



BELIZE

**MEDICAL SERVICES AND INSTITUTIONS ACT
CHAPTER 39**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.



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CHAPTER 39

MEDICAL SERVICES AND INSTITUTIONS

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CHAPTER 39

MEDICAL SERVICES AND INSTITUTIONS

Ch. 79,
R.L., 1958.
CAP. 30.
R.E. 1980-1990.
23 of 1963.
38 of 1963.
40 of 1963.
14 of 1968.
42 of 1999.

[27th March, 1894]

1. This Act may be cited as the Medical Service and Institutions Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“dispensary” means any place appointed by the Minister for the gratuitous treatment of sick persons, inclusive of medical advice, surgical aid, medicines and surgical appliances, but without accommodation for the residence of the sick, whether such place forms part of a hospital or not;

40 of 1963.

“dues” includes all fees, charges, and funeral expenses, if any;

“hospital” means any place appointed by the Minister for the reception, treatment and residence within such place during treatment of sick persons;

“hospital servants” includes wardmen, attendants, cooks, and labourers appointed for the proper management of any medical institution;

“medical institutions” includes the mental hospital and all public hospitals, dispensaries, all hospitals in, or attached to, any prison or public institution in Belize;

23 of 1963. “medical officer” includes the Director of Health Services and medical officers;

“medical practitioner” means any physician or surgeon who is authorised by law to practise and is actually practising;

“medical subordinates” includes intendants, sub intendants, dressers, clerks, stewards, and nurses;

“person of unsound mind” means an idiot or a person who is suffering from mental disease or derangement;

“poor house” means any place appointed by the Minister for the reception and residence of indigent persons maintained at the public expense.

PART II

Appointment, Duties, Remuneration of Medical and Subordinate Officers

Constitution of Medical Service. **3.** The Government Medical Service shall consist of a Director of Health Services and such medical officers, and medical subordinates as may be necessary.

Appointment of medical officers. **4.** The Governor-General may from time to time appoint a Director of Health Services and the Public Services Commission may appoint such number of medical officers as may be necessary.

Subordinates to relevant Public Service Regulations. **5.** The Public Services Commission may from time to time appoint, suspend and dismiss medical subordinates in accordance with the Public Service Regulations governing public officers in their grade.

Employment of subordinates. **6.** The Public Services Commission may authorise the Director of Health Services or a medical officer in charge of a medical institution to employ the services of such hospital

servants as may be necessary, and to suspend or dismiss such servant, subject to appeal to the Public Services Commission.

7. The medical officers, medical subordinates, and hospital servants shall receive such salaries or wages as may be provided by the National Assembly.

Salaries.

8. The Director of Health Services, medical officers, medical subordinates and hospital servants shall each perform such duties as may from time to time be imposed on them by this Act or by any other legislation or by any statutory instrument, and also such medical and sanitary duties as may from time to time be directed or required by the Minister.

Duties.

9. The Director of Health Services, shall, subject to the directions of the Minister, have the general control of all the medical institutions.

Director of Health Services to have general control.

10. Every medical officer, medical subordinate, and hospital servant shall, subject to the authority of the Minister, act under the directions of the Director of Health Services.

Officers and subordinates to act under his directions.

11. Every medical practitioner other than the medical officers, who receives a salary paid from the public revenues in respect of medical and sanitary duties performed by him, shall, so long as he receives such salary, be deemed a medical officer for the purposes of this Act.

Medical officer who deemed.

PART III

Creation of Medical Districts, Hospitals and Dispensaries, etc.

12. The Minister may by Order published in the *Gazette* declare any portion of Belize a medical district, and may from time to time by Order, alter or revoke any such Order, and may from time to time by a like Order alter the limits of any such medical district.

Medical District how created.
40 of 1963.

Assignment of
medical district
to a medical
officer.

13. The Minister may assign a medical district to any medical officer, and may remove a medical officer from one medical district to any other, and may remove a medical officer from a medical district to perform any other duty as the Minister may from time to time think expedient.

Medical charge
of medical
institutions.

14. Except it shall be otherwise specially provided for by the Minister, every medical officer to whom a district is assigned shall be in medical charge of the medical institutions situated within the district assigned to him.

Medical
subordinates-
their duties.

15. The Director of Health Services, subject to the general control of the Public Services Commission, may,

- (a) order a medical subordinate to do duty in any medical institution;
- (b) remove a medical subordinate from any medical institution to any other;
- (c) remove a medical subordinate from any medical institution to perform any other duty as the Director of Health Services may from time to time think expedient.

Public
vaccination.

16.-(1) All medical officers and medical subordinates other than clerks, stewards, and nurses shall be public vaccinators.

(2) No public vaccinator is entitled to receive any capitation fee in respect of duties performed as public vaccinator.

(3) The Minister may appoint persons other than members of the medical staff to be district vaccinators, and such district vaccinators shall receive such fees in respect of vaccinations performed by them as are provided in Part X of the Public Health Act, Cap. 40.

(4) The Minister may, from time to time when any public vaccinator not receiving fees, has been shown to have done good service in such capacity, or to have exerted himself zealously for the public good in prosecuting the work of vaccination, make such public vaccinator a grant not exceeding one thousand dollars at any one time, or during any one year, out of funds provided for the purpose by the National Assembly.

17.-(1) Every member of the Government Medical Service who shall either by himself, his co-partners, assistants or servants keep open any apothecary's or chemist's shop or store shall on proof thereof be liable to dismissal from such service.

Members of medical service not to keep a chemist's shop.

(2) The Minister may grant permission to any medical officer who is permitted to engage in private practice to keep such private store of drugs and implements as may be necessary for the purpose of dispensing prescriptions given by himself in the practice of his profession as a medical practitioner.

18.-(1) Except as mentioned in subsection (2) of this section, the time of every member of the Government Medical Service shall be deemed to be wholly at the disposal of the Government.

Time of members of the medical service entirely at disposal of Government.

(2) Nothing contained in this section shall in any way diminish the existing rights and privileges of such medical officers as are now entitled to the right of private practice by the terms of their appointment in the Overseas Service, and any other medical officer may, with the sanction of the Minister, engage in the practice of his profession, on such terms and for such period as shall from time to time appear to the Minister to be fit.

19. The members of the National Assembly shall be visitors of all the medical institutions in Belize, and every district officer shall be a visitor of the medical institutions in his district.

Visitors *ex officio*.

Visitors by
appointment.

20. The Minister may from time to time appoint any person or persons a visitor or visitors of any medical institution.

Power of
visitors.

21.-(1) Every visitor is hereby empowered to visit any medical institution of which he is a visitor at any time, to make such inquiries as he may think fit regarding the measures adopted for the comfort and care of the inmates of such institution, and to enter in a book kept for the purpose in such institution any remarks he may wish to place on record regarding circumstances observed by him and arising out of such visit.

(2) The powers granted under this section shall not be interpreted to include any right to inquire into, comment upon, or criticise any technical modes of treatment of the sick adopted by the medical officer in charge.

Visiting
committee.

22.-(1) The Minister may appoint two or more visitors to be a visiting committee for any medical institution.

(2) The appointment of a visiting committee under this section shall not in any way restrict or interfere with the rights of other visitors.

Hospital- their
object.

23. The primary object of every hospital shall be to provide accommodation and means of rendering medical and surgical aid for such sick persons as may be entitled to receive medical attendance by the terms of any agreement with the Government, and as shall be unable from want of means to procure for themselves professional assistance at their homes, and so far as may be conveniently feasible, accommodation shall also be provided in every hospital for persons able to pay for treatment therein.

Admission.

24. The following persons shall be eligible for admission into any hospital,

42 of 1999.
40 of 1963.

(a) members of the police department, in accordance with rules and regulations made from time to time by the Minister in

accordance with any legislation dealing with such department;

- (b) all sick persons provided with a written order signed by any public officer or other person empowered by virtue of any rule or regulation made under this Act to sign orders of admission in the form given in the First Schedule;
- (c) every person who shall furnish to the satisfaction of an officer designated by the Director of Health Services for that purpose, security for the payment of such hospital dues as may be from time to time determined on by the Minister, such security being given by a personal bond with or without guarantors and with or without a deposit of money as the designated officer may require, and who shall obtain from the designated officer an order for admission in the form as set out in the Second Schedule.

25.-(1) The mere production of the order for admission as in the forms in the First and Second Schedules, shall not be deemed to entitle the persons to whom they refer to be admitted into the hospital for treatment.

Medical officer in charge to have discretion in granting admissions.

(2) In every case, the medical officer in charge shall exercise his professional discretion as to the desirability of treating such diseases as the applicant may be suffering from in the hospital, and he shall admit or refuse to admit the person as the case may be.

(3) Every person, being dissatisfied with the decision of the medical officer in charge, shall have the right of appeal to the Minister.

Admission in
cases of urgency.

26.-(1) In case of accident or emergency, the medical officer in charge of any hospital may admit thereto without an order any person who in his opinion urgently requires immediate medical treatment.

(2) Whenever a person is admitted to a hospital under this section the medical officer in charge of the hospital shall as soon as is practicable after such admission send to a magistrate a report of the case in the form in the Third Schedule, and the magistrate shall after inquiry through the police or otherwise send to the medical officer in charge of the hospital either a certificate as in the form given in the First Schedule or an order as in the form in the Fourth Schedule.

(3) When an order is made in the form in the Fourth Schedule with respect to a person admitted to a hospital under this section, that person shall be *prima facie* liable to pay hospital dues as from the date of his admission as a patient of the class named in such order.

(4) The court before which any such dues are sought to be recovered may, if objection is taken to the order, but with the burden of proof lying on the person objecting, inquire into the means of the person admitted to the hospital, and decide whether, in the case in question, a certificate or an order should have been sent by the magistrate, and, if an order was rightly sent, whether the person was correctly classed in such order, and adjudicate accordingly.

Dispensaries-
their object.

27.-(1) The object of every dispensary shall be to provide medical advice, surgical aid, medicines and surgical appliances gratuitously to indigent persons.

(2) The medical officer in charge of any dispensary may refuse to render such medical advice, surgical aid, medicine or surgical appliance to any person who shall not produce to him a certificate signed by any public officer or other person empowered by virtue of any rule or regulation made under this

Act to sign dispensary certificates as in the form given in the Fifth Schedule.

28. Any person to whom a certificate in the form given in the First Schedule has been granted, and who has been refused admission into a hospital shall be entitled to be treated gratuitously at the nearest dispensary.

Gratuitous treatment- to whom granted.

29. No medicine or surgical appliance shall be dispensed to any person without the prescription of, or an order by, the medical officer in charge.

Medical officers to order medicines, etc.

30. When a medical officer is resident in any place in which there is no hospital or dispensary, he shall attend at such places and times as may be fixed by the Minister, to give gratuitous medical advice, and surgical aid, and dispense medicines to indigent persons who produce certificates which would entitle them to treatment in a dispensary if one existed in the place, and he shall also visit such persons in their homes when upon the certificate of a magistrate it appears that such persons are incapable of attending at the dispensary or place appointed.

Duties of medical officer in places where there is no hospital or dispensary.

PART IV

Establishment of Mental Hospital, Treatment of Mental Persons and Observations in Mental Hospital, etc.

31. The buildings and appurtenances at Rockville in the Belize District now occupied and used as a mental hospital and any other buildings which may in future be designated for the same purpose shall be the Mental Hospital of Belize and shall be known as the Rock View Hospital. The Mental Hospital shall be under the charge and supervision of the Director of Health Services and shall be served by such number of medical and other officers and servants as the Minister may from time to time direct.

The Mental Hospital.

Charge of the
Mental Hospital.

32. The Mental Hospital shall be under the charge and supervision of the Director of Health Services and shall be served by such number of medical and other officers and servants as the Minister may from time to time direct.

Inquiry as to
State of person's
mind.

33.-(1) The magistrate of the judicial district in which a person believed to be of unsound mind is residing shall, on the oath of an informant who states that he has good cause to believe that that person is of unsound mind and a proper subject for confinement, examine the person in a convenient place and, in the same or some other place, hold an inquiry into the state of mind of that person.

(2) The magistrate shall have and exercise in respect of all matters arising in any such inquiry (including the enforcement of the attendance of witnesses and taking their evidence, the conduct of the proceedings and the making of the order) all the powers and authorities which a magistrate has and exercises under the Summary Jurisdiction Acts in respect of the corresponding matters arising under those Acts.

(3) The magistrate may, if he thinks fit, conduct the inquiry in the absence of the person believed to be of unsound mind, but in any such case he shall transmit the proceedings together with a copy of the order of commitment to the Chief Justice who may make such order thereon for securing a proper investigation into the mental condition of that person as he may think fit.

Proceedings for
the certification
of persons
believed to be of
unsound mind.

34.-(1) For the purposes of the inquiry which the magistrate is required to make under this Act, the magistrate shall appoint two medical practitioners to examine the person believed to be of unsound mind.

(2) Where the magistrate appoints medical practitioners to examine any person as to his state of mind, he may issue his warrant authorising any person or officer to hold the person believed to be of unsound mind during any time which may be necessary for his examination and observation, and the medical

practitioners appointed for that purpose shall have access to the person believed to be of unsound mind for the purpose of observing and examining him.

(3) No warrant shall authorise the holding of any person for examination for any period exceeding seven days but the warrant may be re-issued from time to time for a period not exceeding seven days.

(4) The medical practitioners shall examine the person believed to be of unsound mind separately and each shall arrive at his own conclusion as to the state of mind of that person apart from the other.

(5) Each such medical practitioner shall, if the facts warrant his so doing, certify that in his opinion the person examined by him is of unsound mind.

(6) The certificate shall specify in full detail the facts upon which the medical practitioner signing it bases his opinion and it shall clearly distinguish facts which he himself has observed from facts communicated to him by others.

(7) The medical practitioners so appointed shall inquire of any person able to give information as to the previous history of the person examined by them, and they shall state in their certificates all matters known to them which in their opinion are likely to be of service in connection with the medical treatment of the person examined.

(8) No certificate which purports to be founded wholly on facts communicated to the practitioners by others shall have any effect. Proceedings for the certification of persons believed to be of unsound mind.

(9) Where a person believed to be of unsound mind is in some place where it is impossible without considerable delay to obtain two registered medical practitioners for the purpose of examining him, it shall be sufficient compliance with this

section if the magistrate appoints a single medical practitioner to examine him.

Adjudication of unsoundness of mind and committal to Mental Hospital.

35.-(1) Where upon any such inquiry it appears to the magistrate that the person examined by the medical practitioners is of unsound mind and a proper subject for confinement, he may adjudge that person to be of unsound mind and a proper subject for confinement.

(2) If the magistrate so adjudges the person examined by the medical practitioners, he shall make an order committing that person to the Mental Hospital for custody and treatment as a patient therein.

(3) Every person adjudged a person of unsound mind under this section shall be delivered into the custody of a police officer or other authorised person together with a warrant of commitment and the certificates or certificate of his unsoundness of mind, and the person to whom he is delivered shall conduct him to the Mental Hospital and there deliver him to the Director of Health Services.

(4) The Director of Health Services shall receive the person adjudged to be of unsound mind and he shall be responsible for the safe keeping and treatment of that person under this Act.

(5) Delivery of that person to any officer appointed by the Director of Health Services to receive persons adjudged to be of unsound mind in the Mental Hospital shall be sufficient compliance with subsections (3) and (4) of this section.

Duty of certain persons to inform magistrate of ill treatment or neglect of person of unsound mind.

36.-(1) Every visitor of a medical institution, medical officer, medical practitioner and police officer to whose knowledge it comes that any person believed to be of unsound mind is not under proper care and custody, or is cruelly treated or neglected by any person having the care or charge of that person shall within three days after obtaining such knowledge give information thereof upon oath to the magistrate of the

judicial district in which the person believed to be of unsound mind is or is residing.

(2) Upon receipt of such information, the magistrate shall proceed to have the person examined and to hold an inquiry into his state of mind in like manner as he is required to do where information is given to him under section 33 of this Act.

37.-(1) If while a patient under treatment in a public hospital a person becomes of unsound mind, the medical officer in charge of that hospital may issue a certificate that that patient has become of unsound mind and cause him to be removed to the Mental Hospital and the Director of Health Services or other officer in charge of the Mental Hospital shall receive the patient into the Mental Hospital.

Patient in hospital becoming of unsound mind.

(2) The certificate issued by the medical officer in charge of the hospital in which the patient becomes of unsound mind shall be forwarded along with the patient.

(3) The medical officer shall forthwith report the fact of the removal of the patient to the Mental Hospital to the magistrate of the Belize Judicial District who shall, if satisfied that the patient is of unsound mind, issue a warrant authorising the detention of the patient in the Mental Hospital for treatment.

(4) The magistrate shall hold an inquiry into the state of mind of the patient before he issues his warrant for the detention of the patient in the Mental Hospital.

38.-(1) If any person imprisoned in any prison or other place of confinement appears to be of unsound mind, the Superintendent of Prisons shall call to his assistance a medical practitioner and inquire with his aid into the mental condition of the person so imprisoned.

Removal of criminals from prison to Mental Hospital.

(2) If the medical practitioner certifies that the person so imprisoned is of unsound mind, the Minister may, if he thinks fit, upon receipt of the certificate of the medical practitioner

and such other evidence as he may require, direct by warrant under his hand that the person so imprisoned be removed to the Mental Hospital.

(3) The Minister may for the purpose of establishing whether the person so imprisoned is of unsound mind require the magistrate of the district in which the prison is situated to hold an inquiry into the state of that person's mind and thereupon the magistrate shall proceed in like manner as if information upon oath had been given to him under section 33 of this Act.

(4) Every person removed to the Mental Hospital under this section shall remain there in imprisonment until it is duly certified to the Minister by the Director of Health Services that he is no longer of unsound mind.

(5) If, when a certificate that a person confined in the Mental Hospital under this section is no longer of unsound mind is forwarded to the Minister, the sentence under which he was imprisoned has expired, the Minister shall by order under his hand direct that he be discharged from custody, but if otherwise, that he shall be taken to the prison or other place of confinement whence he was removed to the Mental Hospital to serve the remainder of his sentence.

(6) The Minister may by warrant remove or discharge from the Mental Hospital any person confined therein under this section, if it be duly certified to him by at least one medical practitioner that that person, while not of sound mind, is harmless and may be discharged from restraint without danger to himself or the public.

Person under sentence of death believed to be of unsound mind.

39.-(1) If at any time the Governor-General is informed that there is good reason to believe that any prisoner under sentence of death in a prison is of unsound mind, he shall appoint two medical practitioners to examine that prisoner and if on such examination the prisoner is found to be then of unsound mind

the Governor-General shall direct by warrant under his hand that he be removed from the prison to the Mental Hospital.

(2) The medical practitioners so appointed to examine the prisoner shall, if in their opinion he is of unsound mind, certify that fact to the Governor-General who shall have power to cause such other inquiry to be made into the prisoner's state of mind as he may think fit.

(3) Every prisoner removed under this section shall remain in imprisonment in the Mental Hospital until it is duly certified to the Governor-General by the Director of Health Services and a registered medical practitioner that he is no longer of unsound mind.

(4) A person under sentence of death who becomes of unsound mind shall not on his recovery suffer the penalty of death, but *in lieu* thereof he shall be imprisoned for life.

40.-(1) In any case in which the Director of Health Services considers that the admission of a person believed to be of unsound mind is urgent, he may admit that person into the Mental Hospital if on examination he is of opinion that he is of unsound mind.

Admission by
Director of
Health Services
in urgent cases.

(2) Where any person of unsound mind has been admitted into the Mental Hospital under subsection (1) of this section, the Director of Health Services shall forthwith notify the fact of such admission to the magistrate of the Belize Judicial District who shall, if satisfied that the patient is of unsound mind, issue a warrant authorising the detention of the patient in the Mental Hospital for treatment.

(3) The magistrate may, if he considers it necessary, hold an inquiry into the state of mind of the patient before he makes his order for the detention of the patient in the Mental Hospital.

Committal of
persons of
unsound mind
considered
dangerous.

41.-(1) A magistrate may cause any person discovered under circumstances which indicate a derangement of mind and a purpose of committing an indictable offence to be apprehended and brought before him, and if upon examination of that person by two medical practitioners the magistrate is satisfied that the person is of unsound mind and is dangerous to be at large, he may direct the said person to be conveyed to the Mental Hospital.

(2) The magistrate shall issue a warrant authorising the detention of that person at the Mental Hospital and he shall be received therein and held under that warrant.

(3) If any relative or friend of that person enters into a recognisance with sufficient sureties to the satisfaction of the magistrate of the Belize Judicial District for the peaceable behaviour and safe custody of that person, the magistrate may deliver that person into the custody of his relative or friend.

Admission of
voluntary
patients.

42.-(1) If suitable accommodation is at any time available at the Mental Hospital, the Director of Health Services may receive as a voluntary patient any person of unsound mind or any other person suffering from mental neurosis due to alcohol, drugs, vice or any other cause for care and treatment on payment, or guarantee of payment by some responsible person, of such fees as may be prescribed.

(2) A person received as a voluntary patient under this section, shall remain for treatment in the Mental Hospital for a minimum period of one month and reasonable notice of his intended removal shall be given to the Director of Health Services.

Persons of
unsound mind
who are not
paupers,
admitted on
payment.

43. Persons of unsound mind, not being paupers, may be admitted to reside in the Mental Hospital on arrangements being made to the satisfaction of the Director of Health Services for the payment of the expense of their maintenance and clothing at rates to be fixed according to accommodation, either out of their own property or by aid of their relatives and

friends, and on such security being given as the Director of Health Services thinks reasonable.

44.-(1) Where it is represented to the Minister that any person undergoing sentence in any prison or other place of confinement appears to be of unsound mind, but that the Superintendent of Prisons or other officer in charge thereof and such medical practitioner as he may have called to his assistance are unable to certify that the person in question is of unsound mind, it shall nevertheless be lawful for the Minister by warrant to direct the removal of that person from the prison or other place of confinement to the Mental Hospital, and that person shall be removed and conveyed to the Mental Hospital accordingly and therein kept under observation until such time as the Director of Health Services certifies to the Minister that he is satisfied as to the state of mind of that person.

Admission of convicted persons for observation.

(2) If and when the Director of Health Services is satisfied that such person is of sound mind, he shall certify accordingly to the Minister and shall state in his certificate whether in his opinion such person has been of unsound mind at any time subsequent to the passing of the sentence, and upon receipt of such certificate, the Minister shall, by warrant under his hand, direct,

- (a) if the term of imprisonment of such person has expired, that such person be discharged;
- (b) if such person still remains liable to imprisonment or other sentence, that he be removed to the appropriate prison or place to undergo such sentence, or, if not under sentence to be dealt with according to law, as if no warrant for his removal to a hospital had been issued.

45.-(1) Whenever a judge or a magistrate has reason to believe that a person committed for trial before the Supreme Court or charged before him with an offence, as the case may be, is of

Admission of accused persons for observation.

unsound mind, he may, for the purpose of obtaining evidence as to whether that person is or is not of unsound mind, by written order direct that that person be received into the Mental Hospital at Rockville and be there detained under observation during such period, not exceeding fourteen days, as to the judge or the magistrate may seem expedient.

(2) An order under this section may, on good cause shown, be enlarged for a further period or periods each not exceeding eight days at a time, and no order under this subsection shall be made in respect of any person not in custody pending trial.

(3) Every person ordered under this section to be detained in the Mental Hospital for observation shall be received and detained therein for the purpose of observation during the period stated in the order or such shorter period as the judge or the magistrate may direct.

Evidence of state
of mind.

46.-(1) When the Minister has issued a warrant under section 44 or an order has been made under section 45 of this Act, a certificate under the hand of the Director of Health Services shall be sufficient evidence of the facts therein stated concerning the state of mind of the person kept under observation, and it shall not be necessary to prove the handwriting of the Director of Health Services.

(2) The judge or the magistrate may examine any members of the staff of such hospital who have had the patient under observation.

Minister to order
examination by
medical
practitioner.

47.-(1) An order for the examination of any patient in the Mental Hospital by two or more medical practitioners authorised by the Minister may be obtained from the Minister upon the application of any person, whether a relative or friend or not, who satisfies the Minister that it is proper for him to grant such order.

(2) Upon the production to the Minister of the certificates of the medical practitioners so authorised certifying that after

two separate examinations with at least seven days intervening between the first and the second examinations, they are of opinion that the patient may without risk to himself or the public be discharged, the Minister may, in his discretion, order the patient to be discharged at the expiration of ten days from the date of the order.

(3) All the costs of and incidental to any examination made under this section shall be borne by the person applying for such examination.

48.-(1) The Director of Health Services shall forthwith upon the recovery of a patient send notice thereof to the husband or wife or nearest relative or failing such to any person known to be a friend of the patient and, where no husband, or wife, relative or friend is known, then to the public authority responsible for relief of the poor.

Discharge of patient on recovery.

(2) The notice shall state that the patient will be discharged within seven days from the date of the notice.

49.-(1) The Director of Health Services may allow any person of unsound mind confined in the Mental Hospital to absent himself from the Mental Hospital upon trial for any period which he thinks fit, and may at any time extend such period, and if such person does not return to the Mental Hospital at or before the expiration of such period or extended period of trial he may be apprehended as if he had escaped from the Mental Hospital.

Absence of person of unsound mind from the Mental Hospital on trial

(2) No person of unsound mind shall be allowed to be absent from the Mental Hospital on trial unless some person enters into an undertaking to take charge of him.

50. The Minister may, when it appears necessary, order any person adjudged to be of unsound mind under this Act or confined in the Mental Hospital to be removed to some place other than the Mental Hospital and there detained for treatment and care.

Transfer of person of unsound mind from Mental Hospital to some other place.

Recapture of
escaped person
of unsound
mind.

51. Any person of unsound mind who escapes from the Mental Hospital may at any time be apprehended by any officer, attendant or servant of the Mental Hospital, or by any police officer, and be conveyed to the Mental Hospital for detention therein as if he had not escaped.

Inquiry into
means of person
of unsound mind
in the Mental
Hospital.

52. The Minister may order an investigation before a magistrate into the circumstances of any pauper who is a person of unsound mind in the Mental Hospital, and such magistrate shall have power to summon any person to give evidence before him on oath, and to examine such person touching the property or estates of, and debts owing to, the person of unsound mind, and to require the production of deeds relating to any such property, and thereafter he shall report fully thereon to the Minister.

Application of
section 33 (2).

53. Section 33 (2) of this Act shall apply to any investigation made under section 52 of the Act.

Funeral expenses
of persons of
unsound mind,
etc.

54. The property of any person of unsound mind or voluntary patient in the Mental Hospital shall be liable for his funeral expenses and the person who guarantees the payment of the maintenance of such person of unsound mind or voluntary patient in the Mental Hospital shall also be liable for the funeral expenses of that person of unsound mind or voluntary patient.

Conveyance of
persons of
unsound mind to
Mental Hospital.
42 of 1999.

55. All members of the police department shall give proper assistance in the conveyance of persons of unsound mind to the Mental Hospital, and all reasonable expenses incurred by persons, not being relatives or friends of the person of unsound mind, in conveying them to the Mental Hospital shall be repaid to the persons so incurring them by the Director of Health Services out of funds provided by the National Assembly in cases where the persons of unsound mind are alleged to be paupers.

56. On the death of any person of unsound mind or idiot or other patient in the Mental Hospital, it shall be the duty of the coroner in the Belize Judicial District to hold an inquiry into the cause of death, for which purpose he shall be notified of the death by the person in charge of the Mental Hospital.

Inquiry into death of persons of unsound mind in the Mental Hospital.

57.-(1) The Minister may make regulations for all or any of the following purposes,

Power to make regulations.

- (a) defining the duties of the Director of Health Services, medical officers, nurses, attendants and other servants and employees at the Mental Hospital;
- (b) regulating generally the administration of the Mental Hospital and making provision for the care and treatment of persons of unsound mind and mental defectives therein;
- (c) prescribing the fees which shall be paid by voluntary patients and the expenses of the maintenance and clothing of persons of unsound mind who are not paupers in accordance with this Act; and
- (d) prescribing the forms to be used for the purpose of giving information to the magistrate concerning persons believed to be of unsound mind, the certification of such persons, the warrant for conveying and holding a person adjudged to be of unsound mind, the order adjudging a person of unsound mind and all other forms necessary for proceedings to be taken under this Act.

(2) Subject to subsection (1) of this section, power to make regulations conferred on the Minister under section 66 of this Act, shall include the power to make regulations for the Mental Hospital.

PART V

Offences and Penalties

Unlawful entry
into Mental
Hospital.

- 58.** Every person who,
- (a) without lawful warrant or authority enters the Mental Hospital or any enclosure or apartment therein or thereto pertaining;
 - (b) aids or allows any person to enter any apartment or enclosure therein without lawful authority;
 - (c) assists, or being an officer or servant of the Mental Hospital wilfully allows any person of unsound mind to escape from the Mental Hospital;
 - (d) assists, or being an officer or servant of the Mental Hospital wilfully allows, any person of unsound mind of one sex to enter the apartment of any other person of unsound mind of the other sex; or
 - (e) supplies any person of unsound mind confined in the Mental Hospital with the means of escape or anything whereby his escape may be facilitated or effected,

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Indecency to
females.

- 59.** Every person who,

- (a) being a male takes any indecent liberty with any female inmate of the Mental Hospital, whether with or without her consent;
- (b) assists any male person to take any indecent liberty with any such inmate, whether with or without her consent; or
- (c) being an officer or servant of the Mental Hospital, knowingly permits any person to take any indecent liberty with any such inmate with or without her consent,

shall be guilty of an offence and, if an officer or servant of the Mental Hospital, shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding twelve months or, if not such officer or servant, shall be liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding six months.

60. Every person who,

Penalty for
rescuing escaped
inmate, etc.

- (a) rescues any person of unsound mind while he is being conveyed to, or while he is confined in, the Mental Hospital; or
- (b) harbours or hides any person of unsound mind who has escaped from lawful custody while being conveyed to, or while he is confined in, the Mental Hospital,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding three months.

61. Every person who,

Assaulting
inmate or
obstructing
officer, etc.

- (a) being a person employed at the Mental Hospital, strikes, ill-treats or neglects any person of unsound mind or other person confined in a Mental Hospital,
- (b) strikes or ill-treats any person of unsound mind or other patient at the Mental Hospital while he is absent from the Hospital on trial, knowing him to be of unsound mind or a patient at the Mental Hospital, or
- (c) assaults, molests or obstructs any officer, servant or employee of the Mental Hospital while he is engaged in the performance of his duty as such officer, servant or employee,

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding one hundred and fifty dollars.

Penalty for
issuing false
certificate, etc.

62. Every medical practitioner who,

- (a) issues a certificate relating to the state of mind of any person for the purpose of an inquiry or other procedure under this Act which is to his knowledge false in any material particular; or
- (b) refuses or neglects to make an examination of a person believed to be of unsound mind when appointed by the Minister or a magistrate, or when required by the Director of Health Services, to do so for any purpose of this Act, or fails to furnish a certificate of the result of any examination which he is appointed or required to make as aforesaid,

shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding two hundred and

fifty dollars or to imprisonment for a term not exceeding six months.

63. Every person who, with intent to procure the confinement of another person in the Mental Hospital, knowingly signs or issues a certificate relating to the state of mind of that person which purports to be a certificate signed or issued by a medical practitioner but which in fact is not so signed or issued shall be guilty of a felony and on conviction upon indictment be liable to imprisonment for a term not exceeding five years.

Fraudulent
certificate of
mental condition.

64. Every person who, without the consent of the Director of Health Services, gives, sells or barter any article or commodity of any kind to any inmate of the Mental Hospital shall on summary conviction be liable to a fine not exceeding one hundred dollars.

Selling articles to
inmates of
Mental Hospital.

65. Every person who wilfully makes any false statement on oath or affirmation before a magistrate upon any inquiry or investigation held or made under this Act shall be guilty of perjury and shall be punished accordingly.

Penalty for false
evidence.

PART VI

Miscellaneous

66. Subject to this Act, the Minister may from time to time make regulations with regard to all or any of the following matters,

Regulations.

- (a) the power and duties of the medical officers in relation to the medical institutions, and generally of the medical subordinates and hospital servants;

- (b) fixing the fees payable to medical officers for professional attendance in the exercise of their private practice;
- (c) the functions of visitors and visiting committees;
- (d) the admission, maintenance, and treatment and discharge of persons to and from the medical institutions;
- (e) the fees and charges to be paid, and the mode of their collection and of their payment into the Treasury;
- (f) the accommodation to be provided for different classes of patients;
- (g) the general management and discipline of hospital, dispensaries and poor houses, and all matters incidental thereto, or connected therewith;
- (h) fixing the fees and charges to be paid for any professional services which a medical officer may be directed or required to perform under this Act, the mode of collection of such fees and charges and of their payment into the Treasury;
- (i) for the better carrying out of any of the provisions of this Act.

Relatives of inmate made liable for expenses.

67.-(1) The relatives of an inmate in any Government institution shall be liable to contribute to the cost of maintaining such inmate in accordance with this section.

(2) For the purposes of this section “relative” means parent, child, husband, wife, brother or sister, whether legitimate or

not, and the word “parent” shall be deemed to include grandparent and great-grandparent and the word “child” grandchild and great-grandchild.

(3) When a man is married to a woman who at the time of such marriage had children whether legitimate or not, such children shall be deemed to be the children of such man for the purpose of this section.

(4) For the purposes of this section the term “Government institution” means any Mental Hospital, poor house, hospital, leper asylum, certified institution, maintained wholly or in part by the Government and any other institution which the Minister may declare to be a Government institution for the purpose of this section, and a person receiving any form of relief from Government Funds shall be deemed an inmate of a Government institution for the purposes of this section.

(5) When directed to do so by the Minister a magistrate shall hold such inquiry as he may think proper into the means of the relatives of any inmate of a Government institution and thereafter make such order as he may think just directing the person named therein being a relative to contribute to the cost of maintaining such inmate a weekly sum of money stated in such order.

40 of 1963.

(6) In making any order under subsection (5) of this section, the magistrate shall have regard to the means and nearness of kin of such relative to the inmate.

(7) Where the magistrate considers it just that more than one relative should contribute to the cost of maintaining an inmate he shall make a separate order in respect of each relative so required to contribute.

(8) Every such order shall be enforceable in the manner provided by section 68.

Dues recoverable
summarily.

68.-(1) In case any dues are not paid, the same shall be recoverable under the Summary Jurisdiction Acts on the information of the Director of Health Services or of some person authorised by him.

(2) A certificate purporting to be signed by the Director of Health Services or a medical officer in charge of any medical institution stating that any amount is payable by any person and giving particulars showing how the amount is calculated shall be receivable as sufficient evidence of the facts stated therein unless the contrary is proved or unless the statement is inconsistent or does not give sufficient particulars.

Remission of
dues wholly or in
part.

69. The Minister may remit by way of relief the whole or any part of the dues to which persons may have become liable under or pursuant to the provisions of this Act, and the regulations.

SCHEDULE 1

MEDICAL SERVICE AND INSTITUTIONS ACT

Order for Free Admission into Hospital

(Sections 24 to 26 and 28)

I, the undersigned, do hereby certify that
of _____ is unable from want of means to
procure for him self proper medical attendance at his home;
and I do hereby order that the said _____ be admitted
into the Public Hospital at
Dated at _____ this _____ day of 20 ____ .

Undersigned Name-----

Undersigned Address-----

Signed

SCHEDULE 2

Form 1

MEDICAL SERVICE AND INSTITUTIONS ACT**Undertaking to Pay Hospital Dues***(Sections 24 and 25)*

do hold self responsible
for all dues incurred on account of the admission into the
Public Hospital at

of of

And (my, his, her) treatment therein as a
class patient, according to the rules and regulations for the
general management of the medical institutions *(and have
deposited the sum of \$ to be applied as far as may be
necessary in the payment or part payment of
such dues).*

Dated at this day of 20 .

(Signed)

Form 2

MEDICAL SERVICE AND INSTITUTIONS ACT

Order for Admission into Hospital

(Sections 24 and 25)

I, the undersigned, having duly accepted the above [*together with a deposit of \$*] as guarantee for the payment of all hospital dues that may be incurred on account of the admission into hospital of of and to treatment therein, and having satisfied myself that he is a fit and proper person to receive treatment in the hospital as a class patient, do hereby order that the said of be admitted into the hospital as a class patient.

Dated at this day of 20 .

Magistrate

SCHEDULE 3

MEDICAL SERVICE AND INSTITUTIONS ACT

Provisional Admission Report into Hospital
on Accident or Emergency Cases*(Section 26)*

To the Magistrate,

of

having been provisionally admitted into the public hospital at
by me, I have the honour to request
that you will be so good as to furnish the necessary order for
admission into hospital under the Medical Service and
Institutions Act, Cap. 39.

Dated at this day of 20 .

Medical Officer

SCHEDULE 4

MEDICAL SERVICE AND INSTITUTIONS ACT

Order for Admission into Hospital of Accident or
Emergency Cases

(Section 26)

I, the undersigned, having made as full an inquiry as is
reasonably possible, do hereby order that of
who was admitted into the hospital at on the
 day of 20 . be classed as a class patient.

Dated this day of 20.

Magistrate

