of persons as the Minister may by notice appoint.

Visiting Committee

4. The Minister shall appoint 3 or more of the visitors to constitute a Visiting Committee and shall appoint 1 of the members of the Visiting Committee to be the chairman thereof.

Procedure of Visiting Committee

5. (1) The quorum of the Visiting Committee shall be 3 members, including the chairman, but subject thereto the powers and duties of the Visiting Committee shall not be affected by the absence or temporary incapacity of any member thereof.

(2) In the event of the absence or temporary incapacity of the chairman, the senior public officer who is a member shall act as chairman at any meeting of the Visiting Committee or, if there is no member present who is a public officer, a temporary chairman shall be appointed for that meeting from among themselves by the members present.

## PART II

### CUSTODY OF PATIENTS

Patients to be kept until discharged or decease

6. Every person admitted to the mental health wing as a patient shall be kept therein until his decease or until his discharge under the provisions of this Ordinance, and, while detained in the mental health wing, shall be subject to the directions of the medical officer in charge and to the observance of any regulations which may be made under the provisions of this Ordinance.

## PART III

### ADMISSION OF PATIENTS

Magistrate may order apprehension of supposed person of unsound mind for examination

7. If it shall have been made to appear to any magistrate by information on oath that any person is deemed to be a person of unsound mind at large or not under proper care or control or who is cruelly treated or neglected by any relative or other person having the care or charge of him, such magistrate may by order

under his hand require any police officer to apprehend such person and bring him before himself, or some other magistrate within the Gilbert Islands, for the purpose of examination as hereinafter provided.

8. If any person be brought before a magistrate under an order issued as provided in the last preceding section, or after having been apprehended under circumstances denoting a derangement of mind and a purpose of committing some crime, such magistrate may call to his assistance a medical officer, who shall separately examine such person, and if, upon view and examination of the person so brought before him and upon proof on oath by the said medical officer and on any other proof, the magistrate is satisfied that such person is a dangerous person of unsound mind or is a person of unsound mind who was wandering at large or was not under proper care and control or was cruelly treated or neglected by any relative or other person having the care or charge of him, the magistrate may by warrant under his hand in the form contained in Schedule 1 commit such person to the mental health wing, and until such person can be removed to the mental health wing, give such directions or make such arrangements for the proper care or control of such person as he may deem necessary; and such warrant shall be sufficient authority to the person to whom it is addressed to remove such person accordingly and, subject to the directions and arrangements aforesaid, to keep him in safe custody until such removal can be effected.

Magistrate may commit to mental health wing upon oath of medical officer

Schedule 1

9. The medical officer assisting at such examination as aforesaid, shall fill up and sign a certificate in the form contained in Schedule 2 and, except as hereinafter provided, no person shall be committed by a magistrate to the mental health wing unless such certificate shall have been first signed as aforesaid; and the said examination may if the magistrate think fit be held at the abode of the person examined or at such other proper and convenient place as may be directed by the magistrate.

Medical officer to give certificate

Schedule 2

10. If there is no available medical officer in the district of any magistrate, or if for any other reason the assistance of a medical officer be not procurable for the purpose of an examination as aforesaid, it shall be lawful for the magistrate to exercise the powers conferred upon him by section 8 without such assistance as therein prescribed:

Provision in case of the absence of a medical officer

Provided that in every such case he shall forward to the medical officer in charge, together with the warrant of commitment, a copy of the evidence upon which the commitment was made.

Order of  
committal

Schedule 3

11. Every magistrate committing a person to the mental health wing as aforesaid, shall make out and fill up an order in the form contained in Schedule 3 hereto; and such order shall be forwarded to the medical officer in charge as soon as possible and the medical officer in charge shall refuse admission to any person committed by a magistrate as aforesaid if he shall not have previously received such order.

Minister may  
order any  
prisoner of  
unsound  
mind to be  
removed to  
the mental  
health wing  
Schedule 4

Schedule 2

12. The Minister may if he shall think fit, by order under his hand, which may be in the form contained in Schedule 4, direct that any person who may be detained in custody in any prison or place of confinement under any sentence of imprisonment, or under any warrant in default of surety to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction by a magistrates' court or the order of a magistrate, and in respect of whom a certificate in the form contained in Schedule 2 shall have been signed by a medical officer, be removed to the mental health wing and every such person so removed shall remain under confinement in the mental health wing until he shall be discharged as hereinafter provided.

Minister may  
order admis-  
sion of any  
person of  
unsound  
mind com-  
mitted for  
trial  
Schedule 2  
Schedule 4

13. If at any time a certificate in the form contained in Schedule 2 shall be signed by a medical officer with reference to any person committed for trial for any offence, the Minister may, if he shall think fit, by order under his hand in the form contained in Schedule 4, direct that such person, if in custody, shall be removed to the mental health wing, and such person shall be detained in the mental health wing until such time as he may be certified by the medical officer in charge mentally fit to stand his trial; and such person shall thereupon be returned to the custody of the gaoler of the prison in whose custody he may have been under the terms of the original committal.

When a per-  
son found  
guilty but  
insane or  
found insane  
on arraign-  
ment

14. When, upon any trial on indictment or information for a criminal offence, the accused shall have been found guilty but to have been insane at the time when he committed the offence, or when upon arraignment he shall have been found by the High Court to be insane, and the Court shall have in any such case ordered such accused person to be kept in custody in such place and in such manner as the Court shall direct till Her Majesty's pleasure shall be known, the Minister may give such order for the safe custody of such person during pleasure in the mental health wing or in such other place and in such manner as to him may seem fit.

15. Any person, being nearly related to or having the care or control of any person of unsound mind, may make application for his reception in the mental health wing for the purpose of medical care and treatment, but no person shall be received as a patient in consequence of such application unless the applicant shall have signed an order in the form contained in Schedule 5 and have furnished the statement of particulars contained in such Schedule, nor without the medical certificate according to the form in Schedule 2 of a medical officer.

Patient may be admitted on application by relatives or person in charge

Schedule 5

Schedule 2

16. Persons of unsound mind may upon furnishing the certificate in the form contained in Schedule 2 of a medical officer and a statement of particulars, similar to that contained on an order for admission under section 15, be admitted as patients upon their own application.

Persons may be admitted on their own application  
Schedule 2

17. The medical officer in charge shall by the first opportunity after the admission of any patient into the mental health wing, send notice thereof in writing to the chairman of the Visiting Committee with the said medical officer's own opinion of the case, specifying in every such notice the name of such patient and the authority under which he was admitted.

Notice of admission of patient

18. The medical officer in charge shall, after his examination of a patient admitted into the mental health wing, make an entry with respect to such patient in a book to be kept at the said wing for the purpose and to be called the Mental Health Wing Register; and such entry shall be made according to the form and containing the particulars specified in Schedule 6 so far as the same can be ascertained, and shall be made within 24 hours of the examination, except the entry as to the form of mental disorder which shall be made as soon as the medical officer in charge shall have formed an opinion thereon, and except the entry as to the discharge or death of the patient which shall be made as hereinafter mentioned.

Mental Health Wing Register

Schedule 6

19. Nothing in this Ordinance shall be held to give any person a legal right to admission to or maintenance in the mental health wing, but the medical officer in charge shall not, without the direction of the chairman of the Visiting Committee, refuse to receive any patient duly qualified to be admitted and for whom there may be room in the mental health wing.

Medical officer in charge shall not refuse qualified patient without direction of the chairman

20. Upon admission to the mental health wing every patient shall be subject to the directions and control of the medical officer in charge and other officers attached to the mental health wing and to the observance of any regulations which may be made under the provisions of this Ordinance.

Every patient subject to control of medical officer in charge

Medical officer in charge may on emergency detain supposed person of unsound mind  
Schedule 1

21. (1) Notwithstanding anything in the previous sections contained, the medical officer in charge may, if upon any emergency he shall deem it necessary to do so, detain in the mental health wing any person whom he shall have reason to believe is a person of unsound mind, without any warrant or order, until such time as he can obtain a warrant under the hand of a magistrate in the form contained in Schedule 1.

(2) Any detention under this section shall be forthwith reported by the medical officer in charge to the chairman of the Visiting Committee.

#### PART IV

#### REGULATIONS

Regulations

22. (1) The Minister may make regulations for the management and direction of the mental health wing and the duties and conduct of the officers attached thereto, for the care and treatment of the patients therein, for the visiting of patients, for the inspection and if need be detention of any correspondence passing to and from patients, and for the charges to be made in respect of the care and treatment of patients.

(2) A copy of any regulations made hereunder shall be kept hung up in the mental health wing and shall be abided by and observed in the mental health wing.

#### PART V

#### SPECIAL POWERS AND DUTIES OF THE VISITORS

Visitors may come at any time and shall sign Visitors' Book

23. (1) The Visiting Committee or any visitor may visit the mental health wing upon any day, at such time and for such length of time as they or he may think fit, and the medical officer in charge shall on demand of the Visiting Committee or of any visitor show to them or him every or any person detained in the mental health wing as a patient or any part of the mental health wing, or any house, out-house, place or building connected therewith or in its curtilage:

Provided that no member of the Visiting Committee or other visitor, except in the presence and with the consent of the medical officer in charge, shall be allowed to enter the cell or room of any patient whom the medical officer in charge considers to be dangerous.

(2) All members of the Visiting Committee and other visitors shall enter in a book to be kept for the purpose (to be styled the "Visitors' Book") any remarks which they may consider proper in regard to the condition and management of the mental health wing and the patients therein and shall sign such book upon each occasion upon which they visit the mental health wing.

24. The Visiting Committee shall once at least in every 3 months inspect every part of the mental health wing and see and examine every patient therein and the order and certificate of admission of every patient admitted since their last visitation and the books of the mental health wing.

Visits of Visiting Committee

25. The Visiting Committee shall in the month of January in every year forward to the Minister a report in writing of the state and condition of the mental health wing and as to its sufficiency for the proper accommodation of the number of patients for whom it may be necessary to provide accommodation, and as to the management of the mental health wing and the conduct of the medical officer in charge and staff thereof and the care of patients therein, and in such report shall make such observations in relation to the state of mind or bodily health of any of the patients, or any matters connected with the mental health wing as the Visiting Committee may think fit.

Visiting Committee to report to Minister

26. (1) In addition to the annual report of the Visiting Committee required to be made under the provisions of section 25, the Visiting Committee, or any member thereof, shall make such reports upon any matter connected with the mental health wing as the Minister may from time to time direct.

Special reports

(2) The Visiting Committee or any visitor may at any time make a report to the Minister with regard to any matter relating to the mental health wing or the patients therein which the Visiting Committee or any visitor considers to be a proper subject for such report.

27. Every letter which may be written by any patient in the mental health wing to the Visiting Committee or to any member thereof or to any other visitor shall be forwarded unopened to the addressee.

Patients' letters

28. The medical officer in charge shall visit and examine every patient admitted to the mental health wing within 24 hours of his admission and shall do and perform all such other acts and duties as are hereinafter mentioned.

Medical officer in charge to visit patients on admission

Weekly  
examination  
of patients

29. The medical officer in charge shall, at least once in every week, examine every patient detained in the mental health wing, and once in every week make an entry in a book to be kept at the mental health wing for that purpose, to be called the Medical Case Book, which shall be in such form as may be prescribed from time to time by the Minister.

Subordinate  
officers

30. The subordinate officers attached to the mental health wing shall, subject to any regulations which may be in force, follow and obey the directions of the medical officer in charge as to the care and treatment of any patient; and no such officer shall be liable to an action for following any directions so given.

## PART VI

### DISCHARGE, DEATH OR ESCAPE OF PATIENTS

Discharge of  
patients

31. Every patient admitted to the mental health wing as hereinafter mentioned shall be kept therein until he shall die or be discharged as hereinafter provided.

Discharge,  
death or  
escape of  
patients to be  
notified

32. When any patient shall be discharged from the mental health wing or when any patient shall die therein or escape therefrom, it shall be the duty of the medical officer in charge by the first opportunity after such discharge, death or escape, to send to the chairman of the Visiting Committee notice in writing thereof.

Report and  
inquiry in  
case of death

33. On the death of any person confined in the mental health wing, the medical officer in charge shall at once report such death to the magistrates' court which shall thereupon proceed to hold an inquiry into the cause of the death of the deceased in accordance with the provisions of the Death and Fire Inquiries Ordinance.

Cap. 24

Entries to be  
made in  
Register

34. Upon discharge of any patient from the mental health wing or upon the death of any patient therein, it shall be the duty of the medical officer in charge within 24 hours of such discharge or death to make the appropriate entries in the Mental Health Wing Register.

Minister may  
order dis-  
charge or  
removal of  
prisoner on  
certificate of  
medical  
officer in  
charge

35. If it shall be certified to the Minister by the medical officer in charge that any person removed to the mental health wing under section 13 is fit to be discharged therefrom, the Minister may, by warrant under his hand directed to the medical officer in charge, order that such person shall be returned to the prison or place of confinement from which he shall have been taken or, if

the period of imprisonment or custody of such person shall have expired, that he be discharged.

36. (1) If it shall appear to the medical officer in charge that any person detained in the mental health wing is fit to be discharged therefrom, he may order such patient to be discharged and the patient shall be discharged accordingly.

Medical officer in charge's and visitors' orders of discharge of patients

(2) Any 2 members of the Visiting Committee may make special visits to any patient detained in the mental health wing, and if after 2 distinct and separate visits not less than 7 clear days apart, it shall appear to them that such patient is detained without sufficient cause, they may make an order addressed to the medical officer in charge for the discharge of such patient and such patient shall be discharged accordingly:

Provided that the medical officer in charge shall have previous notice of the second of such visits and if he protest against such discharge it shall not be made without the consent of the Minister.

37. The powers of ordering the discharge of a patient conferred by section 36 shall not apply to the case of persons found to be insane by the court and ordered to be kept in custody during Her Majesty's pleasure or to a person committed for trial.

Exercise of powers under section 36

38. (1) If and when any person who signed the order under section 15 on which a patient was received into the mental health wing, shall, by writing under his hand directed to the medical officer in charge, request that such patient be discharged or removed, such patient shall be discharged or removed accordingly.

Patient admitted on application of relatives or guardian or himself may be discharged or removed at their or his request

(2) If the person who signed the order be dead, absent or incapable, the request may be made and signed by the person who made the last payment on account of the patient or by the patient's nearest of kin, being an adult, resident in the Gilbert Islands, or by any person who would have the care and control of the patient upon his discharge or removal, and the patient shall be discharged or removed accordingly.

(3) A person admitted as a patient on his own application may be discharged by the medical officer in charge on his own application.

(4) No patient shall be discharged under this section if the medical officer in charge certify that in his opinion such patient is dangerous and unfit to be at large, unless members of the Visiting Committee and the Minister consent to such discharge; and in

such case the discharge may, if the Minister thinks fit, be made conditional upon the friends of such patient entering into sufficient recognisances before a magistrate for the peaceable behaviour of such patient.

Escaped patient may be apprehended

39. If any patient, confined or detained in the mental health wing, shall escape therefrom, it shall be lawful for any person within 7 days of such escape, or for the medical officer in charge or any person authorised by him at any time, to apprehend such patient and return him to the mental hospital.

Patient may be sent to any specified place

40. Any patient may, upon the advice of the medical officer in charge and with the consent of members of the Visiting Committee, be sent under proper control to any specified place for any definite time for the benefit of his health:

Provided that if at any time the medical officer in charge shall be satisfied that the patient's health is no longer benefited by his remaining in the said place, or that the patient is not kept at the said place under proper and sufficient control, he may, with the consent of members of the Visiting Committee, order the patient to be brought back to the mental health wing and thereupon the said patient shall be returned to the mental health wing.

Certificates to remain in force

41. In every case in which any patient shall have been removed temporarily under the provisions of section 40, and also in every case in which any patient shall have escaped from the mental health wing, the certificates relating to and the order for the reception of such patient into the mental health wing shall, upon his return, respectively remain in force in the same manner as the same would have done if such patient had not been so removed or had not so escaped and been retaken.

Magistrate may order patient to be brought before him for examination

42. If it shall be made to appear to a magistrate upon information upon oath or otherwise, that any person of sound mind, other than a criminal under sentence or a person legally detained during the pleasure of the Crown, is confined in the mental health wing against his will, he shall have power to order the medical officer in charge to bring such confined person before the magistrates' court of which he is a member for examination at a time to be specified in such order, and if upon the examination on oath of such confined person and of any medical or other witness or witnesses who may be called by the medical officer in charge or by the magistrates' court to testify as to the state of mind of such person, it shall appear to the satisfaction of the magistrates' court that such confined person is of sound mind and detained against his will, the magistrates' court may order such person to be dis-

charged from the mental health wing, and the medical officer in charge shall discharge such person accordingly.

PART VII

MISCELLANEOUS

43. (1) Where any patient has property applicable to his maintenance, so much thereof as may be necessary to pay the charges for the lodging, maintenance, medicine and care of such patient shall be applied to that purpose, and any sum which may be due under any regulation which may be in force with respect to charges, may be recovered by the Minister by summary application to a magistrates' court from the trustee or other person having the custody, possession or charge of the property of such person of unsound mind.

Maintenance of patients

(2) Where any person is liable for the support or maintenance of a person of unsound mind, the charges for the treatment of such person of unsound mind while a patient in the mental health wing may in like manner be recovered from the person so liable:

Provided always that the charges incurred in respect of any patient who is a native shall be borne by the public funds of the Gilbert Islands.

44. The Minister shall keep accounts of all moneys due for mental health wing charges and of all moneys received by him on account of them.

Minister to keep accounts

45. If the medical officer in charge or any officer, nurse, attendant, servant or other person employed in the mental health wing, strike, wound, ill-treat or wilfully neglect any patient therein, he shall be liable on summary conviction to a fine of \$100 or to imprisonment for 6 months:

Ill-treatment of patients

Provided that nothing in this section shall prevent a prosecution under any other law but so that a person shall not be punished twice for the same offence.

46. (1) If the medical officer in charge or any officer or servant in the mental hospital shall, through wilful neglect or connivance, permit any patient to escape from the mental health wing or shall secrete or abet or connive at the escape of such patient, he shall be liable on summary conviction before a magistrates' court to a fine of \$100.

Penalty for aiding or conniving at escape of patient

(2) Every person, other than those mentioned in subsection (1), who aids or abets the escape of a patient from the mental health wing, shall be liable to the penalty provided in subsection (1).

Trespass in  
mental health  
wing

47. Every person found within the limits of the mental health wing without the written permission of the medical officer in charge or other proper officer, or without lawful authority, shall be liable on summary conviction to a fine of \$10 or in default to imprisonment for 1 month.

Limitation of  
action

48. No action shall be brought against any person for anything done or omitted to be done under this Ordinance, nor for anything done in supposed execution of this Ordinance, unless within 12 calendar months of the act or omission complained of, and no action shall be brought against the medical officer in charge or other officer in respect of the treatment of any patient in the mental health wing unless one calendar month's previous notice of the action and of the grounds thereof be given to the defendant in writing.

Remission of  
fees

49. The Minister may remit either wholly or in part any fines, fees or dues payable under any regulations made under section 22.

#### SCHEDULE 1

(Sections 8 and 21)

#### THE GILBERT ISLANDS

#### WARRANT OF COMMITMENT OF PERSON OF UNSOUND MIND TO THE MENTAL HEALTH WING

To \_\_\_\_\_ of \_\_\_\_\_ and to all police officers and other peace officers within the Gilbert Islands and to the Medical Officer in charge of the Mental Health Wing at \_\_\_\_\_

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, examined by and before me at \_\_\_\_\_ under and by virtue of the powers conferred upon me by the Mental Treatment Ordinance: and whereas I was satisfied by the said examination that the said \_\_\_\_\_ is a person of unsound mind who ought to be confined in the Mental Health Wing at \_\_\_\_\_ under the provisions of the said Ordinance:

This is therefore to command you the said police officers and other peace officers to take the said \_\_\_\_\_ and safely convey him to the said Mental Health Wing and there to deliver him to the Medical Officer in charge thereof together with this warrant.

(Signed)  
Magistrate

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SCHEDULE 2  
(Sections 9, 12, 13, 15 and 16)

FORM OF MEDICAL CERTIFICATE

I the undersigned being [set forth the qualification entitling to give certificate] hereby certify that I on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ in the Gilbert Islands separately from any other medical officer personally examined \_\_\_\_\_ and that the said \_\_\_\_\_ is in my opinion a person of unsound mind (an idiot) and a proper person to be taken charge of and detained in the Mental Health Wing under care and treatment and that I have formed this opinion upon the following grounds, viz.—

1. Facts indicating insanity observed by myself. [Here state the facts].
2. Other facts (if any) indicating insanity which were communicated to me by others. [Here state the information and from whom].

(Signed)  
Medical Officer

Dated this \_\_\_\_\_ day of \_\_\_\_\_ (Place of abode), 19\_\_\_\_.

SCHEDULE 3  
(Section 11)

THE GILBERT ISLANDS

MAGISTRATE'S ORDER FOR RECEPTION OF PATIENT

I, A.B., Magistrate for the district of \_\_\_\_\_ in the Gilbert Islands having called to my assistance \_\_\_\_\_ a medical officer and having personally examined \_\_\_\_\_ and being satisfied that the said \_\_\_\_\_ is a person of unsound mind (an idiot) in a dangerous state (or wandering at large or not under proper care and control or cruelly treated or neglected by the person having the care or charge of him) and a proper person to be taken charge of and detained under care and treatment hereby direct you to receive the said \_\_\_\_\_ as a patient in the Mental Health Wing. Subjoined is a statement respecting the said

(Signed) A.B.  
Magistrate for the district of \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
To the Medical Officer in Charge of the Mental Health Wing at \_\_\_\_\_

STATEMENT

(To be filled up by the examining Magistrate as far as possible.)

- Name in full of patient
- Sex and age
- Married single or widowed
- Condition of life and previous occupation
- Religious persuasion
- Place of abode

Whether first attack  
 Age on first attack  
 When and where previously under care and treatment  
 Duration of existing attack  
 Supposed cause  
 General appearances when under attack  
 Name and place of abode of nearest relative  
 Special circumstances (if any) preventing the presence of a medical officer at the  
 magisterial inquiry

(Signed) A.B.  
 Magistrate

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SCHEDULE 4

(Sections 12 and 13)

THE GILBERT ISLANDS

MINISTER'S ORDER FOR REMOVAL AND ADMISSION OF PATIENT

To the Officer in charge of the prison at \_\_\_\_\_ and to the Medical Officer  
 in charge of the Mental Health Wing at \_\_\_\_\_  
 I, C.D., Minister of \_\_\_\_\_ having received the medical certificate hereunto  
 attached having reference to the mental condition of \_\_\_\_\_ at present  
 detained in the prison at \_\_\_\_\_ do hereby order and direct you the said  
 Officer in charge of the said prison to cause the said \_\_\_\_\_ to be removed  
 under proper custody to the Mental Health Wing at \_\_\_\_\_ and I do order  
 and direct you the said Medical Officer in Charge of the said Mental Health  
 Wing to receive and detain the said \_\_\_\_\_ as a patient therein.

(Signed) C.D.  
 Minister

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SCHEDULE 5

(Section 15)

ORDER FOR THE RECEPTION OF A PRIVATE PATIENT

I, the undersigned, hereby request you to receive A.B., a person of unsound  
 mind (an idiot) as a patient into the Mental Health Wing at \_\_\_\_\_. Sub-  
 joined is a statement respecting the said A.B.

(Signed)

Name

Occupation (if any)

Place of abode

Degree of relationship (if any) or other circumstances of connection with the  
 patient

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

To the Medical Officer in Charge of the Mental Health Wing at \_\_\_\_\_

STATEMENT

*(If any particulars required be not known the fact to be so stated.)*

- Name in full of patient
- Sex and age
- Married single or widowed
- Condition of life and previous occupation
- Religious persuasion
- Previous place of abode
- Whether first attack
- Age on first attack
- When and where previously under care and treatment
- Duration of existing attack
- Supposed cause
- General appearances when under attack
- Special circumstances (if any) preventing the patient being examined before admission by a medical officer

(Signed)

*When the person signing the statement is not the person who signs the order the following particulars concerning the person signing the statement are to be added, viz.—*

- Occupation (if any)
- Place of abode
- Degree of relationship (if any) or other circumstances of connection with the patient

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[Subsidiary]

## SUBSIDIARY LEGISLATION

## Regulations under section 22

## MENTAL HEALTH WING MANAGEMENT REGULATIONS

G.N. 93/54  
L.N. 37/68  
3 of 1972

1. These Regulations may be cited as the Mental Health Wing Management Regulations.

## I. THE MEDICAL OFFICER IN CHARGE

2. The medical officer in charge shall visit the mental health wing once each day, and more often if necessary. If for any reason the medical officer in charge is at any time unable to visit the mental health wing, the Chief Medical Officer shall arrange for the daily visit in his stead of a medical officer or an assistant medical officer who shall while so visiting the mental health wing be regarded for the purposes of these Regulations as the medical officer in charge.

3. He shall have the entire medical charge of and be responsible for the professional treatment of the patients.

4. He shall see that the mental health wing is kept in proper sanitary condition.

5. He shall cause a journal called the "Medical Journal" to be kept, in which shall be entered all prescriptions and directions and any variations of the dietary in regard to the treatment of the patients.

6. He shall sign or initial all requisitions and vouchers before they are sent to the Chief Medical Officer for countersignature.

## II. THE ATTENDANTS

7. The attendants, under the supervision of the medical officer in charge, or such other medical officer not below the status of an assistant medical officer, as the medical officer in charge may delegate, shall:

- (i) reside in the quarters provided for them;
- (ii) be responsible for the safe custody of all stores, utensils, clothing and crockery and for their proper distribution and care;
- (iii) be responsible for the proper and adequate feeding and serving of all meals to patients;
- (iv) keep books to show the receipt and issue of all stores in their charge;
- (v) take proper care of all clothing and effects brought into the mental health wing by patients;
- (vi) inspect the wards or huts twice daily, and be responsible for their cleanliness, inspect all patients at least twice daily and, in addition, make a thorough search of all patients prior to their retiring for the night, and see that their rooms or huts are open for sufficient ventilation;
- (vii) see that the latrines are kept clean and in proper condition;
- (viii) immediately report to the medical officer in charge the death of, or serious accident to, or illness of any patient;
- (ix) without fail, report the names of patients who desire to see the medical officer in charge;
- (x) pay surprise visits to all the wards at night, and shall report to the medical officer in charge any irregularities;

## [Subsidiary]

- (xi) report daily to the medical officer in charge on his visit;
- (xii) see that all patients make proper use of the bath daily;
- (xiii) endeavour to find occupation for all the patients, such as reading, gardening, washing, scrubbing and other suitable occupation;
- (xiv) take patients for exercise beyond the grounds as instructed by the medical officer in charge;
- (xv) when in charge of working parties, see that the patients do not wander from sight or escape. Before taking out working parties from the wards report to the senior assistant medical officer and see that the working parties are safely returned to the wards or huts;
- (xvi) be given such time off, daily, as the medical officer in charge shall decide, and shall not be absent, except under special circumstances, which shall be reported to the medical officer in charge;
- (xvii) do all in their power to make the lives and surroundings of the patients happy and comfortable;
- (xviii) be medically examined previous to their engagement.

## III. GENERAL RULES

8. The various articles of uniform issued to the attendants shall be kept in complete and proper repair at all times by them and at their expense, except when the necessity for such repairs has arisen through the clothing being injured by a refractory patient in which case the repairs shall be done at the public expense. All uniforms shall remain the property of the Government.

9. All attendants shall be liable to be suspended by the medical officer in charge for any serious breach of these Regulations pending the decision of the Minister.

10. The hours of duty of day attendants shall be from 6 a.m. to 6 p.m. and the hours of duty of night attendants shall be from 6 p.m. to 6 a.m. All attendants shall do night duty in the order assigned to them by the medical officer in charge.

11. Attendants shall be allowed half an hour for their meals after the patients' meals have been served, but one attendant, in weekly rotation, must always remain on duty while the others are at meals.

12. Attendants on duty shall not visit their quarters during duty hours without permission from the medical officer in charge.

13. Unless it is unavoidable, attendants shall not, when single-handed, approach a violent patient.

14. All attendants shall be held strictly responsible that they report, at once, every occurrence requiring immediate attention.

15. Wranglings or disputes about points of duty between attendants are strictly prohibited. Questions of this kind shall be referred to the medical officer in charge and complaints by one attendant against another shall be in writing.

16. All patients shall be stripped on admission and examined with gentleness, a thorough search of their person and effects made, and all dangerous articles removed from their control. Male patients shall be examined in the presence of male attendants, and female patients in the presence of female attendants. They shall be carefully washed and clothed in the dress of the mental health wing:

Provided that, in the event of any patient being too violent to allow of the carrying out of this Regulation, no force shall be used, but the patient shall

[Subsidiary]

remain under careful and constant supervision until the medical officer in charge—to whom such cases shall be communicated with the least possible delay—shall have seen and given directions for the treatment of such patients.

17. Male and female patients shall be kept separate. Male attendants shall not enter the compound or the huts of the female patients of the mental health wing except on the express order of the medical officer in charge.

18. Patients shall at all times be suitably clothed according to their requirements.

19. Patients who are capable of working shall be employed daily in some occupation suited to their condition and ability under the sanction of the medical officer in charge.

20. The wards shall be open from 6 a.m. to 6 p.m.

21. Meals shall be served at the following hours—breakfast 8 a.m., dinner 12.30 p.m., tea 4.30 p.m.

22. Excited and dangerous patients shall be kept apart as far as possible.

23. Two patients shall not live together in one hut, or be locked in together, without the medical officer in charge's permission.

24. Such utensils for the reception of excrementary matters shall be supplied as may be required and as the medical officer in charge may consider safe.

25. Attendants shall not, on any account, punish patients, but shall, at all times endeavour to put a stop to and prevent quarrels and violence. They shall not use harsh, or intemperate language to the patients, whatever the language or the conduct of the patients may be.

26. Whenever a patient cannot be soothed or controlled by gentle means, he or she shall be put, as quickly as possible, into a room provided for the purpose which shall be safely guarded.

27. No patient shall be struck but those who are refractory shall be placed in seclusion. When their violence is likely to inflict injury to themselves or others, or to the buildings, mechanical restraint may be had recourse to, if approved by the medical officer in charge.

28. The sickness of any patient shall be reported immediately to the medical officer in charge and the strictest attention shall be paid to the administering of any medicines, etc., ordered by him.

29. Patients shall be allowed to receive visitors every Wednesday and Saturday afternoons, between the hours of 2 and 4.30 p.m., provided they are in a fit state to receive them, and on special occasions by order of the medical officer in charge.

30. All ministers of religion shall have full access to the mental health wing for the purpose of visiting such inmates as are of their particular creed, with the permission of the medical officer in charge.

31. No person shall bring into the mental health wing wards or compounds any matches, spirits, wines or fermented liquors, or knives or other dangerous weapons:

Provided that attendants may keep a box of matches for the lighting of the patients' pipes or cigarettes. No patient, under any circumstances, shall be allowed to have matches in his or her possession.

Regulation 6A (1977, Reg. 4(2))

Omit "any other of the Gilbert Islands", substitute "any other Island of Kiribati".

Regulation 7 (1977, Reg. 7)

Omit from subregulation (1) "any other of the Gilbert Islands", substitute "any other island of Kiribati".

Regulation 8 (1977, Reg. 8)

Omit from subregulation (1) "another of the Gilbert Islands", substitute "another island of Kiribati".

CAP. 35 VACCINATION

Note: This Chapter is omitted from the 1977 Revised Edition.

Vaccination Ordinance

Section 4

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Omit from subsection (1) "The Director may appoint", substitute "Subject to section 99 of the Constitution, the Secretary may appoint".

Section 5

Omit "of whatever race".

Section 16

Omit "The Governor in Council may cause to be framed such forms and regulations as he may seem requisite", substitute "The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations".

CAP. 37 – MENTAL TREATMENT  
(Cap.56 of 1977)

Mental Treatment Ordinance

Section 14 (1977, S.14)

Omit "till Her Majesty's pleasure shall be known", substitute "until the Government orders otherwise".

Omit "during pleasure", substitute "in the meantime".

Section 22 (1977, S.22)

Omit from subsection (1) "The Governor in Council", substitute "The Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 26 (1977, S.26)

Omit from subsection (1) "the Governor, acting in his discretion," substitute "the Minister".

Section 37 (1977, S.37)

Omit the section, substitute -

"Restriction of powers under section 36

37. Section 36 does not apply to persons detained under Section 144 or 146(2) or (3) of the Criminal Procedure Code, or under any similar provision, or to persons committed for trial."

Section 42 (1977, S.42)

Omit "person legally detained during the pleasure of the Crown", substitute "person detained under Section 144 or 146(2) or (3) of the Criminal Procedure Code, or under any similar provision".

Section 43 (1977, S.43)

Omit from the proviso to subsection (2) "the public funds of the Colony", substitute "the Consolidated Fund".

Fourth Schedule (1977, Schedule 4)

Omit "Governor of the Gilbert and Ellice Islands Colony", substitute "Minister of ...".

CAP.38 – PUBLIC HEALTH  
(Cap.80 of 1977)

Note: This amendment is replaced in Schedule 3

Public Health Ordinance

Section 3 (1977, S.3)

Omit from subsection (1) "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".