

CHAPTER 279

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CHAPTER 279

THE MENTAL TREATMENT ACT.

Commencement: 31 August, 1938.

An Act to make provision for the care of persons of unsound mind and for the management of mental hospitals in Uganda.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “chief” means any duly appointed chief employed by the administration of a district;
- (b) “magistrate” means a chief magistrate, a magistrate grade I or a magistrate grade II;
- (c) “medical practitioner” means a person duly registered as a medical practitioner under the Medical and Dental Practitioners Act or any enactment amending or replacing that Act;
- (d) “medical superintendent” means any duly registered or licensed medical practitioner deputed by the chief medical officer to be a medical officer in charge of a mental hospital;
- (e) “mental hospital” means any building or part of a building appointed by the Minister by statutory instrument for the detention, treatment and care of persons of unsound mind;
- (f) “person of unsound mind” means an idiot or a person who is suffering from mental derangement.

Adjudication of persons of unsound mind.

2. Inquiry as to a person’s state of mind.

(1) Any magistrate, upon the information on oath in the prescribed form of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be of unsound mind and a proper subject to be placed under care and treatment, may, in any place which he or she deems convenient, see and question the person suspected of being of unsound mind, and, in the same place or elsewhere, may hold an inquiry in private as to the state of mind of that person.

(2) For the purposes of an inquiry under subsection (1), a magistrate shall have the powers of a magistrate's court as if the suspected person were a person against whom a complaint for an offence punishable by a magistrate's court had been laid; except that the magistrate may, after seeing the person suspected of being of unsound mind, proceed with the inquiry in the absence of that person and without proof of the service of any summons upon him or her.

(3) If it has been made to appear to a magistrate by information on oath that any person suspected of being of unsound mind is at large or is dangerous to himself or herself or others, or is not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him or her, the magistrate may by order under his or her hand require any police officer to apprehend the person suspected of being of unsound mind and bring the person before that magistrate or some other magistrate for the purposes of the inquiry as provided by this Act.

(4) A magistrate may adjourn the inquiry for a period not exceeding fourteen days for the purpose of medical examination or the production of evidence regarding the state of mind of the person to whom the inquiry relates, and for that purpose, if the person alleged to be of unsound mind has been apprehended under subsection (3) or under section 6 or if it appears to the magistrate that the temporary detention of that person is desirable for the purpose of a satisfactory medical examination of the person or for the welfare or safety of himself or herself or others, the magistrate may make such order for the detention and safe custody of the person during the adjournment as the magistrate shall deem fit.

(5) An order for temporary detention under subsection (4) may authorise the detention of the person to whom it relates in any place, including a mental hospital, which the magistrate deems suitable for the purpose, except that no order shall be made for the detention of the person in any place outside the local limits of the jurisdiction of the magistrate unless the magistrate is satisfied that a satisfactory medical examination cannot otherwise be carried out.

(6) In a case referred to under subsection (5), the inquiry may be continued and completed before a magistrate having jurisdiction in the place where the person is so detained, and for that purpose a copy of the prescribed form of information on which the inquiry was opened shall be transmitted to that magistrate.

(7) If upon the conclusion of the inquiry under subsection (4), the person is found not to be of unsound mind, the person shall, if he or she so wishes, be conveyed back at the public expense to the area in which the inquiry was commenced.

(8) Where any person, having the care and custody of a person apparently of unsound mind, is for any reason no longer able properly to control that person or to prevent that person from doing injury to himself or others, the first-mentioned person shall make due application to a magistrate under this section or report the circumstances of the case to a police officer or a chief in order that proceedings under this Act may be taken in regard to the person.

3. Medical certificates.

(1) A magistrate making an inquiry under section 2 shall also appoint two medical practitioners, one at least of whom shall be a duly registered medical practitioner, whom he or she shall direct and authorise separately to examine the person suspected of being of unsound mind, and thereupon each practitioner, if he or she considers the facts warrant him or her in so doing, shall sign a certificate certifying that in his or her opinion the suspected person is of unsound mind.

(2) Such certificate shall be in the prescribed form and shall specify in full detail the facts upon which the medical practitioner signing it founds his or her opinion, and shall distinguish facts which he or she has observed from facts communicated by others.

(3) The medical practitioner signing the certificate may inquire of any persons able to give information as to the previous history of the person suspected of being of unsound mind, but no certificate shall have any effect under this Act which purports to be founded wholly on facts communicated by others.

(4) The medical practitioners appointed by a magistrate under this section shall not be in partnership one with the other or related one to the other or related to the person alleged to be of unsound mind.

4. Adjudication of insanity and admission to a mental hospital.

(1) Where upon such inquiry it appears to a magistrate that any person is a person of unsound mind and a proper subject to be placed under care and treatment and the medical practitioners appointed to examine him or her have given their certificates of the unsoundness of mind of the person, the magistrate may thereupon adjudge the person to be of unsound mind and a proper subject to be placed under care and treatment, and may proceed to make an order in the prescribed form (hereafter referred to as a reception order) for the care and treatment of the person at a special mental hospital; except that no magistrate shall make a reception order under this subsection unless at some stage of the proceedings he or she personally has seen the person suspected of being of unsound mind.

(2) Any person who has been adjudged a person of unsound mind under this section shall be delivered into the charge of a police officer or other suitable person together with the reception order, a copy of the prescribed form of information on which the inquiry was opened and the medical certificates of his or her unsoundness of mind, and that officer or other suitable person shall be responsible for the safe conduct of the patient to the mental hospital specified by the magistrate where he or she shall be delivered to the medical superintendent who shall receive him or her and be responsible for his or her safekeeping under this Act.

(3) A magistrate may make a reception order for the detention, care and treatment of a person adjudged to be of unsound mind at a mental hospital which is situated in a place outside the ordinary limits of the magistrate's jurisdiction, and a reception order shall authorise the detention, care and treatment of the patient at such mental hospital within Uganda at which it appears to the magistrate that sufficient accommodation is available, and where suitable treatment can be given, having regard to the circumstances of any particular case.

5. Private paying patients.

(1) Upon the application of a relative or friend of a person alleged to be of unsound mind, a magistrate may make a reception order for the admission of that person as a private paying patient to a mental hospital, if there shall be adequate accommodation in the hospital.

(2) Before any application under subsection (1) is considered, the

applicant shall give an undertaking in writing, to the satisfaction of the magistrate, that he or she will pay for the fees of the medical examination and for the lodging and maintenance of the person in a mental hospital according to the prescribed scale of fees and for any other expenses lawfully incurred in connection with the custody, treatment or removal of the patient under the provisions of this Act; except that a magistrate shall not make a reception order in respect of any person as a private paying patient without a previous examination and certification of the person by two medical practitioners in the manner prescribed by sections 2, 3 and 4.

6. Removal of person to a place of detention in urgent cases.

If any police officer not below the rank of assistant inspector, any medical practitioner, or any chief is satisfied that it is necessary for the public safety, or for the welfare of a person alleged to be of unsound mind with regard to whom proceedings ought to be taken under this Act, that such person should, before any such proceedings can be taken, be placed under care and control, that officer, practitioner or chief may make an order in the prescribed form (hereafter referred to as an “urgency order”) and thereupon shall remove that person to a hospital or other suitable place of detention; and the person in charge of that place may if he or she thinks fit, by virtue of the urgency order, receive and detain the person therein, but no person shall be so detained for more than ten days, and before the expiration of that time either proceedings shall be taken with regard to the person alleged to be of unsound mind as are required by this Act, or, if the person has recovered meanwhile, he or she shall no longer be detained.

7. Authority for reception.

A reception order, if it appears to be in conformity with this Act, shall be sufficient authority for any person authorised so to do by the magistrate making the order to take the person of unsound mind and convey him or her to the mental hospital mentioned in the order and for his or her reception and detention in the mental hospital, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

8. Duration of reception orders.

(1) Every reception order dated after the commencement of this Act shall expire at the end of one year from its date unless the order is continued

as hereafter provided.

(2) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a person of unsound mind, and the order shall expire in accordance with this section unless continued as hereafter provided.

(3) A reception order shall remain in force for a further period of one year after the date by this Act appointed for it to expire, and thereafter for successive periods of three years, if at the end of each period of one and three years as aforesaid, a special report of the medical superintendent as to the mental and bodily condition of the patient with a certificate under his or her hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the chief registrar of the High Court for submission to a magistrate having jurisdiction in the area where the patient is then detained.

(4) The special report under subsection (3) shall be sent to the registrar not more than two months and not less than fourteen days before the end of each period.

(5) If, in the opinion of a magistrate, the special report does not justify the accompanying certificate, then the magistrate may require the medical superintendent to give such further information concerning the patient to whom the special report relates as the magistrate may require.

(6) The magistrate may then, if he or she thinks fit, order the medical superintendent of the mental hospital to produce the patient before him or her for examination and, if necessary, discharge, in the manner prescribed by section 22.

(7) A certificate under the hand of a magistrate that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

Control of mental hospitals and patients in them.

9. Control of mental hospitals.

Subject to any directions of the Minister, the chief medical officer shall be

responsible for the management and control of mental hospitals, the inmates, the medical superintendents and the staff of the mental hospital.

10. Responsibility for maintenance of person of unsound mind.

No person who is legally responsible for the maintenance of any child or relative or of any other person shall, by reason of the unsoundness of mind and removal of that child or relative or other person to a mental hospital or elsewhere under the authority of this Act, be absolved from his or her responsibility in that respect, but every such person shall be liable to pay the daily or other rate towards the maintenance of the child, relative or other person, together with any other expenses lawfully incurred in connection with the custody, treatment or removal of the patient under the provisions of this Act, as the chief medical officer, looking to all the circumstances of the case and the persons concerned, shall think just and reasonable; and the Secretary to the Treasury or an officer of the Government or the administration of a district appointed by him or her in that behalf is authorised to demand payment thereof from that person and, if not paid within a reasonable time after the demand, the amount due may be recovered by the Secretary to the Treasury or the officer in any court of competent jurisdiction or summarily as a civil debt.

11. Maintenance to be charged to estate of person of unsound mind.

(1) If any patient in respect of whom a reception order is in force, other than a patient adjudicated under section 5, is possessed of any real or personal property more than sufficient to maintain any members of his or her family dependent on him or her, the chief medical officer shall fix a daily or other rate that shall be charged for his or her maintenance and care in the mental hospital or elsewhere; and the Secretary to the Treasury, or an officer of the Government or the administration of a district appointed by him or her in that behalf, is authorised to demand payment of the rate together with any other expenses lawfully incurred in connection with the custody, treatment or removal of the patient under the provisions of this Act, from the person in charge of the estate of the person, and if the amount is not paid within a reasonable time after the demand, the amount due may be recovered from the person in charge of the estate by the Secretary to the Treasury, or an officer of the Government or the administration of a district appointed by him or her in that behalf, in any court of competent jurisdiction or summarily as a civil debt.

(2) Where for any reason any amount that may be due as aforesaid cannot be recovered under subsection (1) and it is made to appear to any civil court of competent jurisdiction that the patient has any real or personal property more than sufficient to maintain any members of his or her family dependent on him or her, the court may by warrant direct the seizure of so much of any money, and the seizure and sale of so much of any other personal property of the patient and the attachment of so much of the rents of any of his or her land as the court may think sufficient to defray expenses incurred or likely to be incurred in relation to the patient.

(3) If any trustee or a bank, or any other society or person having possession of any property of a patient, pays or delivers to the Secretary to the Treasury any money or other property of the patient to repay the charges in this section mentioned, whether pursuant to an order under subsection (2) or without an order, the receipt of the Secretary to the Treasury shall be a good discharge.

12. Superintendent to make an entry of persons received into the mental hospital.

(1) A medical superintendent shall immediately upon the admission of any person into his or her mental hospital make or cause to be made an entry with respect to the person in the prescribed register of patients and shall enter or cause to be entered in the register all the prescribed particulars, within fourteen days after the admission of the patient.

(2) The medical superintendent shall also, immediately upon the removal, discharge, release on trial or death of any patient in his or her mental hospital, make or cause to be made an entry with respect to the person in the prescribed register of removals, discharges, releases on trial and deaths.

13. Every patient subject to control of officers of mental hospital.

Upon admission to a mental hospital every patient shall be subject to the directions and control of the chief medical officer and any officers attached to the mental hospital and to the observance of any rules which may be made under this Act.

14. Discharge of patients.

Every patient admitted to a mental hospital as hereinbefore mentioned shall be kept in the mental hospital until he or she is removed, released on trial, discharged as hereafter provided or dies.

15. Weekly entry in journal and case books to be made in a mental hospital.

The medical superintendent or the medical officer deputed by him or her to act for the time being as medical officer in charge of a mental hospital shall at least once in every week enter in the prescribed medical journal a statement showing the number of patients of each sex then in the mental hospital, the full name of every patient who is or has been under bodily restraint or in solitary seclusion in a separate room since the last entry, and when and for what period and reasons, and, in case of mechanical means of bodily restraint, by what means, and the full name of every patient under medical treatment, and for what, if any, bodily disorder, and every death, injury and violence which has happened to or affected any patient since the then last preceding entry, and shall also enter into a special case book, within one week of the admission of any patient, the mental state and bodily condition of that patient at the time of his or her admission, and also, within two days of their occurrence, all material changes in the state or condition of the patient, while he or she continues in the mental hospital.

16. Inquest on patients.

The medical superintendent shall give immediate notice to the coroner of the death of any patient who may die in a mental hospital, and thereupon the coroner shall hold an inquest upon the body of that person in the manner provided by the Inquests Act.

17. Discharge of fit patient.

When a medical superintendent is of the opinion that any person detained in a mental hospital is fit to be discharged from the hospital, he or she shall at once make a full report on the person to the chief medical officer and, if the chief medical officer is satisfied that the patient is fit to be discharged, he or she shall order the discharge of the patient who shall be discharged forthwith accordingly.

18. Discharge of a person on the undertaking of his or her relatives, etc. that he or she shall be taken care of.

(1) Subject to the provisions of section 19 in regard to a paying patient, any magistrate upon the advice in writing of the chief medical officer may permit the discharge of any person now or hereafter placed under care and treatment in a mental hospital, whose relatives or friends may be willing to undertake the care of the person.

(2) Those relatives or friends may be required by the magistrate to give an undertaking or bond, with or without sureties, in such amount as the magistrate may deem fit that the person shall be properly taken care of, and that all reasonable precautions shall be taken to prevent him or her from doing injury to himself or herself or others.

19. Patient admitted on application of relatives or guardian may be discharged or removed at their request.

(1) If and when any person who signed an undertaking under section 5 on which a private paying patient was received into a mental hospital fails to pay for the maintenance of the patient or any other expenses lawfully incurred in connection with the custody, treatment or removal of the patient under the provisions of this Act, or by writing under his or her hand directed to the chief medical officer requests that the patient be discharged or removed, the patient shall be discharged or removed accordingly.

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

(3) Notwithstanding subsections (1) and (2), no patient shall be discharged under this section if the medical superintendent certifies to a magistrate that in his or her opinion the patient is dangerous or unfit to be at large, but in any such case the discharge may, if the magistrate thinks fit, and the medical superintendent so agrees, be made conditional upon the friends of the patient entering into sufficient recognisances for the peaceable behaviour of the patient.

20. Release of patient on trial.

(1) The chief medical officer may at his or her discretion permit any person confined in a mental hospital to be absent from the hospital upon trial for such period as the chief medical officer may think proper and subject to the giving of any undertaking or the observance of any conditions as to residence, occupation and surveillance as he or she may deem fit to impose.

(2) In case of any breach of the conditions subject to which a person is allowed to be absent on trial or if he or she does not return to the mental hospital at the expiration of the period for which he or she was released, and a medical certificate signed by a duly registered medical practitioner that it is no longer necessary that the person should remain a patient in a mental hospital is not sent to the chief medical officer, the person may, at any time up to twenty-eight days but no longer after the expiration of that period, be retaken by any police officer or any officer or servant of a mental hospital, or any other person authorised in writing in that behalf by the chief medical officer and conveyed back to and received again for care and treatment in the mental hospital from which he or she was allowed to be absent.

21. In case of escape patients may be retaken within twenty-eight days.

Any patient in a mental hospital who quits the mental hospital otherwise than upon discharge, removal or release on trial in the manner prescribed by this Act, may, without a fresh order and certificates, be retaken at any time within twenty-eight days after his or her leaving the mental hospital by any police officer or any officer or servant of a mental hospital, or any other person authorised in writing in that behalf by the chief medical officer and conveyed back to and received again for care and treatment in the mental hospital.

22. Magistrate may order patient to be brought before him or her for examination.

(1) If it is made to appear to any magistrate upon information upon oath that there is reason to believe that any person of sound mind is confined in a mental hospital against his or her will, the magistrate shall have power to order the medical superintendent of the hospital to bring that confined person before him or her or some other magistrate for examination at a time to be specified in the order; and if, upon the examination on oath of that confined person and of any medical or other witness or witnesses who may be called by the superintendent or by the informant to testify as to the state

of mind of the person, it appears to the satisfaction of the magistrate that the confined person is of sound mind and detained against his or her will the magistrate may order the person to be discharged from the mental hospital, and the medical superintendent shall discharge the person accordingly.

(2) Any examination referred to in this section shall be conducted in private.

23. Appointment of visitors.

The Minister shall appoint two or more fit persons to be visitors in respect of each mental hospital, and the Minister may from time to time remove those persons or any of them, and may appoint others in their place.

24. Visits to be made not less than once every three months.

Not fewer than two of the visitors shall once at least in every three months inspect every part of the mental hospital for which they are appointed and see every person of unsound mind in the hospital and the order and certificates for the admission of every such person admitted since their last visitation and the books of the mental hospital and shall enter in a book to be kept for the purpose (to be called the "visitors book") any remarks which they may deem proper in regard to the condition and management of the mental hospital and the patients in the hospital and shall sign the book upon every such visit.

25. Visitors' reports.

The visitors or any of them shall make reports upon any matters connected with the mental hospital for which they are appointed as and when they shall see fit or as may be specially directed by the Minister.

26. Visits may be made at any time.

Any such visitor may visit the mental hospital for which he or she is appointed upon any day at such time and for such length of time as he or she may think fit; and the medical superintendent shall on demand of such visitor show to him or her every or any person detained in the mental hospital as a patient or any part of the mental hospital or any house, outhouse, place or building connected with the hospital or in its curtilage.

Offences and penalties.

27. Signing of certificate by unqualified person.

Any person not being a duly registered or licensed medical practitioner who knowingly and wilfully signs a certificate prescribed under this Act commits an offence and is liable on conviction to imprisonment for a period not exceeding twelve months.

28. False medical certificate.

Any duly registered or licensed medical practitioner who knowingly and wilfully in any certificate prescribed under this Act falsely certifies anything commits an offence and is liable on conviction to imprisonment for a period not exceeding two years.

29. Assisting escape of person of unsound mind from a mental hospital.

Any person who wilfully assists the escape of any person of unsound mind while being conveyed to or from or while under care and treatment in a mental hospital, or who hides any person of unsound mind who has escaped from a mental hospital commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding six months.

30. Servant of mental hospital permitting escape of patient.

Any attendant or servant of a mental hospital who through wilful neglect or connivance permits any patient to quit the mental hospital otherwise than upon discharge, removal or release on trial in the manner prescribed by this Act commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding six months.

31. Ill-treating patients in mental hospitals.

Any person employed at a mental hospital who strikes, ill-treats or neglects any patient in a mental hospital commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding six months.

32. Ill-treating patients absent on trial and obstructing officers.

Any person who strikes or ill-treats any person of unsound mind absent from a mental hospital on trial knowing him or her to be of unsound mind, or obstructs any officer of a mental hospital engaged in the execution of his or her duty in connection with the person of unsound mind, commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding six months.

33. Selling articles to inmates of mental hospitals.

Any person who, without the consent of the medical superintendent, gives, sells or barter any article or commodity of any kind to any patient of a mental hospital either inside or outside the grounds of the mental hospital, commits an offence and is liable on conviction to a fine not exceeding fifty shillings or to imprisonment for a period not exceeding one month.

34. Trespassing on mental hospital premises.

(1) Any person who is found trespassing upon any grounds, buildings, yards, offices or any other premises whatever belonging to or appertaining to a mental hospital, or who enters upon those premises without being duly authorised to do so, commits an offence and is liable on conviction to a fine not exceeding two hundred shillings or to imprisonment for a period not exceeding three months.

(2) Any person found committing an offence under this section may be apprehended without warrant by any officer, servant or attendant of a mental hospital, or by any police officer.

Miscellaneous.

35. Removal of patients from one mental hospital to another, etc.

(1) The chief medical officer may, by writing under his or her hand, order the removal of any patient from one mental hospital to another within Uganda as may seem to him or her proper.

(2) Any patient in a mental hospital may by the order of the Minister or a magistrate, and upon the advice of the medical superintendent, be removed under proper control to any specified place within Uganda not being

a mental hospital for any definite time for the benefit of his or her health; but if at any time it appears that the patient's health is no longer benefited by his or her remaining in that place or that the patient cannot be kept at that place under proper and sufficient control, the patient may be brought back to the mental hospital, or, if necessary, an order for his or her return may be made by a magistrate.

(3) When it appears to the Minister, upon the advice of the chief medical officer, that it is likely that the life of any person, adjudged to be of unsound mind under this Act and who is not a citizen of Uganda, will be endangered or his or her recovery hindered by reason of there being no mental hospital in Uganda in which he or she can be properly detained and treated, or by reason of there being no person in Uganda who can be made responsible for his or her safekeeping and treatment, or for any other cause, the Minister may order the person to be removed to the country of which the person is a subject, or the country where he or she or his or her family usually resides, in the safe custody of such person or persons as the order shall specify, and issue his or her warrant for the removal and custody of the person accordingly; except that no such order of removal shall be made unless the prior consent for the removal has been obtained from the government of that country.

(4) The expenses of the removal of any person of unsound mind under subsection (3) and of his or her maintenance after removal or of his or her return or of his or her being sent to any place in the event of his or her discharge shall be defrayed out of monies provided by Parliament; but nothing in this section shall affect the power of recovery of any such expenses from the property of the person of unsound mind or from any person legally liable to maintain that person or otherwise.

(5) Except in case of emergency, no order under subsection (1), (2) or (3) shall be made in regard to a private paying patient except upon the application or with the consent of the person who signed an undertaking under section 5, or, if that person is dead, absent or incapable, of the person who made the last payment on account of the patient, or of the patient's next of kin, being an adult, resident in Uganda, or of any person who would have the care and control of the patient upon his or her discharge.

36. Certificates to remain in force.

In every case in which any patient in a mental hospital has been removed

under section 35 and also in every case in which any patient has escaped from a mental hospital, the reception order and the certificates relating to it shall respectively remain in force in the same manner as they would have done if the patient had not been so removed or had not so escaped and been retaken.

37. Removal of patients who are strangers.

When any person who is not a citizen of Uganda is a patient in a mental hospital and the government of the country of which he or she is a subject, or where he or she or the family or any friend of the person usually resides, agrees that the person should be removed to that country, the Minister may, if he or she is satisfied that the removal of the person is proper and desirable and that adequate arrangements have been or will be made for the removal and the future care of the person, direct that the necessary steps be taken to remove the patient to the country aforesaid and issue his or her warrant accordingly for the removal and custody of the patient.

38. Person of unsound mind received into Uganda from any other country.

Whenever any person is, with the previous consent of the Minister, brought into Uganda from any other country by virtue of a warrant under the hand of any person duly authorised in that country to sign the warrant, setting forth that the person has been judicially declared in such country to be a person of unsound mind, the person shall, if the warrant is dated within one month of the date of the arrival of that person within Uganda, be deemed to be legally detained under the warrant within Uganda for a period of seven clear days from the date of that person's arrival as aforesaid, unless proceedings are sooner taken under this Act for the adjudication of the person as a person of unsound mind.

39. Fees to medical practitioners.

Every duly registered or licensed medical practitioner, not being an officer in the full-time service of the Government, who is required to examine any person under the authority of this Act shall be entitled to such fee as may from time to time be prescribed, which fee shall be defrayed out of monies provided by Parliament except in the case of examination held in connection with an application under section 5.

40. Copies of reception order and other documents to be furnished.

The medical superintendent of a mental hospital shall, upon the discharge of a person who considers himself or herself to have been unjustly detained as a person of unsound mind, furnish to him or her upon his or her request, free of expense, a copy of the reception order and certificates upon which he or she was confined.

41. Protection to persons putting Act in force.

(1) Where a person has presented an application or laid an information for a reception order, 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 or certificate purporting to be a report, application or certificate under this Act, or has done anything in pursuance of this Act, he or she 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 or she has acted in bad faith or without reasonable care.

(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 High Court, and leave shall not be given unless the High 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.

(4) Where on an application under this section leave is given to bring any proceedings, and the proceedings are commenced within four weeks after the date on which leave was so given, the proceedings shall be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought.

42. Actions by persons detained as persons of unsound mind.

(1) Any action brought by any person who has been detained as a person of unsound mind against any person for anything done under this Act shall be commenced within twelve months after the release of the party

bringing the action.

(2) If the action is not commenced within the time limited for bringing it, judgment shall be given for the defendant.

43. Rules.

The Minister may make rules for prescribing forms, fixing fees and generally for regulating the control and management of mental hospitals and any other matters to which this Act relates.

44. Act not to apply to criminal lunatics.

Nothing in this Act shall apply to criminal lunatics.

45. Saving of jurisdiction of High Court.

Nothing in this Act shall limit or affect the jurisdiction of the High Court in matters relating to lunacy.

46. Appeals.

Any person against whom any order of a magistrate is made under this Act may appeal to the High Court within thirty days of the date of the order appealed against, and that person shall be informed of his or her right of appeal by the magistrate by whom the order is made.

History: Cap. 270; S.I. 135/1968, s. 1; Act 13/1970.

Cross References

Inquests Act, Cap. 11.

Medical and Dental Practitioners Act, Cap. 272.
