

BERMUDA STATUTORY INSTRUMENT

SR&O 70/1968

MENTAL HEALTH (MAGISTRATES COURTS) RULES 1968

*[made under section 31 of the Mental Health Act 1968 [title 11 item 36] and
brought into operation on 29 June 1968]*

ARRANGEMENT OF RULES

- 1 Interpretation
- 2 Application
- 3 Evidence
- 4 Hearing of applications
- 5 Interview with patient

SCHEDULE

Interpretation

- 1 (1) In these Rules, unless the context otherwise requires—
"the Act" means the Mental Health Act 1968 [*title 11 item 36*];
"application" means an application made under section 29 or section 30 of the Act;
"the court" means a court of summary jurisdiction.
(2) In these Rules, a section referred to by number means the section so numbered in the Act.

Application

- 2 (1) An application to a court of summary jurisdiction under section 29 or section 30 shall be made by originating application in the

MENTAL HEALTH (MAGISTRATES COURTS) RULES 1968

form set out in the Schedule and shall be filed in the Magistrate's Court in the City of Hamilton.

(2) Where an application is made under section 29 for an order that the functions of the nearest relative of the patient shall be exercisable by some other person—

(a) the nearest relative shall be made a respondent to the application unless the application is made on the ground set out in section 29(3)(a), or the court otherwise orders; and

(b) the court may order that any other person, not being the patient, shall be made a respondent.

Evidence

3 (1) On the hearing of an application, the court may accept as prima facie evidence of the facts stated therein any report made by a medical practitioner or any report made in the course of his official duties by—

(a) a probation officer, or

(b) a mental welfare officer, or

(c) an officer in a hospital authorised to make such report in respect of a person suffering from mental disorder.

(2) In any case where any such evidence as aforesaid is submitted, the respondent shall be informed of the substance of any part of any such report bearing on his fitness or conduct which the magistrate considers to be material to the determination of the application.

[rule 3 amended by 1998 : 32 effective 13 July 1998]

Hearing of applications

4 Unless otherwise ordered by the court, an application shall be heard and determined in chambers.

Interview with patient

5 For the purposes of determining any application, the magistrate may interview the patient either in the presence of or separately from the parties to the application, and either at the court or elsewhere, or may direct any fit and proper person to interview the patient and report to the magistrate in writing in respect of any matter mentioned in the direction.

SCHEDULE

Bermuda Islands

FORM OF APPLICATION TO A COURT OF SUMMARY JURISDICTION
UNDER SECTION 29 OR SECTION 30 OF THE MENTAL HEALTH ACT
1968.

I (*full Christian names and surnames*) [blank] of (*full address and occupation*) [blank] apply to the court, under section [blank] of the Mental Health Act 1968, for an order in the following terms: (*here state the terms of the order to which the applicant claims to be entitled*)

The grounds on which I claim to be entitled to the order are:
(*here state the grounds upon which the order is issued*)

The names and addresses of the persons upon whom it is intended to service this application are: (*here state full names and addresses of persons to be served*)

It is not intended to serve any person with notice of this application.

My address for service is: (*here state applicant's address for service*)

Dated this [blank] day of [blank] 19 [blank]

[blank]
Applicant

[Amended by:
1998 : 32]