

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 2 de 1965

JOINT REGULATION 2 of 1965

JOINT REGULATION

No. 2 of 1965.

To provide for the reception and detention of persons of unsound mind in the Condominium Mental Hospital at Vila.

[Published: Condominium Gazette No. 226.]

MADE by the Resident Commissioners under the provisions of Article 7 and paragraph 2 of Article 2 of the Anglo-French Protocol of 1914.

1. In this Regulation the following expressions shall have the meanings respectively assigned to them—

Interpretation.

“the Board” shall mean the Board appointed to visit and inspect the mental hospital;

“medical officer” shall mean a medical officer in the service of the Joint Administration or of the British or French Government or a person licensed as a medical practitioner under Joint Regulation No. 12 of 1953;

“mental hospital” shall mean the hospital for the reception and detention of persons of unsound mind;

“the Superintendent” shall mean a medical officer appointed by the Resident Commissioners to supervise the mental hospital.

2. (1) The Resident Commissioners hereby establish a mental hospital under the supervision of the Superintendent who shall be assisted by such subordinate officers as the Resident Commissioners may by Joint Decision decide.

Establishment of Mental Hospital.

(2) The Resident Commissioners shall jointly appoint the Board.

3. (1) If it shall appear to a District Agent that a person, suspected of being of unsound mind, is either—

Admission of patients.

(a) dangerous to himself or to others; or

(b) wandering at large, or not receiving proper care and attention;

he shall himself examine him, and receive the evidence of any persons whose evidence he considers desirable and then order the person to be taken before a medical officer with all documents relating to the case;

Provided that, if the aforesaid person is a national or dependant of the other Signatory Power, the District Agent shall instead of himself examining him inform the nearest District Agent of that other Power.

(2) The medical officer aforesaid, if satisfied that the person in question is—

- (a) of unsound mind and either
- (b) dangerous to himself or to others; or
- (c) wandering at large or not receiving proper care and attention,

may by writing in the form set out in the Schedule hereto order that such person be detained in the mental hospital, and cause him to be removed thereto;

Provided that before making such order the medical officer may cause such person to be detained for a period not exceeding seven days for the purpose of medical observation.

At the end of such period the Superintendent may, in the place of the medical officer referred to in subsection (2) of this section, make the said order.

Provided also that where the said order is made by the Superintendent the Board shall, wherever possible, obtain the report of a medical officer other than the medical officer referred to in subsection (2) of this section on the mental condition of such person.

4. (1) An order in the form set out in the Schedule hereto shall be deemed sufficient warrant to any police officer to take into custody any person certified to be of unsound mind therein and to convey him as expeditiously as possible to the mental hospital.

Warrants of detention.

(2) Any person certified to be of unsound mind awaiting transport to the Mental Hospital may be confined in such manner as the District Agent, after consultation with the medical officer, may order.

5. (1) The Superintendent shall visit and examine every person admitted to the mental hospital within 24 hours of his admission, and shall at least once a week examine every patient and record his observations on each patient in writing.

Powers and duties of the Superintendent.

(2) The Superintendent shall enforce all proper discipline in the mental hospital and shall be responsible that the subordinate officers referred to in subsection (1) of section 2 of this Regulation follow his directions as to the care and treatment of the patients.

(3) The Superintendent shall record the particulars of the discharge of any patient from the mental hospital, or of the death of any patient therein.

(4) The Superintendent may, with the consent of the Resident Commissioners, make rules for the proper conduct of the mental hospital and for the more effectual carrying out of the provisions of this Regulation and may prescribe penalties for the breach of such rules.

6. (1) The Superintendent may with the agreement of another medical officer, discharge any patient from the mental hospital whom he considers to be fit to be discharged, and shall inform the Board

Discharge or death.

and the District Agents of the district from which the patient came accordingly.

(2) The Board shall be notified by the Superintendent within 48 hours of the death of any patient.

7. The Superintendent may cause any patient requiring public hospital attention to be removed thereto for treatment, and shall resume custody in the mental hospital of such patient when such treatment is no longer necessary;

Hospital treatment.

Provided that no patient shall be so removed without the consent of the Medical Officer or other person in charge of the public hospital.

8. The Superintendent may, with the agreement of another medical officer, permit any patient detained in the mental hospital to be absent and remain outside the mental hospital for such limited period as he considers advisable. Any patient who does not return to the mental hospital at the expiration of the period for which he has received permission to be absent shall be deemed to have escaped from the mental hospital.

Leave of absence.

9. (1) Any person who becomes aware of the presence in any place of a patient whom he has reason to believe has escaped from the mental hospital shall at once inform the nearest District Agent and in the meantime shall take such action, not involving the use of force, save for the protection of life and property, as appears to him necessary to prevent the patient from furthering his escape.

Escape.

(2) On being informed of the presence in any place of a patient who is believed to have escaped from the mental hospital a District Agent shall take such action as appears to him necessary to secure the patient's return to the mental hospital.

(3) Any person other than those referred to in Section 14 of this Joint Regulation who aids or abets the escape of any patient from the mental hospital shall be liable on summary conviction to a fine not exceeding Fifty pounds or its equivalent in francs at the current rate of exchange, or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

10. If a District Agent after investigation is satisfied that proper domiciliary arrangements have been made for the care and custody of a person detained in the mental hospital, and if the Superintendent, with the agreement of another medical officer certifies that such a person is not dangerous to himself or to others the Superintendent may by written order direct the discharge of such person from the mental hospital.

Discharge to domiciliary custody.

11. If it appears to a competent court that a person appearing before it charged with a criminal offence is of unsound mind, it may order that person to be detained in the mental hospital and in such

Criminal lunatic.

case the provisions of section 3 of this Regulation shall be deemed to have been complied with.

12. Without prejudice to the provisions of subsection (2) of section 3 of this Regulation the Board shall be entitled to examine any person detained in the mental hospital and all records kept under this Regulation. After consultation with the Superintendent, they may forward to the Resident Commissioners their recommendations regarding any patient detained therein and the general conditions existing in the mental hospital.

Powers of the Board.

13. If the Superintendent or any subordinate officer, employed in the mental hospital ill-treats or wilfully neglects any patients therein he shall be liable on summary conviction to a fine not exceeding Fifty pounds or its equivalent in francs at the current rate of exchange, or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Ill-treatment of patients.

14. If the Superintendent or any subordinate officer employed in the mental hospital shall, through wilful neglect, permit any patient to escape from the mental hospital or shall secrete or abet or connive at the escape of such patient he shall be liable on summary conviction to a fine not exceeding Fifty pounds or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding ten months or to both such fine and imprisonment.

Penalty for aiding or conniving at escape of patient.

15. Any person found within the limits of the mental hospital without the written permission of the Superintendent or other proper officer or without lawful authority shall be liable on summary conviction to a fine not exceeding Five Pounds or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

Trespass in mental hospital.

16. The provisions of this Regulation shall not apply to the citizens or dependants of the Signatory Powers except insofar as they do not derogate from their respective national laws.

17. This Regulation may be cited as the Joint Mental Hospital Regulation No. 2 of 1965 and shall come into operation on the date of its publication in the Condominium Gazette.

Made at Vila this 15th Day of January, 1965.

M. DELAUNEY

COLIN H. ALLAN

The Resident Commissioner  
for the French Republic.

Her Britannic Majesty's Acting  
Resident Commissioner.

SCHEDULE

CERTIFICATE OF DETENTION IN A MENTAL HOSPITAL

I, .....  
a Medical Officer/Superintendent of the Mental Hospital hereby certify that I  
on the .....  
at ..... separately from  
any other medical officer personally examined .....  
..... and that the said .....  
is in my opinion a person of unsound mind and a proper person to be taken  
charge of and detained in a mental hospital under care and treatment and that  
I have formed this opinion upon the following grounds:

- (1) Facts indicating insanity observed by myself;
  - (2) Other facts if any indicating insanity which were communicated to me  
by others.
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