

**Mental Deficiency and Lunacy (Scotland) Act, 1913 (3 & 4 Geo. V., cap. 38)
: regulations.**

Contributors

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MENTAL DEFICIENCY AND LUNACY (SCOTLAND)
ACT, 1913.

(3 & 4 GEO. V., CAP. 38.)

2

REGULATIONS made by THE SECRETARY FOR SCOTLAND.

Presented pursuant to Act of Parliament.




*Ordered, by The House of Commons, to be printed,
22nd May, 1914.*

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STATUTORY RULES AND ORDERS, 1914.

No. $\frac{706}{S. 60}$.

**MENTAL DEFECTIVE, AND LUNATIC,
SCOTLAND.**

THE MENTAL DEFICIENCY AND LUNACY (SCOTLAND) ACT (SECRETARY FOR SCOTLAND'S) REGULATIONS, 1914. DATED MAY 22, 1914.

In pursuance of the powers conferred on me by the Mental Deficiency and Lunacy (Scotland) Act, 1913 (3 & 4 Geo. V, c. 38) I, the undersigned, His Majesty's Secretary for Scotland, do hereby make the following regulations:—

I. TITLE AND DEFINITIONS.

1. These Regulations may be cited as the Mental Deficiency and Lunacy (Scotland) Act (Secretary for Scotland's) Regulations, 1914.

2. In these Regulations unless the context otherwise requires, "The Act" means the Mental Deficiency and Lunacy (Scotland) Act, 1913;

"The Board" means the General Board of Control;

"Commissioner" or "Deputy Commissioner" means a Commissioner or Deputy Commissioner of the Board;

"Guardian" means a guardian appointed under the Act.

Other words and phrases have the same meaning as in the Act.

II. POWERS OF GUARDIANS.

3. A guardian shall not in respect of his appointment as such have power to administer the estate of the defective under his guardianship.

4. No corporal punishment shall under any circumstances be administered by a guardian to a defective under his guardianship. The penalty for a breach of this regulation shall be a fine not exceeding £20.

III. DUTIES OF THE PAID COMMISSIONERS.

5. The senior paid commissioner (that is the senior in date of appointment) shall not be obliged to visit in any year more than one-half of the whole number of institutions under the jurisdiction of the Board.

6. The senior paid commissioner shall so far as compatible with his other duties and when not duly absent on leave give daily attendance at the office of the Board. He shall direct, correlate, and supervise the work of the deputy commissioners, and shall keep himself informed of the administrative work of the Board. He shall be responsible for the preparation of the Annual Report of the Board.

7. The paid commissioners, other than the senior, shall during alternate months act as sitting commissioner, that is, shall give such attendance at the office of the Board as may be required by rules made by the Board.

8. It shall be the duty of the sitting commissioner for the time being to attend to all the documents filed and submitted to him by the secretary, and to dispose of the business according to his discretion—adhibiting minutes to each file; or he may refer any of the files to the senior paid commissioner for further opinion. All files marked "important" by the secretary shall be considered by the senior paid commissioner (if he is on duty at the office at the time) as well as by the sitting commissioner before being disposed of, and each of these commissioners shall adhibit a minute to such files.

9. In the absence of the senior paid commissioner, the administrative duties which would otherwise fall to be discharged by him shall be discharged by the sitting commissioner.

(L.S.)

T. McKinnon Wood,
His Majesty's Secretary for Scotland.

Scottish Office, Whitehall,
22nd May, 1914.

MENTAL DEFICIENCY AND LUNACY (SCOTLAND)
ACT, 1913.

(3 & 4 GEO. V., CAP. 38.)

REGULATIONS made by THE GENERAL BOARD OF
CONTROL FOR SCOTLAND with the approval of THE
SECRETARY FOR SCOTLAND.

(Presented pursuant to Act of Parliament.)



Ordered, by The House of Commons, to be printed
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STATUTORY RULES AND ORDERS, 1914.

No. $\frac{705}{S. 59}$.

**MENTAL DEFECTIVE, AND LUNATIC,
SCOTLAND.**

THE MENTAL DEFICIENCY AND LUNACY (SCOTLAND) ACT (GENERAL BOARD'S) REGULATIONS, 1914, MADE BY THE GENERAL BOARD OF CONTROL MAY 20, 1914, AND APPROVED BY THE SECRETARY FOR SCOTLAND MAY 22, 1914.

I. TITLE AND DEFINITIONS.

1. These Regulations may be cited as the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations, 1914.
2. In these Regulations unless the context otherwise requires,
 - “The Act” means the Mental Deficiency and Lunacy (Scotland) Act, 1913;
 - “The Board” means the General Board of Control;
 - “The Sheriff” includes “Sheriff substitutes”;
 - “Commissioner” or “Deputy Commissioner” means a Commissioner or Deputy Commissioner of the Board;
 - “Guardian” except when used in the phrase “Parent or Guardian” means a guardian appointed under the Act;
 - “Licensed House” means a private dwelling licensed by the Board for the reception of defectives.
 - “Aided patient” means a patient towards whose maintenance a Parish Council or School Board contributes.
 - “Private patient” means a patient who is wholly maintained out of private funds.Other words and phrases have the same meaning as in the Act.
3. The penalty for a breach of these Regulations shall, where no other penalty is prescribed, be a penalty not exceeding a fine of £20.

DUTIES OF PARISH COUNCILS.

Ascertainment of Defectives subject to be dealt with and steps to be taken for securing that they are dealt with.

4. A Parish Council shall forthwith take the steps set out in the following Regulations to enable them to ascertain what persons within their area are defectives subject to be dealt with under the provisions of paragraph (c) of sub-section (1) of Section 3 of the Act.
5. They shall intimate to the Board the names and addresses of such defectives and all notices, certificates, reports, opinions

and other information respecting such defectives which are communicated to them—

- (i) by their own officers or by any person under paragraph 7 hereof;
- (ii) by any police authority;
- (iii) by a court under Section 9 (1) with a view to the presentation of a petition for a judicial order;
- (iv) by the Secretary for Scotland;
- (v) by the authorities of any institution or other premises in which lunatics are maintained;
- (vi) by any other local authority.

6. They shall instruct their officers to ascertain by all lawful and proper inquiries what defectives subject to be dealt with as aforesaid are within their area, and for this purpose shall get into communication with all available and reliable sources of information.

7. They may, if they think fit, delegate to approved members or officers of local societies for assisting or supervising defectives, any of their functions connected with the ascertainment of defectives which they think can properly be carried out by them either alone or in co-operation with their officers.

8. Officers of, and other persons employed by a Parish Council on any of the duties above mentioned shall be furnished with and, when required, shall produce evidence of their authority.

9. In the event of any such defective being removed from their district the Parish Council shall forward intimation to the Parish Council into whose district he has been removed.

10. If it shall come to the knowledge of a Parish Council that there is within their parish any such defective they shall within one month after obtaining such knowledge take steps for securing to the best of their powers that such defective shall be dealt with by being sent to an institution or placed under guardianship in accordance with the Act. If steps are not so taken the Parish Council shall forthwith report the fact to the Board with a statement of the reasons why such steps have not been taken.

11. If a Parish Council has reasonable cause to believe that a defective is neglected, abandoned, or without visible means of support, or cruelly treated in any private house or institution or other place within their parish, it shall be their duty without unnecessary delay to cause information on oath to that effect to be laid before the Sheriff within whose jurisdiction the parish is situated in terms of Section 15 (2) of the Act.

TRANSFERS FROM INSTITUTIONS FOR DEFECTIVES TO INSTITUTIONS FOR LUNATICS OR *vice versa*.

12. When an inmate of a certified institution or certified house develops an attack of insanity, or when after observation he is found to be insane, the Medical Officer of the institution or house shall, within two days after he is satisfied that the inmate is insane, report the fact to the Board. The report shall contain the name, age, date of admission of the inmate, and a short description of the character and symptoms of the insanity from which he suffers.

13. If a Commissioner or Deputy Commissioner when visiting a certified institution or certified house finds that any inmate is insane, he shall, after consultation with the Medical Officer, immediately report the fact to the Board, with a recommendation as to the disposal of the inmate.

14.—(1) If the inmate has been placed in the certified institution or certified house otherwise than by his parent or guardian, the Board, on receiving such a report and if satisfied that it would be in the interests of the inmate to be transferred to an institution for lunatics, shall issue an order to the local authority concerned, and the latter shall take immediate steps to obtain two medical certificates and a sheriff's order for the removal of the inmate to an asylum or other lawful place of detention for lunatics.

(2) If the inmate has been placed in the certified institution or certified house by his parent or guardian the Board shall communicate with the parent or guardian and afford him an opportunity of taking such steps as aforesaid. In the event of his failing to do so within fourteen days the Board shall require the Parish Council of the Parish in which the inmate resided prior to his being placed in the certified institution or certified house to take such steps as aforesaid, and it shall be the duty of the said Parish Council to comply immediately with such requirement.

15. If it is represented to the Board that any mentally defective person confined in an asylum or other lawful place of detention for lunatics is injuriously affected by such confinement, or is not receiving the education or training such as he could obtain and benefit by in a certified institution, the Board shall call for a report from the Medical Officer of the asylum, or they may have the defective examined by a Commissioner or Deputy Commissioner, or by an independent medical man, and on being satisfied that it would be in the interests of the defective that he should be removed to a certified institution, they shall issue an order to that effect to the person at whose instance the defective is confined in the asylum, and the latter shall take immediate steps to have the defective certified, and to obtain an order for his removal to a certified institution.

PROCEEDINGS TO BE TAKEN ON THE EXPIRY OF THE PERIOD OF DETENTION OF A DEFECTIVE IN A CERTIFIED INSTITUTION OR CERTIFIED HOUSE OR UNDER GUARDIANSHIP, AND PROCEEDINGS ON RECONSIDERATION BY THE BOARD OF THE CASE OF A DEFECTIVE ON ATTAINING THE AGE OF 21 YEARS.

16. It shall be the duty of the Superintendent of a certified institution or certified house, one month previous to the expiry of the period of detention of any defective in the institution or house, to call upon the medical officer of the institution or house to visit and examine the defective and prepare a special report as to the mental and bodily health of the defective.

The special report shall state clearly whether in the opinion of the medical officer the defective is still a proper person to be detained in an institution or house or whether he should be placed under guardianship, or whether he should be discharged.

This report shall be forwarded to the Board within three days after the examination, but in no case later than fourteen days before the expiry of the period of detention.

17. It shall be the duty of the Inspector of Poor or Clerk to a School Board, one month previous to the expiry of the period of detention of any defective maintained by his Parish Council or School Board, and residing under guardianship, to call upon the medical man appointed to visit the defective, to visit and examine the defective, and to prepare a special report as to the mental and bodily condition of the defective. The special report shall state clearly whether in the opinion of the medical officer the defective is still a proper person to be detained under guardianship, or whether he should be discharged. This report shall be transmitted by the medical officer to the Inspector of Poor or the Clerk to the School Board, as the case may be, within three days after the examination, and it shall be forwarded by the Inspector of Poor or the Clerk to the School Board to the Board in no case later than fourteen days before the expiry of the period of detention.

18. When a defective in any certified institution or certified house attains the age of 21 years it shall be the duty of the Superintendent of the institution or house within seven days thereafter to call upon the medical officer of the institution or house to visit and examine the defective, and to prepare a special report as to the mental and bodily condition of the defective. The special report shall state clearly whether in the opinion of the medical officer the defective is still a proper person to be detained in an institution or house or whether he should be placed under guardianship, or whether he should be discharged. This report shall be forwarded to the Board within three days after the examination but in no case later than fourteen days after the defective attains 21 years.

19. When, in the case of a defective under guardianship, the medical practitioner who has been employed to visit the defective, whether at the instance of the parent or guardian of the defective, or at the instance of a Parish Council liable for the maintenance of the defective, receives from the Board or from the guardian, or from the parent or guardian of the defective, or from the Inspector of Poor, notice in writing to the effect that the defective has attained the age of 21 years, he shall within seven days of receiving such notice visit and examine the defective and make a special report as to the mental and bodily condition of the defective, and the report shall state clearly whether in the opinion of the medical practitioner the defective is still a proper person to be detained under guardianship or whether he should be placed in a certified institution or certified house or whether he should be discharged. The report shall be forwarded to the Board within three days after the examination, but in no case later than fourteen days after the defective has attained 21 years.

20. The Board on receiving such special reports as before mentioned may have the defective further examined and reported

upon either by a Commissioner or Deputy Commissioner, or by one or more independent medical men, or they may make such further enquiries as they may think fit.

21. The Board after considering the case of a defective may order him to be discharged, or may order him to be further detained in a certified institution or certified house or under guardianship, and they shall cause their Secretary to intimate their decision to the defective, and to his parent or guardian, if any, or to the person at whose instance he is detained, and to any local authority concerned.

FORMS TO BE USED IN RELATION TO PART I. OF THE ACT.

22. Where, under Section 4 of the Act, steps are taken for placing a defective in a certified institution or certified house or under guardianship at the instance of or with the consent of his parent or guardian and without an order the medical certificate to be given shall, as nearly as practicable, be in the form set out in Form M. 3 of the Schedule hereto and the statement to be signed by the parent or guardian shall give the particulars specified in Form M. 4 of the Schedule so far as they are known to the parent or guardian. The said forms may also be used, with any necessary adaptations, in other cases in which medical certificates or statements of particulars with respect to a defective are required. The Forms M. 1 and M. 2 and M. 5 to M. 7 or forms to the like effect may be used wherever applicable with such modifications as circumstances require.

23. When a judicial order is made ordering a defective:—

- (1) to be sent to a certified institution or certified house, the order together with the petition, statutory declaration, medical certificates and other original documents in the process shall be delivered to the petitioner who shall transmit them to the superintendent of the certified institution or certified house;
- (2) to be placed under guardianship, the order together with the petition, statutory declaration, medical certificates and other original documents in the process and together also with a copy of the order certified by the Sheriff Clerk shall be delivered to the petitioner, who shall transmit the order and other original documents to the Board and the certified copy of the order to the guardian, and such certified copy shall, subject to the provisions of the Act, be a sufficient authority to the guardian for the detention of the defective.

24. Every Sheriff Clerk shall keep a register entitled "The Register of Petitions under the Mental Deficiency and Lunacy (Scotland) Act, 1913" in the Form M. 8 of the Schedule hereto annexed, which register shall be patent to all parties concerned. In the said register the Sheriff Clerk shall cause to be entered regularly the various particulars required under the respective headings and shall on the final granting or refusing of each petition under the Act transmit to the Secretary of the Board a transcript from the said register of all the entries therein relating to the petition in question.

PROVISION BY DISTRICT BOARDS OF CONTROL OF ACCOMMODATION
FOR DEFECTIVES AND THE REPORTS TO BE MADE BY DISTRICT
BOARDS.

25. Where a District Board of Control has decided to provide accommodation for defectives by undertaking the establishment of an Institution, they may agree upon a site or premises to be purchased and upon plans and estimates for lands and buildings to be provided for that purpose, or for the restoration, alteration, or enlargement of such an Institution or building suitable therefor and shall report to the Board all plans, estimates and contracts which they have agreed upon, and such plans, estimates and contracts shall be subject to the approval of the Board: and no such purchase shall be made or agreement or contract entered into, without the approval of the Board and the Secretary for Scotland.

26. Contracts for the reception and maintenance of defectives proposed to be entered into by a District Board of Control with the Managers of any Certified Institution shall be reported by the District Board to the Board, and shall not be carried into effect until approved by the Board and the Secretary for Scotland.

27. Where a District Board undertakes the care of adult defectives and of educable juvenile defectives (that is of defectives under 21 years of age who are capable of benefiting by education or training) under one system of management, they shall provide for the accommodation of the educable juvenile defectives either in a separate building, or if in the same building in a part thereof separate and distinct from the part appropriated to adult defectives, and so as in both cases to prevent communication between one class and the other.

28. Where a District Board, with consent of the Board, undertakes the care and training of juvenile defectives they shall provide special accommodation, class rooms, workshops, and all other means ordinarily used for the education and training of such defectives.

29. A District Board shall take steps to secure, so far as is possible, that a defective sent to an Institution for whose maintenance they are responsible shall be treated, cared for, and educated in a manner suitable to the age, sex, class, and grade of defectives to which he belongs.

30. Every District Board shall, in or before the month of November in every year, make to the Board a report, made up to and including 15th May, of the performance of their duties under this Act, of the condition and management of any Institution which they may have provided, and of the care of the defectives for whom they are responsible, with such other matters as they think deserving of notice.

The report shall be accompanied by financial statements for the year ending the 15th May, and by statistical tables, made up to the 15th May, relating to such defectives, in such form as may be approved by the Board or as may be prescribed by them from time to time.

The report shall, with other particulars respecting such defectives, supply information as to—

- (a) The total number dealt with during the year, the mode in which they have been provided for, and a general account of their mental and physical condition.
- (b) The number of admissions, removals and deaths during the year and the number remaining under care at the end of the year.
- (c) Provision for—
 - (i.) Classification.
 - (ii.) Industrial training and education.
 - (iii.) Employment.
 - (iv.) Promotion of industry and good behaviour, including any system of encouragement and rewards.
 - (v.) Recreation and play.
 - (vi.) Attendance at religious services.

31. Every District Board shall also furnish such other reports as the Board may from time to time require.

THE GRANTING, TRANSFER, RENEWAL, REVOCATION AND RESIGNATION OF CERTIFICATES FOR CERTIFIED INSTITUTIONS AND CERTIFIED HOUSES.

32. Applications for the granting, transfer, or renewal of a certificate for a certified institution or a certified house for the reception, control, detention, care, treatment, and training of defectives shall be signed, in the case of an institution provided by a District Board, by the Clerk of the District Board, and in the case of institutions not so provided, by the managers or owner, or by some person authorised on their behalf, and should be transmitted to the Secretary of the Board.

33. Applications for the granting of certificates should give with respect to the institution or house the following particulars:—

- (a) The locality and situation of the proposed institution or house, and the name of the person or body (incorporated or unincorporated), or society, or association who are to be the managers of the certified institution or certified house.
- (b) The application shall be accompanied by a plan of the site of the institution or house, and of all the lands occupied in connection with or annexed to it, and a statement as to whether the applicants are the owners or occupiers of the lands, institution, or house.
- (c) Detailed plans of the buildings showing the area, height, elevation, and sections of all rooms and apartments, distinguishing those to be occupied by the patients from those to be occupied by the officers and servants; also plans of workshops, offices, outhouses, and other buildings.
- (d) The number of patients whom it is proposed to receive; if of both sexes, the number of each sex; the classes of patients whom it is proposed to receive, whether

juvenile or adult, and whether educable or non-educable; the age limits at which they are to be received, and any restrictions as to the religious persuasions of the patients to be received.

(e) The number of the staff whom it is proposed to employ, and the arrangements proposed for the medical care of the patients.

(f) A statement showing the work upon which the patients are to be employed, or the arrangements for affording education and training to juvenile defectives.

34. An application for a certificate shall be deemed to be an undertaking on the part of the managers or owner to maintain, educate, train, and employ in accordance with the provisions of the Act and of the Regulations made thereunder, all patients received by them under the Act so long as such patients remain in the certified institution or certified house.

35. The Board may, on application, if they think fit, by writing under their seal endorsed on the certificate, transfer the certificate with all the privileges and obligations annexed thereto to such persons as the Board approve. An application for the transfer of a certificate should contain the like particulars with regard to the proposed transferees as are required in the case of applications for a certificate.

36. A certificate for a certified institution shall be granted for such period not exceeding ten years as the Board may determine, and for a certified house for such a period not exceeding thirteen months as the Board may determine, provided that the Board if dissatisfied with the condition or management of any certified institution or certified house, may at any time, by notice under their seal served upon the managers or owner, prohibit the reception by them of patients of all or any description until the notice is revoked.

37. The Board may by an order under their seal, revoke or modify the terms and conditions of any certificate granted by them, but no such revocation or modification of a certificate shall be ordered until the managers or owner have had an opportunity of laying before the Board a statement of their reasons against such a step being taken.

38. A revocation shall take effect at a date to be named in the order of revocation not more than two months from the time when a copy or notice thereof has been published in the "Edinburgh Gazette," and unless the revocation is withdrawn, the institution or house shall at that date cease to be a certified institution or certified house.

39. The managers or owner of any certified institution or certified house may at any time resign their certificate, but such resignation shall not take effect until accepted by the Board, who will require to be satisfied that proper arrangements have been made for the accommodation, treatment, control, detention, and care of the patients of the certified institution or certified house.

40. An application for the renewal of a certificate in respect of a certified institution or certified house shall be made at least six weeks before the expiration of the certificate, and shall in the

case of a certified house be accompanied by a statement signed by the applicant giving the number of patients of each sex whom it is proposed to receive.

41. Before any alteration or addition is made in or to any certified institution or certified house, the managers or owner shall send notice in writing of the proposed alteration or addition to the Board. Such notice shall be accompanied by full descriptions of the proposed alteration or addition, with plans.

42. No alteration or addition shall be made in or to any certified institution or certified house, whether provided by a District Board or not, without the previous consent in writing of the Board.

43. The certificate of a certified institution or certified house may include any premises wherever situate ancillary to any of the purposes of, or used in connection with the certified institution or certified house.

44. Within two months from the expiration or revocation of the certificate of a certified institution or certified house all the patients therein shall be removed, but so long as any patients remain therein the powers of the Board, and all powers and provisions of the Act and the regulations thereunder shall continue in force.

45. If the managers of a certified institution or the owner of a certified house, except with the consent of the Board, receive any patients beyond the number specified in the certificate, or retain any patients more than two months after the expiration or revocation of the certificate, or fail to comply with the conditions of the certificate as to the sex of the patients or the class of patients, they or he shall, for each patient received or allowed to remain contrary to the conditions of the certificate, be liable to a penalty not exceeding £50.

46.—(1) For any certificate, or renewed certificate, for a certified house, there shall be paid to the Board a fee of £5, and in addition the sum of 10s. for each patient beyond the number of ten proposed to be received, provided that the total fee shall in no case exceed £10.

(2) If the period for which the certificate is granted is less than thirteen months, the Board may reduce the payment.

(3) No certificate shall be delivered until the sum payable has been paid.

AS TO THE GRANTING ON THE APPLICATION OF PARISH COUNCILS,
SCHOOL BOARDS OR OCCUPIERS OF PRIVATE DWELLINGS OF
LICENCES FOR THE RECEPTION OF DEFECTIVES INTO PRIVATE
DWELLINGS.

47. The application for licence shall be in such form as the Board may from time to time direct and shall be signed by the Inspector of Poor of a Parish, or the Clerk of a School Board, or the occupier of the private dwelling. No defective maintained by any other Parish Council or any other School Board shall be received into a licensed house without the consent of the Parish Council or School Board on whose application the licence was granted.

48. Not more than four defectives shall at any one time be received into any licensed house; and a licence for the reception at any one time of more than *two* defectives into any such house shall not be granted except on the recommendation of a Commissioner or Deputy Commissioner.

49. A licensed house shall receive patients of one sex only and a separate bed shall be available for every patient.

50. On the occasion of a visit by a Commissioner or Deputy Commissioner or official appointed by the local authority concerned or by a District Board of Control, the occupier of a licensed house shall give information as to all lodgers or boarders who are living in the house. No lodger or boarder above fourteen years of age of the opposite sex from the patients shall be received into any licensed house. The occupier of a licensed house who receives private patients shall send notice to the Board within three days of the admission and departure of every lodger or boarder, not being a defective, who is received into the house.

51. Licences may be revoked, at any time, for any reason which the Board shall deem sufficient. Whenever the local authority or the person to whom a licence has been granted discontinues their connection with the house, the fact shall be reported to the Board with any observations which seem desirable.

THE MANAGEMENT OF CERTIFIED INSTITUTIONS AND CERTIFIED HOUSES.

CERTIFIED INSTITUTIONS PROVIDED BY A DISTRICT BOARD OF CONTROL.

52. The District Board of Control shall manage the Institution and shall keep it in proper repair and condition and see that no part of it is used for purposes other than those for which it is certified.

53. The District Board shall be responsible for seeing that the patients received in the Institution are properly fed, clothed, trained, and employed, and that the provisions of the Act and of the Regulations made thereunder, and the conditions of the certificate are observed.

54. The District Board shall meet at the Institution at least once a quarter. Two members appointed by the District Board for that purpose shall together once in two months inspect every part of the Institution and see every patient therein.

55. The District Board shall within six months after the certification of the Institution prepare and submit to the Board rules for the government of the Institution, and such rules, when approved by the Board, with such modifications and additions as the Board may deem advisable, shall be printed and observed. No alteration shall be made in the Rules without the approval of the Board. These Rules shall be known as "Institution Rules." Such additions and modifications shall from time to time be made in the Institution Rules as the Board may deem

expedient. The Institution Rules shall, *inter alia*, contain provisions relating to—

- (1) Out-door exercise;
- (2) Out-door work in gardens or on farm lands;
- (3) Frequent instruction and physical drill;
- (4) Employment in appropriate and useful work;
- (5) Separation of the younger from the older patients.

56. The District Board shall appoint:—

(1) A superintendent who shall be in charge of, and who shall be resident in the Institution. The Board may by order in writing direct that the superintendent shall be a qualified medical practitioner.

(a) In the event of the superintendent not being a qualified medical practitioner the District Board shall appoint a medical officer, who, if non-resident, shall visit the Institution as often as the District Board may, from time to time, by resolution direct, and make such reports as are required of him.

(b) The superintendent shall have paramount authority in the Institution, subject to that of the District Board, and shall have control over all the officers and servants, including the power of suspension, and shall superintend and direct their duties as prescribed by the District Board.

(c) The superintendent shall not be dismissed without the consent of the Board.

(2) Such other suitable and competent officers and servants as to the Board may seem necessary.

57. The District Board shall fix the salaries, wages and remuneration of every officer and servant appointed by them, but the scale of salaries, wages and remuneration shall be submitted for the approval of the Board.

58. The District Board shall fix the hours of duty and the amount of weekly and annual leave to be granted to the various members of the staff of the Institution and submit the same for the approval of the Board.

59. The District Board shall submit to the Board the arrangements which they propose for the holding of religious services and for securing so far as is practicable that religious services shall be held for, and religious instruction given to, the patients according to their religious persuasion and such arrangements as are approved by the Board shall be observed.

60. The District Board shall determine the diet of the patients subject to the approval of the Board.

61. The District Board shall publish an annual report on the state and condition of the Institution, as to its sufficiency to provide the accommodation required by the terms of the Certificate, as to its management and the care and treatment of the patients. A copy of this report shall be transmitted to the Board.

62. A District Board may provide for the accommodation of private patients in the Institution, either in separate buildings or in separate apartments, or along with the aided patients, provided that there is vacant accommodation not required by the

local authorities of the lunacy district for defectives chargeable to them. The rates of board charged for such private patients, their classification and the manner of accommodating them and the conditions on which they are received, shall be subject to the approval of the Board.

63. A District Board shall provide for the separate accommodation, education and training of educable defectives.

THE MANAGEMENT OF CERTIFIED INSTITUTIONS PROVIDED OTHERWISE THAN BY A DISTRICT BOARD OF CONTROL.

64. The managers may manage the Institution through a Committee appointed by them consisting of such number as the Board may approve.

65. The Board shall have power, if the circumstances are such as in their opinion to require it, to provide for the appointment on the managing body of representatives from any District Board, Parish Council, or School Board maintaining defectives in the Institution, provided that the number of such representatives shall not be more than one-fourth of the total number of the managing body.

66. The Managers shall keep the Institution in proper repair and condition and shall see that no part of it is used for purposes other than those for which it is certified.

67. The Managers shall be responsible for seeing that the patients received into the Institution are properly fed, clothed, trained and employed, and that the provisions of the Act and of the Regulations made thereunder and the conditions of the certificate are observed.

68. It shall be the duty of the Managers regularly to visit and inspect the Institution. At least two members shall together, once in every two months, inspect every part of the Institution and see every patient therein.

69. The Managers shall meet at least once a quarter at the Institution and shall also examine the orders and certificate or certificates for the admission and detention of every patient since the last visitation as well as the general books kept in the Institution.

70. The Managers shall in every year prepare a report in writing of the state and condition of the Institution, as to its sufficiency to provide the accommodation required by the terms of the certificate, as to its management, and the conduct of the officers and servants, and the care of the patients therein, and a copy of that report shall be transmitted to the Board.

71. The Managers shall appoint:—

(1) A superintendent who shall be in charge of, and who shall be resident in the Institution. Before the appointment is made they shall submit to the Board for their approval the name and qualifications of the person whom they propose to appoint, and the Board may by order in writing direct that the superintendent shall be a qualified medical practitioner.

(a) In the event of the superintendent not being a qualified medical practitioner the Managers shall appoint a

medical officer, who, if non-resident, shall visit the Institution at least once in every week and, in addition, as often as the Managers may from time to time by resolution direct, and the medical officer shall make such reports as are required of him.

(b) The superintendent shall have paramount authority in the Institution, subject to that of the Managers, he shall have control over all the officers and servants, including the power of suspension, and shall superintend and direct their duties as prescribed by the Managers.

(c) The superintendent shall not be dismissed without the consent of the Board.

(2) Such other suitable and competent officers and servants as to the Board may seem necessary.

72. The salaries, wages, and remuneration of every person appointed shall be fixed by the Managers but shall be subject to the approval of the Board.

73. The Managers shall within six months after the certification of the Institution prepare and submit to the Board rules for the government of the Institution, and such rules, when approved by the Board, with such modifications and additions as the Board may deem advisable, shall be printed and observed. No alteration shall be made in the Rules without the approval of the Board. These Rules shall be known as "Institution Rules." Such additions and modifications shall from time to time be made in the Institution Rules as the Board may deem expedient. The Institution Rules shall, *inter alia*, contain provisions relating to:—

- (1) Out-door exercise;
- (2) Out-door work in gardens or on farm lands;
- (3) Frequent instruction and physical drill;
- (4) Employment in appropriate and useful work;
- (5) Separation of the younger from the older patients.

74. The Managers shall issue written instructions (not inconsistent with the Institution Rules) setting forth the description of officers and servants and their respective duties, hours of duty and the amount of weekly and annual leave, and all these matters shall be subject to the approval of the Board.

75. The Managers shall submit to the Board the arrangements which they propose for the holding of religious services and for securing as far as is practicable that religious services shall be held for, and religious instruction given to, the patients according to their religious persuasion, and such arrangements as are approved by the Board shall be observed.

76. The Managers shall determine the diet of the patients subject to the approval of the Board.

77. The accounts of every Certified Institution shall be audited once a year by an accountant or other auditor to be approved by the Board and shall be printed.

78. The Board may, if they think fit, prescribe the form in which the accounts of any Certified Institution are to be kept and the day of the year to which they are to be made up.

THE MANAGEMENT OF CERTIFIED HOUSES.

79. The holder of the certificate shall, for the purposes of these regulations, be styled the superintendent, and shall be resident in the Certified House.

80.—(1) In every Certified House for one hundred patients, or more, the superintendent shall, if the Board so direct, be a medical practitioner.

(2) Every Certified House for less than one hundred and more than fifty patients not having a resident medical practitioner shall be visited daily, or at such intervals as the Board direct, by a medical practitioner.

(3) Every Certified House for less than fifty patients, not having a resident medical practitioner shall be visited twice a week, or at such intervals as the Board direct, by a medical practitioner.

(4) The Board may direct that any Certified House shall be visited by a medical practitioner at any other time or times, not being oftener than once a day.

81. Within three months of the date of the certificate the superintendent shall prepare and submit to the Board rules for the government of the house, and such rules, when approved by the Board, with such modifications and additions as the Board think fit, shall be printed and observed. No alterations shall be made in the rules without the approval of the Board. These rules shall be known as "House Rules." Such additions and modifications shall from time to time be made in the House Rules as the Board may deem expedient. The House Rules shall *inter alia* contain provisions relating to—

- (1) Out-door exercise;
- (2) Out-door work in gardens or on farm lands;
- (3) Frequent instruction and physical drill;
- (4) Employment in appropriate and useful work;
- (5) Separation of the younger from the older patients.

82. No building not shown on the plans sent to the Board pursuant to any regulations made by them shall be deemed part of the house for any purpose connected with the reception or the care and treatment of patients.

83. The superintendent or any other officer of a Certified House shall give such information as the Board or any Commissioner may require as to the mode in which the House Rules are carried out, and shall furnish to the Board, at such times and in such forms as they may from time to time prescribe, such annual and other returns and information of or in any way relating to the Certified House, or the patients therein, as the Board may in their discretion require.

84. The superintendent of every Certified House shall prepare and keep up accurate lists of the patients for the time being on the books of the house, with the rates of payment made for the maintenance and care and treatment of such patients, and such lists shall be at all times accessible to the Commissioners or Deputy Commissioners visiting the house.

85. The superintendent shall submit to the Board the arrangements which he proposes for the holding of religious services and

for securing so far as is practicable that religious services shall be held for, and religious instruction given to, the patients according to their religious persuasion, and such arrangements as are approved by the Board shall be observed.

86. The superintendent of every Certified House shall show to each Commissioner or Deputy Commissioner visiting the same every part thereof and every person who is a patient therein.

87. The superintendent of every Certified House shall lay before the Commissioners, or Deputy Commissioners, at each visit—

- (a) The several books by the Act or any regulations under the Act required to be kept by the superintendent and by the medical officer :
- (b) All orders and certificates relating to patients admitted since the last visit :
- (c) The certificate then in force for the house :
- (d) All other orders, certificates, documents, books, and papers relating to any of the patients at any time received into the house which may be required to be produced.

88. The superintendent shall produce any patient to any person who is authorized by the Act or under the Regulations to visit such patient and shall afford facilities to interview him.

NOTICES AND COPIES OF REPORTS TO BE SENT TO THE BOARD.

89. The superintendent of every Certified Institution and Certified House shall send, or cause to be sent, to the Board the following written notices and copies of reports:—

- (a) Notice within three days of any change among the members of the staff, servants or employees.
- (b) A Return within 14 days showing at the 1st of January in every year the number of patients resident at that date and the numbers discharged or died during the preceding year; also the number of beds occupied by patients and by the staff and the number of vacant beds in the Institution or House.
- (c) Notice within 14 days of the admission of a patient together with a medical statement to be made and signed by the medical officer of the Institution or House together with copies of the order under which the patient was sent and of the documents on which the same was founded, or, if the patient was placed in the Institution or House by his parent or guardian, of the certificate and consent of the Board, or if by a Parish Council or School Board of the documents on the authority of which he was received.
- (d) Immediate information in writing of any patient's mental condition becoming such that he ought to be transferred to an Institution for lunatics.
- (e) Notice of the removal, discharge, or transfer to another Institution or Certified House, or of the escape or recapture of a patient; such notice to be sent within three clear days after the event.

- (f) Immediate notice in writing of the outbreak of any infectious disease and its nature.
- (g) Within eight clear days copies of every entry made in the patient's book by any Commissioner or Deputy Commissioner or Member of a District Board of Control.
- (h) If required correct copies of all the entries, or of any particular entries or entry, in any official book relative to any specified patient who is, or may have been, resident.
- (i) Not less than 14 days before the expiration of the order or authority under which a patient is detained, the special reports and certificate required under Sections 12 and 13 of the Act for the consideration of the Board as to the continuance of the order or authority.
- (j) At the end of every quarter a copy of every entry made in the register of restraint or seclusion during the quarter.
- (k) Notice of any other matter as the Board may from time to time direct.

90. The superintendent shall within three days of the death of a patient send, or cause to be sent, a notice of such death together with a statement relating thereto—

- (a) To the Board; together with a copy of any information sent to the Procurator Fiscal;
- (b) To the relative or one of the relatives named in the statement accompanying the order for the reception of the patient, or, if none be known, to the person at whose instance the patient was detained or who made the last payment for the patient's maintenance;
- (c) To the registrar of deaths for the district;
- (d) To the Procurator Fiscal in the case of sudden death or death from accident provided that such notice shall be sent immediately;
- (e) If the patient was chargeable to a Parish Council or a School Board to the Inspector of Poor or the Clerk of the School Board, and to the Clerk of the District Board of Control.

91. The superintendent shall when any patient attains the age of twenty-one years (or as near that age as the information at his disposal enables him to judge) send or cause to be sent within 14 days to the Board notice in writing of such fact, together with the special report of the Medical Officer required by Section 12 of the Act.

REGISTERS TO BE KEPT IN EVERY CERTIFIED INSTITUTION AND CERTIFIED HOUSE.

92. The superintendent of every Certified Institution or Certified House shall keep, in such form as the Board may from time to time direct—

- (a) a register of admissions;
- (b) a register of removals, transfers and discharges;
- (c) a register of deaths;

- (d) a register of restraint and seclusion ;
- (e) a register of escapes ;
- (f) a register of the engagement and leaving of officers and servants ;
- (g) a register of absences on licence ;
- (h) a case book ;
- (i) a daily register ;
- (j) a visitors' book in which the names and dates of all visitors to patients shall be entered ;
- (k) a patients' book for entries by the Commissioners or Deputy Commissioners or Members of District Boards ;
- (l) a register of physical condition on admission ;
- (m) a register of accidents.

93. Within seven days after the admission of a patient there shall be entered in the case book for patients the following particulars :—

A statement of the name, age, date of birth, sex and previous occupation of the patient, and whether married, single, or widowed, and a copy of the statement of facts contained in the medical certificates accompanying the reception order.

A statement of the mental and physical condition of the patient.

Every particular that has been obtained respecting the previous history of the patient, and his family.

Subsequent entries shall be made at least twice a year, when all special circumstances affecting the patient, and any further information obtained regarding him, shall be recorded.

CORRESPONDENCE.

94. The superintendent of every Certified Institution or Certified House shall forward unopened all letters written by any patient and addressed to the Secretary for Scotland, or to the Sheriff of the County, or to the Commissioners or any Commissioner, and he shall also deliver to the patient unopened any letter from the Secretary for Scotland or the Sheriff or the Board if such letter is marked "Private."

95. Patients shall be allowed to write letters at reasonable intervals, but, except as is hereinbefore provided, every letter to or from a defective may be read by such superintendent, and if the contents are objectionable or if it is considered undesirable that correspondence should be maintained between the patient and the person to whom the letter is addressed or from whom it is received the letter shall not be forwarded or delivered.

VISITS.

96. A minister of the religious persuasion specified in the order or in the statement of prescribed particulars as that to which a defective belongs may visit him either in a Certified Institution or Certified House at such times of the day and as often as the superintendent of the Institution or House may with the approval of the Board determine; provided that the parent or guardian does not object in writing to such visits.

97. Visits by the nearest adult relative or the guardian who is entitled under the statute to visit a patient in a Certified Institution or Certified House and visits by other persons to a patient in a Certified Institution or Certified House shall, so far as is consistent with the due administration of the Institution or House, be encouraged and shall be permissible at such reasonable times and under such conditions as may, with the approval of the Board, be prescribed by the superintendent.

98. The special consent of the superintendent shall be required in the case of visits to patients by persons in connection with business transactions.

99. If there be reasonable ground for suspecting that any person visiting a patient is exercising a bad influence on him or encouraging him to break the rules of the Institution or House, his visit may be suspended.

100. In any case where, owing to the character and antecedents of the person proposing to visit a patient, such visit would, in the opinion of the superintendent, be contrary to the interests of the patient a report to that effect shall forthwith be sent to the Board and such visit shall not be allowed unless and until the Board shall make an order granting permission to visit.

101. The Board may at any time give an order in writing for the admission to any patient in a Certified Institution or Certified House of any relative or friend or of any medical or other person whom any relative or friend of the patient desires to be admitted to him. The order of admission may be either for a single admission, or for an admission for a limited number of times, or for admission generally at all reasonable times and with or without restriction as to the presence of an attendant or otherwise.

THE INSPECTION OF CERTIFIED INSTITUTIONS AND CERTIFIED HOUSES AND THE VISITATION OF PATIENTS THEREIN.

102. Every certified institution or certified house may at any time, by day or night, be visited by any one or more of the Commissioners or Deputy Commissioners.

103. During the continuance of a contract made by a District Board of Control with the managers of any certified institution for the reception of defectives in such institution, any two or more members of the District Board of Control shall be permitted, together, at least once in every six months, to visit the institution and see and examine the patients received under the contract, and they shall at each visit make an entry in the patients' book.

104.—(1) A Commissioner or Deputy Commissioner shall, at every visit to a certified institution or certified house which he is by the Act required to make, and may at any other visit do all or any of the following things:—

- (a) Inspect any or every part of the building where patients are received, and every building communicating or connected therewith;
- (b) See every patient, and give to each an opportunity of making complaint;

(c) Inspect the order and certificates for patients received since the last visit;

(d) Inquire—

When divine service is held, and what average number of patients attend;

What occupations and amusements are provided for the patients;

How the patients are classified, trained, educated, and employed;

As to the diet and clothing of the patients;

As to the number and qualifications of the staff and the conditions of their employment;

As to such other matters as may, in his opinion, require investigation;

(e) Whether any patients have recently attained or are about to attain the age of 21.

(2) The result of the foregoing inspections and inquiries, with such observations as may be thought proper, shall be entered in the patients' book.

105. A Commissioner or Deputy Commissioner visiting a certified institution or certified house may enter in the patients' book such observations as he thinks fit as to the state of mind or body of any patient and any irregularity which exists in any order or certificate, and any observations which he thinks proper.

106. The Superintendent of a certified institution or certified house shall lay before the Commissioner or Deputy Commissioner, or members of the District Board at each visit:—

(a) A list of all the patients then in the house (distinguishing private from aided patients and males from females);

(b) The several books required by the Regulations to be kept;

(c) All orders and certificates relating to patients admitted since last visit;

(d) The certificate then in force for the institution or house;

(e) All other orders, certificates, documents, and papers relating to any of the patients at any time received into the house which may be required to be produced.

107. A Commissioner or Deputy Commissioner visiting a certified institution or certified house shall carefully consider and give special attention to the state of mind of any patient, the propriety of whose detention has been questioned or gives rise to doubt or to whose mental condition his attention is specially called, and shall, if the state of mind of such patient is considered doubtful, or the propriety of his detention requires further consideration, make a report thereof to the Board.

108. The Inspector of Poor or the Clerk of a School Board or the members of a Parish Council or of a School Board to the number of not more than five shall be permitted at reasonable hours to visit and examine any patient or patients chargeable to their parish or school district confined in a certified institution.

109. Any medical practitioner or any two medical practitioners instructed in writing by the local authority concerned or by a

relative or guardian of the defective to visit and examine such defective in a certified institution or certified house, shall on production to the Superintendent of such instruction be admitted to examine such defective.

THE TRANSFER OF PATIENTS FROM ONE CERTIFIED INSTITUTION OR CERTIFIED HOUSE TO ANOTHER; FROM A CERTIFIED INSTITUTION TO A CERTIFIED HOUSE OR *vice versa*; FROM A STATE INSTITUTION TO A CERTIFIED INSTITUTION OR CERTIFIED HOUSE, AND IN SPECIAL CASES FROM A CERTIFIED INSTITUTION OR CERTIFIED HOUSE TO A STATE INSTITUTION.

110. A patient may be transferred from a certified institution to a certified institution or to a certified house and *vice versa* on application to the Board by the parent or guardian, or nearest adult relative, or the person responsible for his maintenance, or, in the case of an aided patient, by the local authority concerned. The application shall be accompanied by a statement by the medical officer or medical attendant of the certified institution or certified house from which it is proposed to transfer the patient, and the application and statement may be in such forms as are from time to time directed by the Board.

111. A patient out on licence from any certified institution or certified house may be transferred during the currency of the licence as if he were resident in the institution or house.

112. When the condition of a patient under guardianship appears to be such that he ought to be transferred to a certified institution or certified house, the parent or guardian or nearest adult relative, or the person who made the last payment for his maintenance, or, in the case of an aided patient, the local authority concerned, may make application for such transfer to the Board, accompanied by a statement from the medical practitioner who ordinarily visits the defective, and such application and statement may be in such forms as are from time to time directed by the Board.

113. When the condition of a defective in a certified institution or certified house appears to be such that he ought to be transferred to a State institution, the Managers or Superintendent of the institution or house, or the parent or guardian or nearest adult relative, or, in the case of an aided patient, the local authority concerned, may present a written statement to the Board, accompanied by a certificate from the medical attendant of the defective (who may be the Superintendent or medical officer of the institution or house). The Board, if they are satisfied that the defective is a person of violent or dangerous propensities, may make an order, subject to the consent of the Secretary for Scotland, for his transference to a State institution.

DISCHARGE OF DEFECTIVES FROM CERTIFIED INSTITUTIONS OR CERTIFIED HOUSES OR FROM GUARDIANSHIP.

114. When it appears to a Commissioner or Deputy Commissioner that the mental condition of any defective detained in a certified institution or certified house or under guardianship is

such that he does not require to be so detained, the Commissioner or Deputy Commissioner shall, within three days, send a special report to the Board, and the Board may, after such further enquiries (if any) as they think necessary, order the discharge of the defective.

115. Every medical officer of a certified institution or certified house, or the medical practitioner who visits a defective under guardianship shall, if he is satisfied that the mental condition of a defective is such that he may without risk or injury to his own interests or that of others be discharged, forthwith intimate the fact to the Board, and the Board may, after such further enquiries (if any) as they think necessary, order the discharge of the defective.

116. The parent or guardian or the nearest adult relative or the local authority concerned, or the District Board of Control, or any other interested person may apply in writing to the Board for the discharge of any defective on the ground that his mental condition does not justify his further detention. The Board may, if they think fit, call upon the person or persons so applying to produce a medical certificate in support of the application. After considering the application (with or without a medical certificate) the Board may, after such further enquiries (if any) as they think necessary, order the discharge of the defective.

THE ABSENCE OF DEFECTIVES FROM CERTIFIED INSTITUTIONS OR CERTIFIED HOUSES OR GUARDIANSHIP ON LICENCE OR TEMPORARILY WITHOUT LICENCE.

117. The Superintendent of a Certified Institution or Certified House with the consent of the Board may grant leave of absence to any patient detained in the Institution or House. The application for consent of the Board shall be made in such form as the Board may, from time to time, direct.

118. The Superintendent before applying for the consent of the Board shall satisfy himself as to the suitability of the place to which the patient will be taken and as to the means of care and control which will be available.

119. Such leave of absence shall be given by written licence under the hand of the Superintendent. The licence shall set out the period for which, and the conditions on which, it is granted, and it may at any time be revoked or, with the like consent, renewed.

120. On the expiry or revocation of the licence the patient may be brought back to the Institution or House by the Superintendent or any officer or other person authorised by him in writing.

121. The Superintendent of a Certified Institution or Certified House may of his own authority permit any patient to be absent therefrom for a period not exceeding 14 days if satisfied as to the suitability of the place to which the patient will be taken and as to the means of care and control which will be available.

122. Any person who knowingly secretes a patient on leave of absence with or without a licence, or a patient at large whose

licence has expired or been revoked, or induces or knowingly assists any such patient to escape or break any conditions of his licence, or who obstructs an officer authorised to take him back to the Institution shall be guilty of a breach of these Regulations.

123. In the case of an aided patient on leave of absence, with or without a licence, if his circumstances or those of his family or the persons with whom he resides so require, there shall continue to be paid for his maintenance by the local authority concerned such weekly sums as the local authority, with the approval of the Board, may consider adequate.

124. In the event of the death of a patient taking place during leave of absence, with or without a licence, the Superintendent shall obtain a medical certificate as to the cause of death.

THE CONVEYANCE OF DEFECTIVES TO AND FROM INSTITUTIONS OR TO AND FROM THE HOUSE OF A GUARDIAN.

125. Within fourteen days after the grant of a judicial order or after the consent of the Board to place a defective in a Certified Institution or Certified House or under guardianship has been obtained (Section 4), the person at whose instance the order has been granted or the consent obtained shall cause the defective to be placed in a Certified Institution or Certified House or under guardianship, as the case may be. After the lapse of fourteen days the order or consent shall cease to be operative.

126. When a defective under 21 years of age is certified under Section 4 at the instance of a Parish Council or a School Board he shall be placed in a Certified Institution or Certified House or under guardianship within fourteen days from the date of the last granted medical certificate.

127. When a female defective is being removed to or from a Certified Institution or Certified House, or to or from guardianship, or to or from a place of safety, she shall be accompanied by a person of her own sex.

128. When a patient in a Certified Institution or Certified House or under guardianship has been ordered by the Board to be discharged, his parent or guardian or the local authority concerned or the person at whose instance he is detained shall remove him from care within fourteen days from the receipt of the order.

APPLICATION OF REGULATIONS TO CERTIFIED INSTITUTIONS ESTABLISHED BY TWO OR MORE DISTRICT BOARDS OF CONTROL IN COMBINATION.

129. If two or more District Boards combine for the purpose of undertaking the establishment of a certified institution the managers of the institution shall be a joint committee consisting of representatives nominated by the several district boards in accordance with a scheme approved by the Board and in such case the Regulations relating to certified institutions provided by a district board shall apply with the substitution of the joint committee for the District Board.

THE POWERS AND DUTIES OF PERSONS APPOINTED GUARDIANS OF DEFECTIVES, THE REPORTS TO BE MADE BY SUCH GUARDIANS, AND THE DISCHARGE OF DEFECTIVES FROM GUARDIANSHIP.

(a) *Private Patients.*

130. Notice of the reception, removal, or death of every defective received into a private dwelling on the Order of the Sheriff or with consent of the Board shall be given to the Board by the occupier of the house within three days after the occurrence of any of these events, and, in case of removal, the patient's mental condition at the time of leaving, and the place to which he has been removed shall be specified.

131. Every such patient shall be visited, as often as the Board may require, by a medical man who shall enter a record of his visit in the Visiting Book which is prescribed by the Board. The patient may be visited and reported on by an officer of the Board at such times as they may direct.

132. Not more than one defective may be received under guardianship into any private dwelling unless the occupier holds a licence from the Board.

133. If for any reason the Board consider that a defective under guardianship has become unfit for residence in a private dwelling, or if any of the conditions as to accommodation, guardianship, treatment, or visitation is not observed, the Board may order the removal of the defective to an institution or to other guardianship, and the person responsible for placing the defective under guardianship shall give effect to the Order within fourteen days unless he can show, to the satisfaction of the Board, sufficient reasons why the Order should not be carried out.

(b) *Aided Patients.*

134. Not more than one defective may be received under guardianship into any private dwelling unless the occupier of such dwelling holds a licence from the Board.

135. Such licence may permit the occupier of the house to receive not more than four defectives at any one time, and will be valid only for the particular house and the particular guardian named in the licence.

136. A Parish Council or a School Board shall intimate to the Board and to the District Board of Control any alteration in the rate of maintenance paid for any defective under guardianship.

137. A Parish Council or a School Board shall within seven days send notice to the Board and to the Clerk of the District Board of Control of the placing of a defective under guardianship. These notices shall be according to such form as the Board may, from time to time, direct, and the notice sent to the Board shall be accompanied by the petition or request, statement, declarations, medical certificates and Sheriff's Order (if any) upon which the defective was placed under guardianship.

138. A Parish Council or a School Board shall send to the Board and to the District Board of Control notice, within seven days:—

- (1) of the death of the defective;
- (2) of the discharge from care of the defective;
- (3) of escape or recapture of the defective;
- (4) of the removal of the defective from one guardian to another or from guardianship to an institution for defectives or to an institution for lunatics.

The above notices shall be in such form as the Board may, from time to time, direct, and the notice of death shall be accompanied by a copy or duplicate of the medical certificate of death; and, if the circumstances warrant, or if the Board so direct, notice shall be sent to the Procurator Fiscal.

139. It shall be the duty of the local authority concerned to satisfy themselves that all defectives maintained by them are comfortably housed, sufficiently fed, clothed, and otherwise provided for, and that they are under the charge of properly remunerated, efficient, and trustworthy guardians.

140. Every defective placed in a private dwelling at the instance of a Parish Council or a School Board shall be visited within three weeks after having been so placed and at least every three months thereafter by a medical man appointed by the local authority concerned to perform that duty. The medical man shall at every such visit enter in the Visiting Book (prescribed by the Board) which shall be kept in the house in which the defective resides, a report of the mental and bodily condition in which he found the defective, with any suggestions or recommendations for improving the condition of the patient which the medical man may think desirable.

141. Suggestions or recommendations for improving the patient's condition shall be at once reported by the medical man to the local authority concerned, and the local authority concerned shall either see that the suggestions or recommendations receive immediate effect or shall report to the Board the reason for not carrying them out.

142. It shall be the duty of the local authority concerned to secure that every defective under guardianship shall be visited at least twice a year—at intervals of not less than four months between each visit—by an officer appointed for the purpose who shall record each visit in the visiting book.

143. If for any reason the Board consider that a defective under guardianship has become unfit for residence in a private dwelling, or if any of the conditions as to accommodation, guardianship, treatment, or visitation is not observed, the Board may order the removal of the defective to an institution or to other guardianship, and the local authority concerned shall give effect to the Order within fourteen days unless they can show to the satisfaction of the Board sufficient reasons why the order should not be carried out.

144. A Parish Council or a School Board shall forthwith report to the Board the serious illness of, or serious accident to, a defective under guardianship, as well as any other event

seriously affecting his welfare. Such reports shall contain full particulars, or if the circumstances warrant or the Board so direct, notice shall be sent to the Procurator Fiscal of the county.

AS TO THE CARE AND TREATMENT OF DEFECTIVES UNDER
GUARDIANSHIP.

(a) *Private Patients.*

145. A guardian shall provide for the education and recreation of the patient according to the means available, and shall ensure that in these respects everything practicable is done for the improvement of the patient's mental and physical condition.

146. Before changing his residence a guardian shall give notice in writing thereof and of his new address to the Board, to the person or persons responsible for the patient's maintenance and to the person responsible for placing the patient under guardianship.

147. A guardian may, with the consent of the person responsible for the maintenance of the patient or who placed the patient under guardianship, send the patient under proper control to any specified place or places for any definite time for the benefit of his health, or permit the patient to be absent on leave for such period as may be thought fit. He shall, at the same time, intimate the patient's change of address and the period of his absence to the Board.

148. A guardian shall within three days from the reception, discharge, or death of a patient send notice to the Board. In the event of the death of a patient he shall send a copy of the death certificate.

149. A guardian shall, within three days of the escape or re-capture of a patient, send written notice thereof to the Board and to the persons responsible for the maintenance of the patient or for placing him under guardianship.

150. A guardian shall, immediately on the occurrence of a serious accident or illness, or any event seriously affecting the welfare of the patient, send notice thereof to the medical man who usually visits the patient and within three days send a report to the Board; and, if the circumstances warrant or if the Board so direct, he shall also send notice to the Procurator Fiscal.

151. A guardian shall, within seven days of a patient attaining the age of 21 years and not less than one month before the expiration of the order for detention of any patient send notice thereof to the medical man who usually visits the patient and to the Board, and the guardian shall carry out the directions which he receives from the Board with a view to the consideration of the case by the Board and by the medical man.

152. If a patient is or becomes unsuitable for guardianship, the guardian shall give immediate notice of the circumstances to the medical man who usually visits the patient and to the Board and to the person or persons paying for the maintenance of the defective.

153. A guardian who wishes to resign the guardianship of a private patient shall give due notice of his intention to the Board and to the person or persons paying for the maintenance of the patient.

154. A guardian who abandons his guardianship or fails to carry out the foregoing regulations shall be liable on conviction thereof to a penalty not exceeding £20.

(b) *Aided Patients.*

155. A guardian shall provide, subject to the directions of the local authority concerned, for the education, occupation and recreation of the patient, and shall ensure that in these respects everything practicable is done for the improvement of his mental and physical condition.

156. Before changing his residence a guardian shall give notice in writing thereof and of his new address to the local authority concerned.

157. A guardian shall, within three days of the escape or recapture of a patient, send written notice thereof to the local authority concerned.

158. A guardian shall immediately on the occurrence of a serious accident or illness or any event seriously affecting the welfare of the patient send notice thereof to the medical man who usually visits the patient, and, within three days, send a report to the local authority concerned.

159. If a patient is or becomes unsuitable for guardianship the guardian shall give immediate notice of the circumstances to the medical man who usually visits the patient and to the local authority concerned.

160. A guardian who wishes to resign the guardianship of an aided patient shall give due notice of his intention to the local authority concerned.

161. A guardian who abandons his guardianship or fails to carry out the foregoing regulations shall be liable on conviction thereof to a penalty not exceeding £20.

162. A guardian shall see that the sleeping room occupied by a patient is free from damp and well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient.

163. A guardian shall take care that every patient is furnished with at least one full change of clothing, and he shall keep all articles of clothing clean and in good repair. A separate box or drawer should be set apart for the clothing of each patient, so that the clothing may be readily inspected by any Commissioner, Deputy Commissioner, or officer of the local authority concerned.

164. A guardian shall attend strictly to the personal cleanliness of every patient under his care.

THE VISITATION OF DEFECTIVES UNDER GUARDIANSHIP.

165. Every dwelling in which there is a patient under guardianship may at any time, by day or night, be visited by any Commissioner or Deputy Commissioner.

166. A Commissioner or Deputy Commissioner shall, at every visit to such dwelling which he is by the Act required to make, and may at any other visit—

- (a) See the patient and the guardian and any person residing in the house;
- (b) Inquire into the treatment and state of health, both bodily and mental, of the patient, and as to the moneys to the guardian paid on his account;
- (c) Inspect the dwelling and any part thereof;
- (d) Inspect the Visiting Book;
- (e) Inquire—

What occupations and recreation are provided for the patient;

How the patient is trained, educated and employed;

As to the diet and clothing of the patient;

As to such other matters as may, in his opinion, require investigation.

167. The guardian shall lay before the Commissioner or Deputy Commissioner at each visit the Visiting Book required by the Regulations to be kept.

168. A District Board of Control contributing to the maintenance of a defective under guardianship may at any time by one or more of its members or by a medical officer appointed by it or by any persons duly authorised by it visit and inspect the defective and examine into his mental condition or into his care and treatment. The guardian shall be bound to give them all information regarding the patient, and if the guardian refuses to admit them or to give reasonable information, he shall, on conviction, be liable to a penalty of five pounds.

THE APPLICATION AS RESPECTS DEFECTIVES OF ANY OF THE PROVISIONS OF THE LUNACY ACTS FOR THE GREATER PROTECTION OF DEFECTIVES.

169. If any person shall grant or make a certificate, declaration, statement or report under the Act regarding the mental or physical condition, care or treatment of a defective without having seen and examined the defective to whom it relates, at the time or in the manner specified in such certificate, declaration, statement, or report with a view to ascertaining the condition of such defective to the best of his knowledge, he shall be guilty of an offence, and for every such offence he shall be liable to a penalty of fifty pounds.

170. If any person shall wilfully and falsely grant or make any such certificate, declaration, statement or report he shall be guilty of an offence, and for every such offence shall be liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding three months.

171. It shall not be competent to any medical person who shall have a pecuniary or patrimonial interest or concern with or in any Certified House, Licensed House, or Private Dwelling in which a defective is detained under care in terms of the Act, or

any co-partnership or participation of profits with the superintendent, or occupier of any such house or dwelling, or whose father, mother, brother, sister, son or daughter shall be superintendent or occupier of any such house or dwelling to grant any certificate under the provisions of the Act in respect to any defective detained in such house or dwelling in terms of the Act; and any person who shall contravene this Regulation shall be guilty of an offence, and shall for each offence be liable in a penalty not exceeding fifty pounds or to be imprisoned for a period not exceeding three months.

172. The provisions of Section 94 of the Lunacy (Scotland) Act, 1857, with regard to the furnishing to any person who has been confined as a lunatic and who has been released from confinement, a copy of the order, petition, statement of particulars and medical certificates upon which he had been confined shall apply in all respects to a defective who has been detained and discharged in terms of this Act and the Regulations thereunder with the substitution of "Certified Institution," "Certified House," "Licensed House," for "Asylum or House," and any other necessary substitutions.

173. The provisions of Section 40 of the Lunacy (Scotland) Act, 1857, shall, with the necessary substitutions, apply with regard to any inquiry as to the detention of a defective under the provisions of the Act.

Thomas Mason,
Chairman.

General Board of Control for Scotland,
20th May, 1914.

The foregoing regulations have been submitted to me, I hereby signify my approval thereof.

(L.S.)

T. McKinnon Wood,
His Majesty's Secretary for Scotland.

Scottish Office, Whitehall,
22nd May, 1914.

SCHEDULE.

[FORM M.1.]

PETITION TO THE SHERIFF FOR A JUDICIAL ORDER.

Unto the Honourable the Sheriff of

The Petition of

Humbly Sheweth

that, as appears from the declaration and Medical Certificates herewith produced, *A.B.* (*a*) is a defective within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913 (3 & 4 Geo. V., Cap. 38), in respect that he is (*b*)

That the said *A.B.* is liable to be dealt with under the said Act in respect that he is (*c*)

That the said *A.B.* resides within the (*d*)

That the petitioner is (*e*)

May it therefore please your Lordship to grant warrant to cite the said *A.B.* to appear personally to show cause why a judicial order should not be pronounced against him (*f*) and to direct notice of this application to be given to (*g*) and thereafter, and after such enquiry or other procedure as to your Lordship shall seem fit, to find that the said *A.B.* is (*b*) and is a defective within the meaning of the said Act, and that he is subject to be dealt with under the said Act, in respect that he is (*c*) and that he resides within (*d*) and to grant warrant to and authorise the superintendent of (*h*) and to detain him [*or her*] as a defective in accordance with the provisions of the said Act; and to authorise the said *A.B.* to be sent to the said (*h*) accordingly; or to appoint *C.D.* (designation) or other fit person to be guardian of the said *A.B.* and to grant warrant for the transmission of the said *A.B.* to the house of the said *C.D.* and for his being kept under the guardianship of the said *C.D.* in terms of the said Act.

To be signed by the petitioner_____

Dated this (*i*) day of , One thousand nine hundred and

NOTE 1.—A statement giving, so far as known, similar particulars to those set out in Form M.4. should be appended to the Petition.

NOTE 2.—When a Judicial Order is made ordering a defective to be sent to a certified institution or certified house, the Order, together with the Petition and other original documents in the process, is to be transmitted by the Petitioner to the Superintendent of the certified institution or certified house.

When a Judicial Order is made ordering a defective to be placed under guardianship the Order, together with the Petition and other original documents in the process, is to be transmitted by the Petitioner to the Board; and a copy of the Order certified by the Sheriff Clerk is to be transmitted by the Petitioner to the guardian.

(*a*) Name and designation.

(*b*) Specify the class of defective to which the person to whom the petition relates is alleged to belong.

(*c*) State the circumstances rendering the person to whom the petition relates subject to be dealt with under the Act.

(*d*) Specify the school district or parish as the case may be within which the person to whom the petition relates resides.

(*e*) State whether the petitioner is a relative (and if so specify the relationship) or is the local authority concerned within the meaning of the Act, or is the Procurator Fiscal or is contributing to the support of the person to whom the petition relates, and in either of the last two cases, specify the reasons why the petition is not presented by a relative, the connexion of the petitioner with the person to whom the petition relates and the circumstances under which he presents the petition.

(*f*) If it is desired that the petition should be granted without the personal appearance of the person to whom the petition relates, a crave to dispense with the citation of such person and the statement of the reasons on which such dispensation is asked should be substituted for the crave for warrant to cite.

(*g*) When the petition is not at the instance of the parent or guardian notice should be given to such parent or guardian, and where the petition is not at the instance of the local authority liable under the Act to contribute towards the maintenance of the person to whom the petition relates, notice should be given to such local authority.

(*h*) Specify the certified institution or certified house.

(*i*) The petition must be presented within one month of the dates of the medical certificates.

[FORM M.2.]

STATUTORY DECLARATION TO ACCOMPANY PETITION.

We, the undersigned, *E.F.* of in the
of and *G.H.* of in the
of solemnly and sincerely declare as follows:—

(a) Idiot, imbecile,
feeble-minded person,
or moral imbecile.

(b) Specify the cir-
cumstances (Section 3
(1) (c)).

(c) If there has been
no such previous peti-
tion insert "not."

1. *A.B.* is a defective within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, and the class of defective to which the said belongs is (a)

2. The said *A.B.* is a person subject to be dealt with under the said Act, and the circumstances which render h so subject are:—
(b)

3. A petition to the Sheriff under Section 6 of the said Act [or a petition for an order under the Lunacy (Scotland) Acts] has (c) previously been presented in relation to the said *A.B.* the date thereof being and the result of the proceedings thereon being

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared by the said at
on the day of

Before me

Signature_____

Signature_____

[FORM M.3.]

PRESCRIBED FORM OF MEDICAL CERTIFICATE (SECTION 4)

(This certificate must be given by a medical practitioner duly approved for the purpose by the Board, or the local authority concerned, and by a second duly qualified medical practitioner.)

I, , being a medical practitioner duly approved by the [General Board of Control or School Board of or Parish Council of] for the purpose of giving medical certificates under the Mental Deficiency and Lunacy (Scotland) Act, 1913, and I, , being a duly qualified medical practitioner, hereby certify on soul and conscience that we have visited and personally examined residing at in the county of and that the said is a defective within the meaning of the said Act, and that the class of defectives to which the said belongs is (a)

(a) Idiot, imbecile,
feeble-minded person,
or moral imbecile.

Signature and Medical }
Qualifications. } _____

Place of Abode _____

Signature and Medical }
Qualifications. } _____

Place of Abode _____

Dated this day of one thousand nine hundred
and

NOTE.—This Form may be adapted for use in other cases where one or more medical certificates are required.

[FORM M.4.]

STATEMENT GIVING THE PRESCRIBED PARTICULARS WITH RESPECT TO THE DEFECTIVE (SECTION 4).

(If any of the particulars be not known to the parent or guardian this must be stated)

- 1. Christian Name and Surname of the Defective in full ...
2. Sex ...
3. Date of Birth ...
4. Place of Birth ...
5. Married, Single, or Widowed ...
6. Occupation, if any ...
7. (a) Capacity for education ...
(b) ,, ,, training ...
(c) ,, ,, doing work ...
8. If a female, whether she has given birth to children ...
9. Age at onset of mental defect ...
10. Whether of violent or dangerous habits or propensities ...
11. Present Place of Residence ...
12. Length of residence in present Place of Abode...
13. Christian Name, Surname and Residence of nearest known relative of Defective, and degree of relationship between this relative and the Defective
14. Religious persuasion to which the Defective belongs ...

I certify that to the best of my knowledge the above particulars are correctly stated.

Signature of Parent or Guardian_____

[FORM M.5.]

APPLICATION BY THE PARENT OR GUARDIAN OF A DEFECTIVE TO THE GENERAL BOARD OF CONTROL TO CONSENT TO THE PLACING OF A DEFECTIVE IN A CERTIFIED INSTITUTION OR CERTIFIED HOUSE OR UNDER GUARDIANSHIP (SECTION 4 (1) (a)).

(Note.—Unless the Defective is an Idiot or an Imbecile the consent of the Board to his detention can only be obtained on the application of the parent of the Defective, and in such case only if the Defective is under the age of twenty-one.)

I, A.B., being desirous of placing my (a) C.D. residing at in the county (b) hereby apply for the consent of the General Board of Control to h being so placed (c) I declare that the said is (d) and that he is a defective within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913 [and that he is under the age of 21 years] (e). I append a statement giving the prescribed particulars (f) with respect to h and a certificate in the prescribed form (g) by two duly qualified medical practitioners in terms of the Act.

(a) State relation. (b) Here specify whether in Certified Institution or Certified House or under guardianship. (c) Here add "in the Certified Institution" or "in the Certified House" or "under the guardianship of" naming and designating the Institution or House or Guardian. (d) Idiot, imbecile, feeble-minded person, or moral imbecile. (e) Words in brackets unnecessary if defective is an idiot or imbecile. (f) Form M 4. (g) Form M 3.

(Signed)_____

Designation_____

Place of Abode_____

Dated this day of One thousand nine hundred and

[FORM M.6.]

CONSENT OF THE BOARD TO THE PLACING OF A DEFECTIVE IN
A CERTIFIED INSTITUTION OR CERTIFIED HOUSE OR
UNDER GUARDIANSHIP.

The Board having considered the foregoing Application, Statement, and
(a) Name of defective Medical Certificate, hereby consent to the placing of (a)
[in the Certified Institution or House] or [under the
guardianship of at]].

Signed_____

Given at Edinburgh this _____ day of _____ One thousand
nine hundred and _____

[FORM M.7.]

REQUEST BY A PARISH COUNCIL OR A SCHOOL BOARD FOR
THE ADMISSION OF A DEFECTIVE INTO A CERTIFIED
INSTITUTION.

(a) Parish Council or School Board. By the authority of the (a) _____ of the (b) _____
of _____ in the county of _____ I hereby request you
(b) Parish or School District. to receive _____ into the Certified Institution of (c) _____
in the county of _____ I declare that the said
(c) Name of Institution. is (d) _____; that he is a defective within the meaning of the Mental
(d) Idiot, imbecile, feeble-minded person, or moral imbecile. Deficiency and Lunacy (Scotland) Act, 1913; that he is under the age of
(e) _____ years.
(e) If dealt with by a School Board, must be under 16 years; if by a Parish Council, under 21 years. I append the written consent of h (f) _____ to h _____ being so
placed and also a Statement giving the prescribed Particulars (g) and a
Medical Certificate in the prescribed form (h) regarding the said
according to the provisions of the Statute.
(f) Father, mother, or guardian. Signature_____

(g) Form M. 4. Designation (i)_____

(h) Form M. 3. Date_____

(i) Inspector of Poor or Clerk to School Board.

To the Superintendent of the
Certified Institution of

I, _____ being the (f) _____ of _____
referred to in the above request hereby consent to h _____ being placed in
the Certified Institution of (c) _____ by the (a) _____
of _____

Signed_____

Place of Abode_____

Date_____

[FORM M.8.]

SHERIFFDOM OF _____

No.	Name of Defective.	Name of Petitioner.	Date of Presentation of Petition.	Whether Petitioner cited to attend personally. If not, why not.	Whether evidence was led or remit made.	Other Procedure.	Result of proceedings (whether Order granted or refused).

The Sheriff Clerk shall within 7 days after entry was made send a copy of this schedule to the Board.

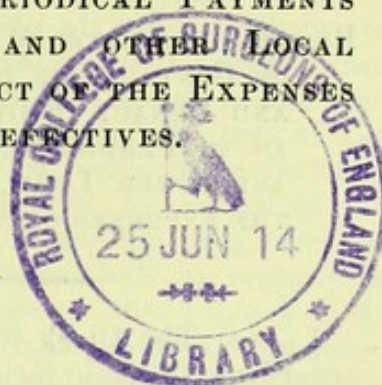
(Signature)

Sheriff Clerk.

MENTAL DEFICIENCY AND LUNACY (SCOTLAND)
ACT, 1913.

(3 & 4 GEO. V., CAP. 38.)

REGULATIONS made by THE GENERAL BOARD OF
CONTROL FOR SCOTLAND as to PERIODICAL PAYMENTS
BY AND TO DISTRICT BOARDS AND OTHER LOCAL
AUTHORITIES CONCERNED IN RESPECT OF THE EXPENSES
OF MAINTAINING LUNATICS AND DEFECTIVES.



(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be printed,
22nd May, 1914.*

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STATUTORY RULES AND ORDERS, 1914.

No. $\frac{707}{S. 61}$.

**MENTAL DEFECTIVE, AND LUNATIC,
SCOTLAND.**

REGULATIONS DATED MAY 20, 1914, MADE BY THE GENERAL BOARD OF CONTROL FOR SCOTLAND UNDER THE MENTAL DEFICIENCY AND LUNACY (SCOTLAND) ACT, 1913 (3 & 4 GEO. 5, c. 38), AS TO PERIODICAL PAYMENTS BY AND TO DISTRICT BOARDS AND OTHER LOCAL AUTHORITIES CONCERNED IN RESPECT OF THE EXPENSES OF MAINTAINING LUNATICS AND DEFECTIVES.

1.—(a) The Clerk to the District Board shall keep a register according to such form as the Board may, from time to time, direct showing in separate divisions for each of the under-noted classes the name, the parish or school district of residence, and of settlement, the rate of maintenance, the date of admission, and the date of discharge or death:—

- (a) Of lunatics in asylums.
- (b) Of lunatics in lunatic wards of poor houses.
- (c) Of lunatics in private dwellings.
- (d) Of defectives in Certified Institutions.
- (e) Of defectives under guardianship.
- (f) Of inmates of training schools for imbecile children admitted prior to 15th May, 1914.

(b) Each Parish Council, not being a parish which is a District Board, and each School Board shall, by one of their officers designated for the purpose, intimate to the District Board, upon the same form as is used for similar purposes in intimating to the Board, the admission to care and treatment of each lunatic or defective, the removal of each lunatic or defective from one form of care to another, the transfer of liability for the lunatic or defective, the discharge of each lunatic or defective from care under the Acts, and the death of a lunatic or defective, and such intimation shall be made within seven days of admission, removal, transfer of liability, discharge or death.

(c) Each Parish Council or School Board shall, on or before the 15th of May of each year, make a return to the District Board showing the number of lunatics and defectives chargeable to the parish or school district, the method of their disposal, and the rate of maintenance, and other expenses, including the cost of certification of each lunatic or defective, the cost of the judicial order (if any) and of the removal of each lunatic or defective to an asylum or institution, from one asylum or institution to another, from an asylum or institution to guardianship, or of placing the lunatic or defective under guardianship.

(d) Where in these Regulations a designated officer is referred to and a Parish Council or a School Board do not appoint a special officer, the term "designated officer" shall be held to mean the Inspector of Poor or the Clerk of the School Board.

2.—(a) Weekly Rates of Maintenance (hereinafter referred to as the approved weekly rates) for lunatics in asylums and in private dwellings and for defectives in certified institutions or under guardianship shall be from time to time fixed subject to the approval of the Board. Such rates shall be fixed so as to cover ordinary subsistence, medicines, and all other appropriate charges, as approved by the Board, in relation to the proper care and maintenance of lunatics or defectives including, in the case of asylums or certified institutions, provision for the cost of the staff and other necessary expenses of such asylums or certified institutions but shall not include the expenses, as defined in the Lunacy Acts and the Act, of providing an asylum or a certified institution. These last mentioned expenses shall be separately ascertained and approved for the purpose of the Lunacy Acts and the Act, and are hereinafter referred to as providing expenses.

(b) The annual expense incurred in maintaining a lunatic or defective shall be the cost of maintaining him at the approved weekly rate for the time being in force, during the period in any year ending 15th May (hereinafter referred to as the financial year) for which he has actually been under care or treatment in an asylum or in a private dwelling or as the case may be in a certified institution or under guardianship, together with such other expenses (hereinafter referred to as extra expenses) in respect of certification, judicial order (if any), conveyance, &c., or for clothing, &c., as may have been incurred on his account during the year.

(c) On or before the 1st May annually each District Board or Parish Council or School Board as the case may be shall consider the approved weekly rates in force for pauper lunatics or defectives in respect of whom they are primarily liable to make provision, with a view to the revision of such rates, if necessary, for the ensuing financial year, and any proposed change shall be submitted not later than 1st May for the approval of the Board.

(d) In this regulation the expression "Asylum" includes a District or other asylum in which pauper lunatics are maintained and also the lunatic wards of a poorhouse.

3.—(a) On or before the 15th May annually each District Board or Parish Council or School Board shall frame, in such form as the Board may, from time to time direct, a provisional estimate of the amount required in the ensuing financial year to defray the annual expense, as before defined, of maintaining the pauper lunatics or defectives for whom they are primarily responsible either as being (in the case of a District Board) the authority having the actual care of such lunatics or defectives or as being the authority by whom a contract has been made with asylums or certified institutions not provided by a District Board or with private persons or guardians, and they shall also estimate the sums expected to be received during the year from relatives or otherwise or from Government Grants in aid of such maintenance.

A. District Boards.

- (1) Each District Board shall, on or before the date aforesaid, frame a provisional Estimate on the basis of the approved weekly rate in force for the time being, of the sum required in the ensuing financial year for the maintenance of the pauper lunatics or defectives for whom they are primarily responsible as aforesaid, such pauper lunatics or defectives being arranged in groups according to the parish or school district partly chargeable with their cost, and the total sum required for each group being separately ascertained. To each total as thus ascertained shall be added a sum for extra expenses, estimated on the basis of the experience of the preceding year or years, so as to arrive at a provisional estimate of the annual expense in accordance with Regulation 2 (b) of maintaining such pauper lunatics or defectives.
- (2) Each District Board shall forthwith intimate the sums so provisionally ascertained with the details showing how they are arrived at to the Parish Councils or School Boards severally concerned and shall transmit a copy of the complete provisional estimate to the Board, and one-half of such sums, subject to any modification or adjustment subsequently agreed upon between the District Board and the Parish Councils, or School Boards, or, in the event of a dispute, directed to be made by the Board, shall be payable by the several Parish Councils or School Boards to the District Board by means of periodical instalments as hereinafter provided.

B. Parish Councils and School Boards.

- (1) Each Parish Council or School Board shall in the manner and on or before the date aforesaid, frame in the form prescribed a provisional estimate of the annual expense of maintaining in the ensuing financial year the pauper lunatics or defectives for whom they are primarily responsible as aforesaid, and shall also furnish on the same form in the space provided for the purpose, particulars based on the information then available of any contributions expected to be received during the year in aid of the maintenance of all pauper lunatics or defectives in respect of whom a charge falls upon the parish or school district (both those under the care of the District Board, and those otherwise provided for), from relatives or others or from the Annual Government Grant.
- (2) Each Parish Council or School Board shall forthwith transmit a copy of such provisional estimate to the District Board concerned, and one-half of the annual expense as so estimated, subject to any modification or adjustment subsequently agreed upon between the District Board and Parish Council or School Board or directed to be made in

case of dispute by the Board, shall be payable by the District Board to the Parish Council or School Board by means of periodical instalments as hereinafter provided.

(b) All provisional estimates intimated or transmitted to a District Board or Parish Council or School Board, under this regulation, shall be certified by the Chairman or other member of the transmitting authority and countersigned by the officer responsible for the accounts of such authority.

4.—(a) For the purpose of the payments to be made to any District Board or Parish Council or School Board, in respect of the sums ascertained to be payable under the aforesaid provisional estimates, the financial year shall be divided into four quarters ending respectively on 15th August, 15th November, 15th February, and 15th May, and one-fourth of the net amount due in respect of such sums, as between each District Board and each Parish Council or School Board, shall be paid quarterly in advance to the District Board or Parish Council or School Board as the case may be within 14 days of notice calling for payment.

(b) If, owing to a change in the approved weekly rate, or in the number of pauper lunatics or defectives chargeable, subsequent to the preparation of the provisional estimate, or owing to some other cause, the sums ascertained to be payable under the aforesaid provisional estimates are found in any case to exceed or fall short of the sums properly payable, the quarterly payments shall be adjusted to meet the altered circumstances, and any balance remaining due at the close of the financial year shall be paid to the District Board or Parish Council or School Board entitled thereto as soon after that date as practicable.

(c) Where a Parish Council is the District Board this regulation shall only apply in so far as there shall be an adjustment between the accounts of the Parish Council as such and their accounts as District Board at 15th November and 15th May in each financial year.

5. Any local authority (being a District Board or a Parish Council or a School Board) shall immediately on the receipt in any financial year of a Government grant in aid of the maintenance of pauper lunatics or defectives forthwith pay over one-half of the amount to any other local authority or authorities jointly liable with it for such maintenance.

6. Each Parish Council or School Board shall pay over at the close of each quarter to the District Board jointly liable for the maintenance of pauper lunatics or defectives belonging to the parish or School Board one-half of all contributions received from private sources during the quarter in aid of such maintenance.

7.—(a) A Parish Council shall pay quarterly and in advance to the Treasurer of the poor house a quarter of the annual cost of the maintenance of any lunatic chargeable to them who is resident in the lunatic wards of such poor house: Provided that where a Parish Council, which is also a District Board, owns a poor house with lunatic wards this Regulation shall only apply in so far as there shall be an adjustment of payments as between

the Parish Council which forms the District Board and the District Board at the 15th November and the 15th May of each year as set forth in Regulation 4.

(b) A Parish Council or a School Board shall pay in advance to the guardian of a lunatic or of a defective a sum equal to four weeks' payment in respect of maintaining such lunatic or defective at the approved weekly rate. In addition, any approved extra expenses for clothing, &c., shall be paid as incurred.

8. On or before the 15th June annually each District Board shall prepare an estimate of the amount required to be raised by assessment—

- (1) to defray the providing expenses for which they are liable in respect of pauper lunatics and defectives;
- (2) to meet their share of the annual expense of maintaining pauper lunatics and defectives;

and shall forthwith transmit such estimate to the Board with a view to the amount being apportioned within the lunacy district in accordance with the provisions of the Lunacy Acts and the Act.

9. In the event of any dispute arising in relation to the carrying out of these Regulations an appeal shall lie to the Board whose decision shall be final.

Thomas Mason,
Chairman.

General Board of Control for Scotland,
20 May, 1914.

EDUCATION (SCOTLAND).

REGULATIONS,

Dated 22nd May, 1914,

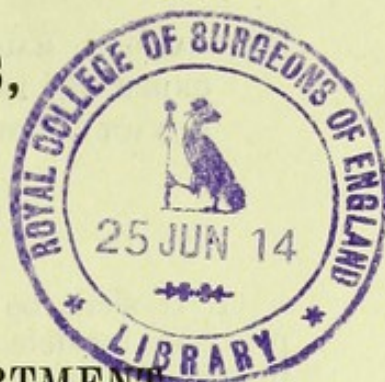
MADE BY THE

SCOTCH EDUCATION DEPARTMENT,

UNDER SECTIONS 3 (2) AND 78 OF THE

MENTAL DEFICIENCY AND LUNACY

(SCOTLAND) ACT, 1913.



Presented to Parliament by Command of His Majesty.



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EDUCATION (SCOTLAND).

REGULATIONS MADE BY THE SCOTCH EDUCATION DEPARTMENT UNDER SECTION 3 (2) OF THE MENTAL DEFICIENCY AND LUNACY (SCOTLAND) ACT, 1913.

1. It shall be the duty of a school board who have made provision for defectives within the meaning of the Act, whether in special schools or classes or in institutions or under guardianship, to direct any responsible teacher or teachers of defectives employed by them to keep under special observation defectives who have attained the age of $15\frac{1}{2}$ years; and the clerk to the school board shall obtain from the responsible teacher of each defective for whom the board have made provision as aforesaid a report stating his opinion as to whether or no it would be to the benefit of the defective that he should be sent to or remain in an institution or be placed or remain under guardianship, and indicating briefly the grounds for his opinion, and the clerk shall obtain any supplementary medical report that may seem necessary in any particular case.

2. The reports shall be duly considered by the school board, and if the school board are of opinion that it would be to the benefit of any defective that he should be sent to or remain in an institution or be placed or remain under guardianship, they shall make intimation accordingly to the parish council and to the General Board of Control at least three months before his attaining the age of 16, and such intimation shall include the name and address of the defective and a brief statement of the board's opinion as to the manner in which he should be dealt with and the reasons for such opinion.

(Signed) T. MACKINNON WOOD,
*Vice-President of the Committee
of Council on Education in Scotland.*

J. STRUTHERS,
Secretary, Scotch Education Department.

22nd May 1914.