

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**MENTAL DISORDERS AND TREATMENT ACT**

**(CHAPTER 178)**

**1970 Ed. Cap. 162**

**Ordinance**

**38 of 1952**

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# Mental Disorders and Treatment Act

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An Act to regulate proceedings in cases of mental disorder, and to provide for the reception and detention of persons of unsound mind in approved hospitals.

[31st October 1952]

1. This Act may be cited as the Mental Disorders and Treatment Act. Short title.

2. In this Act, unless the context otherwise requires — Interpreta-  
tion.  
52/73.
- “court” means the High Court and includes any judge of the Supreme Court;
- “medical officer” means a registered medical practitioner in the service of the Government;
- “medical superintendent” means the medical superintendent of a mental hospital and includes a deputy medical superintendent and an assistant medical superintendent;
- “mentally disordered person” means any person found by due course of law to be of unsound mind and incapable of managing himself or his affairs;
- “patient” means any person who has been detained or is receiving treatment in a mental hospital;
- “psychiatrist” means any registered medical practitioner who has experience in the diagnosis and treatment of mental disorders and holds a recognised diploma in psychiatry or other equivalent qualification approved by the Director of Medical Services;
- “registered medical practitioner” means any person who is registered as a medical practitioner under the provisions of any written law relating to the registration of medical practitioners;
- “Registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar;
- “treatment” includes observation, inpatient treatment, outpatient treatment and rehabilitation.

## PART I

PROVISIONS REGULATING PROCEEDINGS IN  
INQUIRIES INTO MENTAL DISORDERS

Court may  
order  
inquiry.

3.—(1) The court may, on such application as is hereinafter mentioned, make an order directing an inquiry whether any person subject to the jurisdiction of the court who is alleged to be mentally disordered is or is not of unsound mind and incapable of managing himself and his affairs.

(2) Such order may also contain directions for inquiries concerning the nature of the property belonging to the person alleged to be mentally disordered, the persons who are his relatives or next-of-kin, the time during which he has been of unsound mind or such other questions as to the court seem proper.

Application  
by whom  
made.

4. Application for such inquiry may be made by any person related by blood or marriage to the person alleged to be mentally disordered, or by any public officer nominated by the Minister.

Provision  
as to  
notice of  
inquiry.

5.—(1) Reasonable notice of the time and place appointed for the inquiry shall be given to the person alleged to be mentally disordered.

(2) If it appears that the person alleged to be mentally disordered is in such a state that personal service on him would be ineffectual, the court may direct such substituted service of the notice as it thinks proper.

(3) The court may also, if it thinks fit, direct a copy of the notice to be served upon any person related by blood or marriage to the person alleged to be mentally disordered.

Power to  
examine  
person  
alleged to  
be mentally  
disordered.

6. At any time after the application for the inquiry, the court may require the person alleged to be mentally disordered to attend at such convenient time and place within Singapore as the court may appoint, for the purpose of being personally examined by the court or by any person from whom the court may desire to have a report of his mental capacity and condition, and the court may also make an order authorising any person or persons named therein to have access to the person alleged to be mentally disordered for the purpose of a personal examination.

7. On the day fixed for the inquiry, after receiving such reports and hearing such evidence and arguments as it may think fit, the court shall decide whether the person who is alleged to be mentally disordered is or is not of unsound mind and incapable of managing himself and his affairs and shall also decide any other questions as to which the inquiry has been directed.

Questions to be decided by court.

8. The court may make such order as may appear just respecting the costs of the inquiry and may include therein such remuneration to physicians and surgeons as the court considers reasonable:

Order as to costs.

Provided that no order for the payment of costs shall be made against the Minister or against any public officer nominated under section 4.

9.—(1) If the court finds that the person who is alleged to be mentally disordered is of unsound mind and incapable of managing himself and his affairs, the court may, if it thinks fit, appoint a committee or committees of the person and estate of such person and may make such order, if any, as to the remuneration of the committee or committees out of such person's estate, and as to the giving of security by the committee or committees, as to the court may seem fit.

Appointment of committees.

(2) If the court finds that the person who is alleged to be mentally disordered is incapable of managing his affairs, but is not dangerous to himself or to others, the court may appoint a committee of his estate, without appointing a committee of his person.

10. The court may, on the appointment of a committee or committees of the person and estate of a mentally disordered person, direct by the order or appointment or by any subsequent order that the person to whom the charge of the estate is committed shall have such powers for the management thereof as to the court seems necessary and proper, reference being had to the nature of the property, whether movable or immovable, of which the estate may consist. But such powers shall not extend to the sale or charge by way of mortgage of the estate or any part thereof or to the letting of any immovable property, unless for a term not exceeding 3 years.

Powers of management of estate of mentally disordered person.

Power of Registrar to receive proposal.

**11.** The Registrar shall be at liberty, without an order of reference, to receive any proposal and conduct any inquiry respecting the management of the estate of a mentally disordered person if such proposal relates to any matter which the committee of the estate has not been empowered by an order under section 10 to dispose of. The Registrar may likewise, without reference, receive and inquire into any proposal relating to the sale or charge by way of mortgage of the estate or of any part thereof or to the letting of any immovable property for a term exceeding 3 years.

Registrar to report to court.

**12.** The Registrar shall report to the court on the proposal, and the court shall, subject to the provisions of this Act, make such order upon the report and respecting the costs as shall under the circumstances seem just.

What relatives may attend proceedings.

**13.** The court shall once in the matter of each inquiry, and may afterwards from time to time, determine whether any one or more, and, if any, how many and which of the relatives or next-of-kin shall attend before the Registrar at the cost of the estate in any proceeding connected with the management thereof, and, if any such relative or next-of-kin is an infant, may from time to time appoint a fit person to be his guardian for the purpose of the proceeding.

Orders may be made on petition.

**14.** The court may, on application made to it by petition concerning any matter whatsoever connected with the inquiry, make such order, subject to the provisions of this Act, respecting the application and the costs thereof and of the consequent proceedings as shall under the circumstances seem just.

Dealing with mentally disordered person's property for certain purposes.

**15.** The court may, if it appears to be just or for the benefit of the mentally disordered person, order that any property, movable or immovable, and whether in possession, reversion, remainder, contingency or expectancy, be sold, charged by way of mortgage, or otherwise disposed of as may seem most expedient for the purpose of raising money to be applied for any of the following purposes:

- (a) the payment of his debts, including any debt incurred for his maintenance or otherwise for his benefit;
- (b) the discharge of any incumbrance on his estate;

- (c) the payment of or provision for the expenses of his future maintenance and the maintenance of his family, including the expenses of his removal to his country of origin or elsewhere, when he shall be so removed, and all expenses incidental thereto;
- (d) the payment of the costs of any proceeding under this Act and of any costs incurred by order or under the authority of the court.

**16.** The committee of the mentally disordered person's estate shall, in his name and on his behalf, execute all such conveyances and instruments of transfer, relative to any sale, mortgage or other disposition of his estate as the court shall order. In like manner such committee shall, under the order of the court, exercise all powers whatsoever vested in a mentally disordered person whether the powers are vested in him for his own benefit or in the character of trustee or guardian.

Committee to execute instruments.

**17.** Where a person having contracted to sell or otherwise dispose of his estate or any part thereof afterwards becomes mentally disordered, the court may, if the contract is such as the court thinks ought to be performed, direct the committee of the estate to execute such conveyances and to do such acts in fulfilment of the contract as it thinks proper.

Performance of contract.

**18.** If a member of a partnership firm is found to be mentally disordered, the court may on the application of the other partners or of any person who appears to the court to be entitled to require the same, dissolve the partnership; and thereupon, or upon a dissolution by decree of court or otherwise by due course of law, the committee of the estate may, in the name and on behalf of the mentally disordered person, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the court thinks proper.

Partner found to be mentally disordered.

**19.** Where a mentally disordered person has been engaged in business, the court may, if it appears to be for the benefit of his estate that the business premises should be disposed of, order the committee of the estate to sell and

Disposal of business premises.

dispose of those premises, and the moneys arising from the sale shall be applied in such manner as the court directs.

Committee  
may dispose  
of lease.

**20.** Where a mentally disordered person is entitled to a lease or underlease, and it appears to be for the benefit of his estate that it should be disposed of, the committee of the estate may by order of the court surrender, assign or otherwise dispose of the lease or underlease to such person for such valuable or nominal consideration and upon such terms as the court thinks fit.

Transfer of  
stock of  
mentally  
disordered  
person.

**21.** Where any stock or Government or municipal securities or any share or debenture in a public company (transferable within Singapore or the dividends of which are payable there) are standing in the name of, or are vested in, a mentally disordered person beneficially entitled thereto or a committee of the estate of a mentally disordered person or a trustee for him, and the committee or trustee dies intestate or himself becomes mentally disordered or is out of the jurisdiction of the court, or it is uncertain whether the committee or trustee is living or dead or he neglects or refuses to transfer the stock, securities or shares or to receive and pay the dividends to a new committee or trustee, or as he directs, within 14 days after being required by him to do so, the court may order some fit person to make such transfer or to transfer the same and to receive and pay over the dividends in such manner as the court may direct, and the transfer or payment shall be valid and effectual for all purposes.

Transfer of  
property of  
mentally  
disordered  
person  
residing out  
of Singapore.

**22.** Where any property situate in Singapore is standing in the name of or vested in any person residing out of Singapore, the court, upon being satisfied that such person has been declared to be of unsound mind and that his personal estate has been vested in a committee, curator or manager according to the laws of the place where he is residing, may order some fit person to make such transfer of the property, or of any part thereof, to such committee, curator or manager or otherwise, and also to receive and pay over any proceeds or profits thereof as the court may think fit; and any act done in pursuance of the order shall be valid and effectual for all purposes.

**23.** If it appears to the court, having regard to the situation and condition in life of the mentally disordered person and his family and the other circumstances of the case, to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner, the court may, instead of appointing a committee of the estate, order that the property, if money, or, if of any other description, the produce thereof when realised, be paid to such person as the court may think fit to be applied for that purpose, and all payments so made shall be a good discharge to the person making the payments.

Power to order maintenance without appointing committee.

**24.** If it appears to the court that the unsoundness of mind of a mentally disordered person is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or the maintenance of his family, the court may in like manner as under section 23 direct his property or a sufficient part of it to be applied for that purpose.

Temporary provision for maintenance of mentally disordered person.

**25.** When upon any inquiry under this Part any person has been found by the court to be of unsound mind and incapable of managing himself and his affairs, the court shall either make an order for the person to be received into a mental hospital and send him in suitable custody, together with the order for his reception, to the mental hospital named in the order, or may, if any friend or relative of the person undertakes in writing to the satisfaction of the court that the person shall be properly taken care of and shall be prevented from doing injury to himself or others, make him over to the care of that friend or relative.

Order for detention of mentally disordered person.

**26.—(1)** When any person has been found to be of unsound mind and it is shown to the court, either on the application of that person or of any other person acting on his behalf or on the information of any other person, that there is reason to believe that the unsoundness of mind has ceased, the court may make an order for inquiry whether the person is or is not still of unsound mind and incapable of managing himself and his affairs.

Annulling proceedings.

**(2)** The inquiry shall be conducted in the same manner subject to the same rules as are prescribed for an inquiry into the unsoundness of mind of a person alleged to be mentally disordered; and if it be found that the

unsoundness of mind has ceased, the court shall order all proceedings in such matter to cease or to be set aside on such terms and conditions as under the circumstances of the case appear proper.

Discharge of person found on inquiry not to be of unsound mind.

**27.** When after inquiry into the unsoundness of mind of any person detained in a mental hospital, the court has made an order under section 26 that the proceedings shall cease or be set aside, the person in charge of the mental hospital shall forthwith, on the production of a certified copy of the order, discharge from the mental hospital the person whose unsoundness of mind has ceased.

## PART II

### PROVISIONS FOR THE ADMISSION AND DETENTION OF PERSONS OF UNSOUND MIND IN MENTAL HOSPITALS

Establishment of mental hospitals. 52/73.

**28.** The Minister may establish or license the establishment of mental hospitals for the detention or treatment of persons of unsound mind at such places as he thinks fit.

Management of mental hospitals.

**29.—(1)** The management of every mental hospital and the care and the custody of its patients shall be regulated according to such rules as shall from time to time be made under this Act by the Minister.

Appointment of visitors.

**(2)** The Minister shall appoint for every mental hospital not less than 12 visitors 6 of whom shall be medical officers.

Monthly inspection by visitors.

**30.** Two or more visitors, one of whom shall be a medical officer, shall once at least in every month together inspect every part of the mental hospital or hospitals of which they are visitors, and shall see and examine, as far as circumstances will permit, every patient therein and the order and certificate for the admission of every patient admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may consider proper in regard to the management and condition of the mental hospital and the patients therein.

Admission for treatment. 52/73.

**31.—(1)** A person may be admitted to a mental hospital and there detained for treatment in accordance with the provisions of this Act for the period allowed by the provisions of this Act.

(2) Nothing in this Act shall be construed as preventing a person who requires treatment for any mental disorder from being admitted to a mental hospital without any order or directive rendering him liable to be detained at a mental hospital or from remaining in a mental hospital after he has ceased to be so liable to be detained.

**32.** It shall be the duty of every police officer to apprehend any person who is reported to be of unsound mind and is believed to be dangerous to himself or other persons by reason of unsoundness of mind and take such person together with a report of the facts of the case without delay to —

Apprehension of persons of unsound mind. 52/73.

- (a) any medical officer for an examination and the medical officer may thereafter act in accordance with section 34; or
- (b) any medical officer at a mental hospital and the medical officer may thereafter act in accordance with section 35.

**33.—(1)** If it appears to a Magistrate on the report of a police officer or on the information of any person that any person supposed to be of unsound mind is not under proper care and control or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may send for the person supposed to be of unsound mind and summon the relative or other person as has or ought to have the charge of him, and the Magistrate may after due inquiry make an order for the person to be sent to a medical officer at a mental hospital for treatment and the medical officer may thereafter act in accordance with section 35.

Provision in case of cruel treatment or neglect of persons of unsound mind. 52/73.

(2) It shall be the duty of every police officer to report to a Magistrate every such case of neglect or cruel treatment as specified in subsection (1) which may come to his knowledge.

(3) Any police officer not below the rank of sergeant may visit any person supposed to be of unsound mind in the care of any friend or relative of the person for the purpose of ascertaining whether or not the person is under proper care and control or is cruelly treated or neglected by any relative or other person having the charge of him, and any such friend or relative shall be legally bound to produce the

person for the inspection of the police officer and in the event of his refusing to do so shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Person of  
unsound  
mind may  
be referred  
to mental  
hospital.  
52/73.

**34.** Where a registered medical practitioner has under his care a person believed to be of unsound mind or to require psychiatric treatment, he may send the person to a medical officer at a mental hospital for treatment and the medical officer may thereafter act in accordance with section 35.

General  
provisions  
as to  
admissions  
for treat-  
ment.  
52/73.

**35.—(1)** A medical officer at a mental hospital who has examined any person who is suffering from a mental disorder and is of the opinion that he should be treated as an inpatient at the mental hospital may sign an order in accordance with Form 1 in the Schedule for the admission of that person into the mental hospital for treatment and that person may be detained for a period of 72 hours commencing from the time the medical officer signed the order.

(2) A patient who has been detained for treatment pursuant to an order made under subsection (1) may be detained for a further period of one month commencing from the expiration of the period of 72 hours referred to in that subsection if before the expiration of the period of 72 hours the patient has been examined by another medical officer of the mental hospital and the medical officer is of the opinion that the patient requires further treatment at the mental hospital; and the medical officer shall sign an order in accordance with Form 2 in the Schedule.

(3) A patient who has been detained for treatment pursuant to an order made in accordance with subsection (2) shall not be detained for any further period at the mental hospital for treatment unless before the expiration of the period of one month referred to in that subsection, the patient has been brought before two medical officers, one of whom shall be a psychiatrist, who shall examine the patient separately and who are both satisfied that he requires further treatment at the mental hospital; and each of the medical officers shall sign an order in accordance with Form 3 in the Schedule.

(4) Two orders signed in accordance with subsection (3) shall be sufficient authority for the detention of the patient

to whom they refer for a period not exceeding 12 months commencing from the date of the order.

(5) A person shall not be detained at a mental hospital for treatment unless —

- (a) he is suffering from a mental disorder which warrants the detention of that person in a mental hospital for treatment; and
- (b) it is necessary in the interests of that person's health or safety or for the protection of other persons that that person should be so detained.

**36.** A registered medical practitioner who is the husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of, or who stands in any fiduciary relationship to, the patient shall not sign any order under this Act.

Prohibition.  
52/73.

**37.—(1)** Subject to the provisions of any other written law, the medical superintendent or a psychiatrist may by writing under his hand order the discharge of any patient.

Discharge by  
superinten-  
dent or  
psychiatrist.  
52/73.

(2) The power to order a discharge of a patient conferred upon the medical superintendent or psychiatrist by this section shall also apply to a patient committed to the hospital under section 25.

**38.—(1)** It shall be the duty of the visitors of every mental hospital, upon being satisfied by the report of the medical superintendent and by personal inspection that any patient detained under section 35 (3) should be further detained for care and treatment, to make application in accordance with Form 4 in the Schedule to a Magistrate for an order of detention, and the Magistrate may thereupon, with or without further inquiry at his discretion, sign a detention order in accordance with Form 5 in the Schedule ordering the patient to be detained in a mental hospital for care and treatment. Such order shall be sufficient authority for the further detention of the patient for a period not exceeding 12 months.

Visitors to  
apply for  
Magistrate's  
order of  
detention.  
52/73.

(2) The visitors may, when making an application for an order of detention under this section, order by endorsement upon the detention orders made under section 35 (3) that

the patient be detained until the order of detention has been received or until the Magistrate has made other order in the case, and such endorsement shall be sufficient authority for the detention of the patient during such period.

(3) Where a patient has been detained at a mental hospital pursuant to an order made by a Magistrate under this section, the visitors of the mental hospital, upon being satisfied by the report of the medical superintendent and by personal inspection that the patient should be further detained at the mental hospital for care and treatment, may make a further application or applications to a Magistrate for an order of detention and subsection (1) shall, *mutatis mutandis*, apply to such an application or applications. [39\*

Order of  
discharge by  
visitors.

**39.** Subject to the provisions of any other written law, two of the visitors, of whom one shall be a medical officer, may by writing under their hands order the discharge of any patient. [40

Temporary  
absence from  
hospital.

**40.—(1)** Two of the visitors of a mental hospital, upon the recommendation in writing of the medical superintendent in charge of the hospital, may permit a patient to be absent from that hospital as long as they think fit.

(2) If before the expiration of the period of absence the certificate of two medical officers that it is no longer necessary that the patient be detained in the hospital for care and treatment is forwarded to the medical superintendent or the visitors of the hospital, the patient shall be deemed to be discharged therefrom.

(3) If upon the expiration of the period of absence the patient does not return to the hospital, and no such certificate as is referred to in subsection (2) has been received, the patient may be retaken as in the case of an escape, provided that not more than 28 days have elapsed since such expiration.

(4) The medical superintendent may permit a patient to be absent from such hospital for any period not exceeding 6 months, and if upon the expiration of the period of absence the patient does not return to the hospital the patient may be retaken as in the case of an escape. [41

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\*Section 38 in the 1970 Edition was repealed by Act 52 of 1973.

**41.** The Director of Medical Services may by order in accordance with Form 6 in the Schedule order the removal of any patient from any mental hospital in Singapore to any other mental hospital in Singapore, and the order shall be sufficient authority for the removal of the patient and also for his reception into the hospital to which he is ordered to be removed. [42]

Removal of patients from one hospital to another.

**42.—(1)** Where an alien or any person not domiciled in Singapore is detained as a person of unsound mind and it appears expedient that he should be removed to the country of which he is a national or in which he is domiciled, the Minister if satisfied that his removal is likely to be for his benefit, and that proper arrangements have been made for the removal and for his subsequent care and treatment, may, by warrant, direct the person of unsound mind to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a national or in which he is domiciled, and every such warrant shall be obeyed by the person or authority having the charge of the person named therein.

Removal of patients from Singapore.

(2) A warrant under this section shall be sufficient authority for the master of any vessel or captain of any aircraft to receive and detain the patient on board such vessel or aircraft for the purpose of conveying him to his destination. [43]

**43.** Any order of removal made under section 42 shall be addressed to the medical superintendent of the mental hospital in which the patient is at the time detained and shall direct him to deliver up the patient to the person mentioned in the order at such place and in such manner as may be specified in that order for the purpose of such removal; and the patient shall be delivered up accordingly. [44]

Contents of order.

**44.** Any patient removed from Singapore under this Act shall not return to Singapore except by permission of the Minister. [45]

Return to Singapore.

**45.—(1)** Whenever any foreign government makes a representation to the Minister that it is expedient that a person of unsound mind should be removed to Singapore, there to be detained for the purpose of temporary treatment or pending transfer to his country of origin or elsewhere, the Minister may in his discretion permit the entry of that person into Singapore for those purposes.

Reception of persons of unsound mind into Singapore from elsewhere. 52/73.

(2) If a person of unsound mind is admitted into Singapore under this section, the Minister may by warrant under his hand in accordance with Form 7 in the Schedule direct such person when brought into Singapore to be received therein and conveyed to a specified mental hospital and to be there detained until discharged in due course of law or until further order.

52/73.

(3) No person shall be received into Singapore under this section unless he is accompanied by —

- (a) a certificate in accordance with Form 8 in the Schedule which shall be signed by a medical practitioner in the service of the government of the place from which he was removed; and
- (b) a statement in accordance with Form 9 in the Schedule,

and unless that government has made provision to the satisfaction of the Minister for the payment of all expenses incurred or to be incurred by Singapore in the reception, maintenance and detention of that person, and in returning him to the place from which he was removed or transferring him to any other place, and otherwise in relation to that person.

52/73.

(4) The representation mentioned in subsection (1) may be in accordance with Form 10 in the Schedule.

(5) Every warrant purporting to be issued in pursuance of subsection (2) and to be under the hand of the Minister shall be received in evidence in every court of Singapore without further proof and shall be evidence of the facts therein stated, and all acts done in pursuance of the warrant shall be deemed to have been authorised by law. [46

Persons received into Singapore from elsewhere to be subject to local law.

**46.** Persons of unsound mind received into Singapore under section 45 shall be subject to the law for the time being in force in Singapore relating to the custody and control of the persons and estates of persons of unsound mind and to their discharge from custody:

Provided that where any such person is so discharged he may, if he so desires, be returned to the place from which he was removed. [47

Amendment of orders.

**47.** If after the reception of any patient into a mental hospital it appears that the order or orders or the medical certificate or certificates upon which he was received is or

are defective or incorrect, the order or certificate may at any time afterwards be amended, with the sanction of the medical superintendent, by the person or persons signing the order or certificate. An amendment made under this section shall be effective as from the date of the reception.

[48]

**48.** Every person received into a mental hospital under any such order as is required by this Act accompanied by the requisite medical certificate may be detained therein until he is removed or discharged as authorised by this Act, and in case of escape may, by virtue of the order, be retaken within 28 days of the escape by the medical superintendent, or any officer or servant of the hospital or any other person authorised by the medical superintendent or any police officer, and conveyed to and received and detained in that hospital.

Order and certificate justify detention and recapture. 52/73.

[49]

**49.** Any movable property which may be in the possession of a person of unsound mind found wandering at large may be sold by order of a Magistrate, and the proceeds thereof (or such part of the same as may be necessary) applied towards the payment of the charge of the lodging and maintenance of that person and of any other expenses incurred on his behalf.

Application of property in possession of person of unsound mind found wandering.

[50]

**50.** If any patient detained in a mental hospital under the provisions of this Part has an estate applicable to his maintenance, or if any person legally bound to maintain the patient has the means to maintain him, the medical superintendent may apply to the court for an order for the payment of the cost of maintenance of the patient.

Application for order for the payment of costs of maintenance.

[51]

**51.—(1)** The court shall inquire into the matter in a summary way, and on being satisfied that the patient has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining the patient, may make an order for the recovery of the cost of maintenance of the patient, together with the costs of the application, out of the estate or from that person.

Order of court and enforcement thereof.

**(2)** Such order shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a judgment or order made by that court in a suit in respect of the property or person therein mentioned. [52]

Saving of liability of relatives.

**52.** The liability of any relative or person to maintain any person of unsound mind shall not be taken away or affected by any provision in this Act. [53]

Offences against patients. 52/73.

**53.—(1)** Any attendant, nurse, servant or other person employed or rendering voluntary service in any mental hospital who ill-treats or wilfully neglects any patient shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any person who has sexual intercourse or attempts to have sexual intercourse with any female person of unsound mind under care or treatment in a mental hospital, while in that hospital or on leave from that hospital, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) No consent shall be any defence in any proceedings for an offence under subsection (2) if the accused knew or had reason to suspect that the person in respect of whom the offence was committed was a person of unsound mind under care or treatment in a mental hospital or on leave from that hospital.

(4) If on the trial of any person for rape the court is satisfied that the accused is guilty of an offence under subsection (2), but is not satisfied that he is guilty of rape, the court may acquit him of rape and find him guilty of that offence, and in that event he shall be liable to be punished as if he had been convicted on a charge for that offence.

[54]

### PART III

#### GENERAL PROVISIONS

Construction of laws.

**54.** Whenever in any written law or other document whatsoever any reference to a lunatic or to lunacy or to a lunatic asylum or asylum or mental hospital is contained, that reference shall be read as a reference to a mentally disordered person or to a patient within the meaning of this Act or, as the case may be, to mental disorder, or to a mental hospital. [55]

**55.** Every order or certificate of a medical officer shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath. [56]

Medical orders or certificates. 52/73.

**56.** The court making an order under section 25 shall forthwith send a certified copy of the order to the person in charge of the mental hospital into which any person is ordered to be received. [57]

Copy of reception order to be sent to the person in charge of the mental hospital. 52/73.

**57.—(1)** Where a person has made a request for the reception of any patient, or signed or carried out or done any act with a view to signing or carrying out an order purporting to be a reception order, or any report, application, recommendation, or certificate purporting to be a report, application, recommendation or certificate under this Act, or has done anything in pursuance of this Act, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

Protection of persons enforcing the Act.

(2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any such matter as is mentioned in subsection (1), without the leave of the court, and leave shall not be given unless the court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application. [58]

**58.—(1)** Subject to section 57, any person who —

(a) otherwise than in accordance with the provisions of this Act receives or detains in a mental hospital a person who is or is alleged to be of unsound mind; or

(b) for gain detains in any place not being a mental hospital or designated observation ward two or more persons of unsound mind,

Penalty for improper reception or detention.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) No prosecution under this section shall be commenced without the sanction of the Attorney-General.

[59

Sums payable by the Government to persons of unsound mind.

**59.** When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by the Government, and the person to whom the sum is payable is found under the provisions of this Act to be of unsound mind, the Government officer under whose authority that sum would be payable if the payee were not of unsound mind may pay so much of that sum as he thinks fit to the person having charge of the person of unsound mind, and may pay the surplus, if any, or such part thereof as he thinks fit, for the maintenance of such members of the family of the person of unsound mind as are dependent on that person for maintenance.

[60

Order for payment of cost of maintenance. Cap. 68. Cap. 247.

**60.—(1)** When any person has been received into a mental hospital in accordance with section 310 or 315 of the Criminal Procedure Code or section 31 of the Prisons Act the court shall on the application of the medical superintendent make an order for the payment of the cost of maintenance of that person in the mental hospital, and may direct that any sum of money payable under that order shall be recovered from the estate of that person, or of any person legally bound to maintain him:

Provided that if at any time it appears to the satisfaction of the court that the person has not sufficient property and that no person legally bound to maintain the person has sufficient means for the payment of such cost, the court shall so certify instead of making such order for the payment of the cost.

(2) An order under subsection (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a judgment or order made by the court in a suit in respect of the property or person therein mentioned.

[61

Saving of powers.

**61.** Nothing contained in Part II shall be taken to interfere with the power of the court over any person found to be mentally disordered under Part I.

[62

62.—(1) The Minister may make rules for the better carrying out of the provisions of this Act. Rules.

(2) Without prejudice to the generality of subsection (1), such rules may prescribe —

(a) the conditions and circumstances under which mechanical means of restraint or seclusion may be applied to patients; and

(b) the books and records to be kept in mental hospitals.

(3) The Minister may in making any rules prescribe a fine not exceeding \$500 with which the contravention thereof shall be punishable.

(4) Any person who contravenes or fails to comply with such rules shall, where no other penalty is provided by such rules, be liable on conviction to a fine not exceeding \$200.

(5) Such rules shall be published in the *Gazette*.

(6) All such rules shall be presented to Parliament and shall not come into force until approved by a resolution of Parliament.

(7) In approving any such rules, Parliament may make such alterations therein as it may think fit. [63

THE SCHEDULE

FORM 1

Section 35 (1).  
52/73.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

ORDER FOR ADMISSION OF A PATIENT

To: The Medical Superintendent,  
..... Hospital.

I, the undersigned Medical Officer, hereby order that .....  
..... of .....  
be admitted for treatment on account of suspected mental illness.

Signature: .....  
(Name in block letters) .....  
Witness: .....  
(Name in block letters) .....  
Date: ..... Time: .....

FORM 2

Section 35 (2).  
52/73.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

ORDER OF DETENTION OF A PATIENT FOR  
FURTHER TREATMENT

To: The Medical Superintendent,  
..... Hospital.

I, the undersigned Medical Officer, hereby order that .....  
..... of .....  
be detained for further treatment on account of suspected mental illness.

Signature: .....  
(Name in block letters) .....  
Witness: .....  
(Name in block letters) .....  
Date: ..... Time: .....

THE SCHEDULE — continued

FORM 3

Section 35 (3).  
52/73.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).  
ORDER OF DETENTION OF A PATIENT FOR  
FURTHER TREATMENT

To: The Medical Superintendent,  
..... Mental Hospital.

I, the undersigned, ..... ,  
(here enter name and official designation)

hereby certify that I on the ..... day of ..... 19 .....  
at ..... personally examined (separately from  
any other practitioner) .....  
(here enter name and residence of person examined)

and that the said ..... is of unsound mind  
and a proper person to be taken charge of and detained for further treatment and  
that I have formed this opinion on the following grounds:

STATEMENT

1. Facts indicating unsoundness of mind observed by myself .....  
.....  
.....  
.....  
(here state the facts)

2. Other facts, if any, indicating unsoundness of mind communicated to me by  
others .....  
.....  
.....  
.....  
(here state the information and from whom)

And I hereby order that the said .....  
..... be detained at the .....  
Mental Hospital for further psychiatric treatment.

Dated this ..... day of ..... 19 ...

.....  
Medical Officer  
Psychiatrist

THE SCHEDULE — *continued*

FORM 4

Section 38 (1).  
52/73.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

APPLICATION BY VISITORS FOR ORDER OF DETENTION

We, the visitors of .....Mental Hospital  
being satisfied by the report of .....  
Medical Superintendent of the said Mental Hospital, and by personal inspection,  
that .....  
a patient detained under section 35 of the Mental Disorders and Treatment Act  
should be (further) detained for care and treatment hereby make application to a  
Magistrate for an order for the (further) detention of the said .....

*Signed* .....  
.....  
.....

*Visitors*

FORM 5

Section 38 (1).  
52/73.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

MAGISTRATE'S ORDER OF DETENTION

Whereas .....  
.....  
.....  
the Visitors of ..... Mental Hospital, have applied  
to me for an order that .....  
a patient detained under section 35 of the Mental Disorders and Treatment Act  
should be (further) detained for care and treatment:

Now therefore, I, the undersigned Magistrate, do hereby order that the  
said ..... be (further) detained.

Dated at ....., this ..... day of ..... 19 .....

*Signed* .....  
*Magistrate*

THE SCHEDULE — *continued*

FORM 6

Section 41.

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

TRANSFER ORDER

To: The Medical Superintendent

of the ..... Mental Hospital

and to .....

Whereas I have seen fit to order that .....  
who is detained as a patient in ..... Mental Hospital be removed  
from that Mental Hospital and transferred to .....  
Mental Hospital.

Now I do hereby require you the Medical Superintendent of the .....  
..... Mental Hospital to deliver up the said patient to  
..... at .....

And I do hereby require you ..... to bring  
or cause to be brought the said patient .....  
to the ..... Mental Hospital and to deliver him to the  
officer in charge of the ..... Mental Hospital.

Given under my hand, this ..... day of ..... 19 .....

.....  
*Director of Medical Services*

THE SCHEDULE — *continued*

FORM 7

Section 45 (2).

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

WARRANT

To ..... and  
to the Medical Superintendent of the  
..... Mental Hospital.

Whereas a representation has been made to the Minister by the government  
of ..... that it is expedient that  
.....  
be removed to Singapore to be detained here for the purpose of temporary  
treatment or pending transfer to his country of origin or elsewhere:

And Whereas the Minister has agreed to permit the entry of the said .....  
..... into Singapore:

Now I do hereby require you the said .....  
to receive the said ..... on his arrival in  
Singapore and convey him to the ..... Mental Hospital  
and you the said Medical Superintendent in charge of the said Mental Hospital to  
receive into your custody the said .....  
and to detain him there until he is discharged in due course of law or until further  
order.

Given under my hand, this ..... day of ..... 19.....

.....  
*Minister for Health*

THE SCHEDULE — *continued*

FORM 8

Section 45 (3).

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

MEDICAL CERTIFICATE

I, the undersigned, being a registered medical practitioner/medical officer employed in the public service of the government of ..... and being in actual practice as (*physician or surgeon, as the case may be*), hereby certify that I, on the ..... day of ..... at ..... personally examined ..... of ..... (*insert residence and profession or occupation, if any*) and that the said ..... is of unsound mind and a proper person to be taken charge of and detained under care and treatment, and I have formed this opinion upon the following grounds:

1. Facts indicating unsoundness of mind observed by myself (*here state the facts*) .....  
.....  
.....  
.....

2. Other facts (if any) indicating unsoundness of mind communicated to me by others (*here state the information and from whom*) .....  
.....  
.....

(Signed) .....

Dated this ..... day of ..... 19 .....

THE SCHEDULE — continued

FORM 9

Section 45 (3).

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

STATEMENT

(If any particulars in this statement are not known, the fact is to be so stated).

Name of patient and patient's country or nationality (in full) .....

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

Sex ..... Age ..... Married, single or widowed .....

Condition of life and previous occupation (if any) .....

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

Religion, as far as known .....

Previous place of abode .....

Whether first attack .....

Age (if known) on the first attack .....

When and where previously under care and treatment .....

.....

Duration of existing attack .....

Supposed cause .....

Whether subject to epilepsy .....

Whether suicidal .....

Whether dangerous to others .....

Whether found on an inquiry held by a competent court to be of unsound mind and

the date of such finding .....

.....

(Signed) .....

Dated this ..... day of ..... 19 .....

THE SCHEDULE — *continued*

Where the person signing the statement is not the person who signs the representation (Form 10), the following particulars concerning the person signing the statement are to be added:

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

FORM 10

Section 45 (4).

THE MENTAL DISORDERS AND TREATMENT ACT.  
(CHAPTER 178).

REPRESENTATION

I am of opinion that it is expedient that .....  
..... (a person of unsound mind) be removed to Singapore, there to be detained for the purpose of medical treatment and supervision.

(Signed) .....

Dated this ..... day of ..... 19 .....