



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,038 — SATURDAY, NOVEMBER 21, 1942.

Published by Authority.

PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 73/38.

An Ordinance to amend the Lunacy Ordinance.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Cap. 177.
Vol. IV.,
page 417.

1. This Ordinance may be cited as the Lunacy Amendment Ordinance, No. of 1942.

Short title.

2. Section 3A of the Lunacy Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (5) by the addition at the end thereof, of the following :—

Amendment of
section 3A of
Chapter 177.

"Where any person so discharged does not have the necessary means to enable him to return to his home or other place of residence, the Court shall make order directing such person to be conveyed by Government to his home or other place of residence or allowed such reasonable batta or sum for his travelling expenses thereto as shall be approved by the Governor by any rule or order to be issued for that purpose. Any order made under this sub-section may contain such further directions as the Court may consider necessary to secure the safe return of the discharged person to his home or other place of residence, and the Fiscal of the province within which the house of observation where such person has been kept is situated shall give effect to such order."

3. Section 6 of the principal Ordinance is hereby amended in sub-section (2) as follows :—

Amendment of
section 6 of
the principal
Ordinance.

- (1) by the substitution, for the words "such person, being a pauper," of the words "such person";
- (2) by the substitution, for the words "the province", of the words "the district";
- (3) by the substitution, for the words "upon being discharged", of the words "if he does not have the necessary means to enable him to return to his home or other place of residence upon being discharged";
- (4) by the substitution, for the words "his own village or usual place of former residence", of the words "his home or other place of residence";
- (5) by the substitution, for the words "under any rule or order", of the words "by any rule or order"; and
- (6) by the addition at the end thereof of the following :—

"Any order of discharge made by the Governor under this sub-section may contain such directions as the Governor may consider necessary to secure the safe return of the discharged person to his home or other place of residence, and the Fiscal of the province within which such mental hospital is situated shall give effect to such order."

Objects and Reasons.

The Lunacy Ordinance (Chapter 177) was amended by the Lunacy Amendment Ordinance, No. 3 of 1940, so as to enable the District Court of Colombo, within the jurisdiction of which

the house of observation at Angoda is situated, to adjudicate on the state of mind of suspects remanded to the house of observation by other District Courts of the Island. Where a suspect so remanded is adjudged to be of sound mind and is discharged under section 3A (5) of the principal Ordinance, no facilities are provided for enabling him to return to his home or usual place of residence.

2. It is accordingly proposed to amend section 3A (5) so as to enable the Court, on discharging such person—

- (a) to order such person to be conveyed to his home by Government or to be paid batta or travelling expenses, and
- (b) to give such other directions as may be necessary to secure the safe return of such person to his home. (Clause 2.)

3. Section 6 (2), which empowers the Governor to discharge persons on recovery, provides for the conveyance of discharged persons by Government or for the payment to them of batta or travelling expenses, only if such persons are paupers. It is proposed to amend section 6 (2) so as—

- (a) to enable this concession to be granted to persons who, although they are not paupers, do not have the means to return to their homes, and
- (b) to enable the Governor to give such directions as he may consider necessary to secure the safe return of any discharged person to his home.

The reference to " province " in section 6 (2) is being amended in order to bring that section into line with section 3A. (Clause 3).

Colombo, November 16, 1942.

GEO. E. DE SILVA,
Minister for Health.