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CHAPTER 120.

MENTAL PATIENTS.

MENTAL PATIENTS RULES.

RULES OF COURT MADE UNDER SECTION 37.

DIVISION OF RULES.

PART I. ADJUDICATION AND PROCEEDINGS ARISING

THEREFROM.-Rules 2-21.

PART II.-ADMINISTRATION OF PROPERTY AND MAINTENANCE

OF MENTAL PATIENTS.-Rules 22-38.

1. These Rules of Court may be cited as the Mental Patients Rules.

PART I.

ADJUDICATION AND PROCEEDINGS ARISING THEREFROM.

Proceedings for an Adjudication.

2. The information prescribed by section 3 of the Law shall be in writing and be sworn by the informant before the Court. (Form 1.)

The Court may examine the informant on oath as to the grounds of his suspicion and belief and also ask him for the names of any medical practitioners who have attended or treated the person suspected of being mentally afflicted.

3.-(1) Upon receipt of any such information as aforesaid the Court may, if it so thinks fit, direct the issue of a summons calling on the suspected person to appear before the Court on a specified day for the purpose of an inquiry as to his state of mind. (Form 2.)

(2) The summons shall also direct the suspected person to submit to an examination by the medical practitioner named therein upon production of his notice of appointment.

(3) Subject to the provisions of rule 17, the summons shall be served on the suspected person as early as possible.

4.-(1) The Court shall appoint any medical practitioner whom it shall think fit to examine the suspected person.

(2) The Court may, if it so thinks fit, at anytime cancel an appointment which it has made and make another in its place. But where another appointment is made the summons to the suspected person shall, if necessary, be amended accordingly; or, where service thereof has already been effected, notice of the new appointment shall, subject to the provision of rule 17, be [*431] served on the suspected person. Likewise, notice that his appointment has been cancelled shall be served on the medical practitioner concerned if, in accordance with the provisions of rule 5 (1) he has already been served with notice of his appointment. (Form 5.)

5.-(1) The medical practitioner appointed to examine the suspected person shall be served with a notice of appointment together with a form of certificate. (Forms 3 and 4.)

(2) Such notice shall direct the medical practitioner appointed to fill in the form of certificate with the required particulars if he is of opinion that the suspected person is mentally afflicted and a proper subject of confinement as a mental patient; or, if he is not of such opinion, to endorse the form with a note to that effect without filling in any particulars.

(3) Save where the Court otherwise directs, the form of certificate, whether filled in or endorsed as in sub-rule (2) of this rule directed, shall be filed in court at least three days before the day fixed for the inquiry.

(4) The medical practitioner examining the suspected person shall, unless the Court otherwise directs, attend the Court on the day fixed for the enquiry as to the suspected persons state of mind and answer such questions as the Court may see fit to allow.

6. The Court may at any time by order permit, on such terms as may be just, any one who is interested in the suspected person to do on his behalf all things which may be necessary for the conduct of his case. The Court may at any time vary or revoke such order.

7.-(1) The procedure to be followed at the inquiry shall, as nearly as possible, be the same as the procedure followed in criminal proceedings upon summary trial.

(2) Where the Court is satisfied by medical evidence that it is in the interest of the suspected person that he should not be present at the inquiry, the inquiry may be held in his absence. In all other cases of absence of the suspected person a warrant may be issued to compel his attendance.

8. The Court adjudging a person to be a mental patient and a proper subject of confinement, or making an order for his Confinement, shall inform him that he may appeal to the Supreme Court and if he thereupon declares his desire to appeal, the Court shall explain to him the steps which he should take for the prosecution of the appeal. (Forms 6 and 7.)

Appeals.

9. The Supreme Court or a Judge thereof may, at any time after an intention to appeal has been declared, by order permit, on such terms as may be just, any one who is interested in the appellant to do on his behalf all things which may be necessary in connection with the appeal. Such Court or Judge may at any time vary or revoke such order.

10. The appellant shall, unless the Supreme Court or a Judge thereof otherwise directs, be present at the hearing of the appeal. [*432]

Rescission of Adjudication.

11.-(1) (a) Every application under section 6 (2) of the Law shall be filed in the local registry of the Court having jurisdiction in the administrative district in which the premises wherein the person affected by the application is confined are situated; or, if the person affected by the application has been allowed to be absent on parole under section 13 or 22 of the Law, the application shall be filed in the local registry of the Court having jurisdiction in the administrative district in

which the person in whose charge he is usually resides; or, if the person affected by the application has been discharged from hospital under section 13 of the Law, the application shall be filed in the local registry of the Court having jurisdiction in the administrative district in which such person is residing. (Form 8.)

(b) Every such application shall be supported by affidavit and accompanied by a copy of the order of adjudication sought to be rescinded. (Form 9.)

(c) A copy of the application and affidavit together with notice of the day fixed for the hearing shall be served on the superintendent of the mental hospital or the licensee of the premises having custody of the person affected by the application; or, if the person affected by the application has been allowed to be absent on parole, the documents aforesaid shall be served on the person in whose charge he is; or, if the person affected by the application has been discharged from hospital, the documents aforesaid shall, where such person is not himself the applicant, be served on such person.

(d) Save where the Court otherwise directs, the superintendent or the licensee or the person having custody or charge of the person affected by the application shall have him present at the hearing.

(2) Where the Court directs the adjudication to be rescinded and the order of confinement to be revoked, it shall order the discharge of the person affected thereby if he is in the custody or charge of any person; and if the person whose discharge is ordered is present in Court, he shall be immediately discharged; or if he is not present in Court, the Court shall cause a copy of its order to be promptly served on the person in whose custody or charge he is and such person shall forthwith discharge him. (Form 10.)

Re-committal of Criminal Mental Patient.

12.-(1) The information prescribed by section 16 (2) of the Law shall be accompanied by a copy under the hand of the Colonial Secretary of the order containing the conditions upon which the person informed against was discharged. (Form 11).

(2) Upon receipt of an information as aforesaid the Court shall, if necessary, issue a warrant for the arrest of such person, and he shall be brought before the Court immediately after his arrest (Form 12). [*433]

The warrant shall set forth the condition stated to have been broken, and the person arrested shall be informed thereof on his arrest.

The warrant may be executed anywhere in Cyprus.

3. The procedure to be followed on the hearing of the information shall, as nearly as possible, be the same as the procedure followed on the summary trial of a criminal charge. (See Form 13.)

Proceedings on Revocation of Licence.

13.-(1) Every application under section 19(3) of the Law shall be filed in the local registry of the Court having jurisdiction in the administrative district in which the licensed premises wherein the mental patient affected by the application is confined are situated. (Form 14.)

Every such application shall be accompanied by a certificate under the hand of the Director of Medical and Health Services to the effect that the licence under the terms of which such patient is confined has been revoked.

The application may be made by the Director of Medical and Health Services or by any medical officer authorized by him in writing in that behalf.

(2) A copy of the application and of the above-mentioned certificate, together with notice of the day fixed for the hearing, shall be served on the licensee.

(3) Save where the Court otherwise directs, the licensee shall not have the mental patient present at the hearing.

(4) If the mental patient is present at the hearing, he shall be delivered into the custody of the person appointed by the Court.

If the mental patient is not so present, the applicant shall cause a copy of the Court's order to be served on the licensee, who shall forthwith deliver such patient into the custody of the person appointed by the Court (Form 15.)

Miscellaneous.

14. The Court or the Supreme Court shall have the same powers in regard to the costs of proceedings under this part of these rules as the Court or the Supreme Court has in criminal proceedings upon summary trial or on appeal.

15. All documents issuing out of any Court shall be sealed with the appropriate seal of such Court.

16. Witnesses in proceedings before the Court or on appeal therefrom may be summoned and served in the same manner as in criminal proceedings.

17. Service of documents under this part of these rules shall be effected in the same manner as in criminal proceedings.

Where service in such manner is found impossible, the person who attempted to effect service shall report the facts on oath to the Court from which the document to be served was issued, and such Court may direct service to be effected in such other [*434] manner as it may think fit, or, in the case of a summons or a notice to a person suspected of being mentally afflicted, it may, where the circumstances of the case so warrant, order service to be dispensed with.

18. In proceedings before the Court or on appeal therefrom the forms provided in Appendix A hereto shall, where applicable, be used with such variations as circumstances may require.

19. The fees set forth in Appendix A hereto shall be charged in respect of proceedings under this part of these rules.

20. The law and rules governing criminal proceedings upon summary trial and on appeal shall apply to any matter arising out of proceedings before the Court or on appeal for which provision is not herein made.

21. Every document forming part of a proceeding before the Court or on appeal therefrom shall be entitled as follows :-

THE MENTAL PATIENTS LAW, Cap. 120.

In the District Court of.....

Registry of..... No.....

(or, In the Supreme Court Appeal No....., as the case may be).

In re A.B. of.....

PART II.

ADMINISTRATION OF PROPERTY AND MAINTENANCE OF MENTAL PATIENTS.

Appointment of Administrator.

22.-(1) Every application under section 25 (2) of the Law for the appointment of an administrator of the property of a mental patient or a criminal mental patient shall be accompanied by a copy of the order of adjudication or confinement and supported by affidavit. (Forms 16 and 17.)

(2) The affidavit shall state that the adjudication has not been rescinded or that the patient has not been discharged as having regained his sanity, and shall set forth the following particulars:

(a) the relation, if any, of the applicant to the patient, and the interest which the applicant has in the proper administration of the patient's property;

(b) the description and approximate value of the property;

(c) the names and addresses of the persons in possession of, or making use of, the property and their relation to the patient;

(d) the name and address of the patient's wife or husband, as the case may be, and the names, ages, and addresses of the patient's lawful children; or, if there is no wife or husband or child, then the names and addresses of the patient's parents and brothers and sisters; or, if there are no parents or brothers or sisters, then the names and addresses of the patient's nearest relatives; [*435]

(e) the name of the person suggested for appointment as administrator and his relation to the patient, and whether such person is willing to be appointed and competent to discharge the duties of administrator.

23. A copy of the application and affidavit together with notice of the day fixed for the hearing shall be served on the following:-

(a) (i) if the patient is under confinement, on the superintendent of the hospital or the licensee of the premises in which he is confined; or

(ii) if the patient has been allowed to be absent on parole, on the person in whose charge he is; or

(iii) if the patient has been discharged, on the patient himself: and

(b) on the proposed administrator where this person is not the applicant: and

(c) on such other person as the District Court may direct whose presence at the hearing of the application is in its opinion desirable.

24.-(1) The security to be given by the administrator may be in the form of a bond with one or more sureties approved by the District Court. (Form 18.)

(2) Where the security is not in the form of a bond, a memorandum shall be drawn up setting forth the conditions on which the security is given.

(3) The obligation in the bond or memorandum shall be to the Registrar of the District Court, and the bond or memorandum shall be signed by the person or persons undertaking the obligation.

(4) The security shall be enforceable at the District Court's direction. Such Court may also, upon cause shown, at any time direct that the security be increased or lessened.

25.-(1) The appointment shall direct the administrator to make and file within a specified time an inventory, verified by him upon oath, of the property placed under his administration and of its approximate value and income. (Form 19.)

(2) The appointment shall state whether the administration is undertaken free of charge or upon a remuneration specified therein or to be fixed later.

(3) The appointment may be for a specified period or purpose, and in such a case the period or purpose shall be set forth in the appointment.

(4) The appointment shall not be completed or issued out until the security ordered has been furnished.

Removal of Administrator.

26.-(1) Every application under section 25 (5) of the Law for the removal of an administrator shall set forth the grounds on Which hi removal is applied for, and shall be accompanied [*436] by affidavit verifying such grounds and setting forth the following particulars. (Forms 20 and 21):-

(a) the relation, if any, of the applicant to the owner of the property administered, and the interest which the applicant has in its proper administration;

(b) the name of the person suggested to replace the administrator and his relation to the owner of the property administered, and whether such person is willing to be appointed and competent to discharge the duties of administrator.

(2) A copy of the application and affidavit, together with notice of the day fixed for the hearing, shall be served on the administrator and on such of the persons prescribed in rule 23 as the District Court may direct.

(3) Before removing the administrator on its own motion, the District Court shall call upon him to show cause.

(4) The District Court may, on removing the administrator, order him to pay any sum held by him in trust or any damage found to have been caused through his fault, and may direct payment to be made out of, or by enforcement of, the security given by him.

Maintenance Applications.

27.-(1) Every application under section 26 (1) of the Law for an order that the property or income of a patient may be applied for his maintenance shall be accompanied by a copy of the order of adjudication or confinement. (Form 22.)

(2) Every such application shall state whether or not an administrator has been appointed.

Where an administrator has not been appointed, the application shall set forth the particulars prescribed in rule 22 (2) (d).

(3) A copy of the application with notice of the day fixed for the hearing shall be served on the administrator if there is one, or, if there is none, on such of the persons prescribed in rule 23 as the District Court may direct.

(4) An order under the said section may be enforced in such manner as the District Court may direct. (Form 23.)

Contribution by Relatives.

28.-(1) Every application under section 27 (1) of the Law for an order of contribution by relatives shall be accompanied by a copy of the order of adjudication or confinement and by a copy of any order made under section 26 (1) or of any previous order made under section 27 of the Law. (Forms 24 and 25.)

(2) A copy of the application with notice of the day fixed for the hearing shall be served on the persons against whom the order of contribution is sought.

(3) At the hearing the applicant shall, if necessary, prove service and furnish evidence showing that the patient for whose maintenance the order is sought has no property or that his property is not sufficient for his full maintenance or that his property is insufficient to justify an order under section 26. (1) [*437] of the Law, and that the persons against whom the order is sought possess the means and are able to make contribution.

(4) An order of contribution may be enforced as if the applicant were a judgment creditor and the persons ordered to contribute were judgment debtors.

29.-(1) Every application under section 27 (2) of the Law shall be accompanied by a copy of the order sought to be varied and set forth the facts relied upon. (Form 26.)

Where the application is made by a person who was ordered to contribute the facts relied upon shall be verified by affidavit.

(2) Such an application may be made by the director of health or by any person authorized by him in writing in that behalf.

(3) (a) If the application is made by or on behalf of the director of health, a copy thereof together with notice of the day fixed for the hearing shall be served on any person affected thereby;

(b) if the application is made by a person who was ordered to contribute, a copy thereof and of the affidavit in support, together with notice of the day fixed for the hearing, shall be served on the district medical officer of the district in which the application is to be heard.

Miscellaneous.

30. The day to be fixed for the hearing of any application under section 25, 26, or 27 of the Law shall not, unless the District Court otherwise directs, be less than fourteen days from the day on which the application is filed.

31-(1) Service of documents in proceedings before a District Court shall be effected in the same manner as in civil proceedings.

(2) Save where the District Court otherwise directs, service of notice of the day fixed for the hearing of any matter shall be effected at least ten days before the day of which notice is given.

(3) Save where the District Court otherwise directs, summonses to witnesses shall be served, at least four days before the day for which they are summoned.

(4) Where the District Court makes a special direction with regard to the service of a document, the Registrar of the Court shall endorse such document in red ink with the Court's direction.

32. The procedure to be followed on the hearing of any matter before a District Court shall, as nearly as possible, be the same as the procedure followed in civil proceedings.

33. The costs of any proceedings before a District Court shall be in the discretion of the Court; but the property of a mental patient or criminal mental patient shall not be charged with payment of costs in respect of any proceeding unless the Court is satisfied that the proceeding was for the benefit of such patient or his property.

34. All documents issuing out of a District Court shall be sealed with the seal of the Court. [*438]

35. In proceedings before a District Court the forms provided in Appendix B hereto shall, where applicable, be used with such variations as circumstances may require.

36. The fees set forth in Appendix B hereto shall be charged in respect of proceedings before a District Court or on appeal therefrom.

37. The rules relating to civil proceedings shall apply to any matter arising out of a proceeding before a District Court for which provision is not herein made.

38. Every document forming part of a proceeding before a District Court shall be entitled as follows:-

THE MENTAL PATIENTS LAW, CAP. 120.

In the District Court of.....

Registry of..... No.....

In re A.B. of.....

APPENDIX A.

FORMS AND FEES UNDER PART I OF THE RULES.

FORMS.

(Rule 18.)

Form 1.-Information under section 3 (r. 2).

(Title as in r. 21.)

In re A.B. of....., C.D., of....., informs the Court that he has good cause to suspect and believe and does suspect and believe that A.B., of....., is mentally afflicted and a proper subject of confinement.

.....

Informant.

Sworn before me this..... day of....., 19.....

.....

District Judge/Magistrate.

Form 2.-Summons to suspected person (r. 3.)

(Title as in r. 21.)

In re A.B., of....., To A.B., of....., Whereas C.D. of, has informed the Court upon oath that he has good cause to suspect and believe and does suspect and believe that you are mentally afflicted and a proper subject of confinement:

This is to command you to appear before the Court at..... on the.....day of....., 19....., at 8.30 in the forenoon, for the purpose of an inquiry as to your state of mind.

And you are further directed to submit to an examination by..... of....., a medical practitioner, upon production of his notice of appointment.

Date.....

Seal of the Court. [*439]

Form 3.-Notice of appointment to medical practitioner (r. 5).

(Title as in r. 21.)

In re A.B., of.....

To X.Y., of....., a medical practitioner.

This is to give you notice that the Court has appointed you to examine A.B., of.....

You are required to examine him personally and also to inquire of any person able to give you information as to his previous history.

If as a result of examining him personally you are of opinion that he is mentally afflicted and a proper subject of confinement as a mental patient, you are to fill in the accompanying form of certificate with the required particulars and sign the certificate. But if you are not of such an opinion you are to endorse the form of certificate with a note to that effect without filling in any particulars.

You are to file in Court the form of certificate, whether filled in or endorsed as above directed, at least (three) days before the..... day of....., 19....., which has been fixed for the holding of an inquiry as to the state of mind of the said A.B. and on that day you are to attend the Court at the Inquiry in order to answer such questions as the Court may see fit to allow.

Date.....

Seal of the Court.

Form 4.-Medical certificate (r. 5).

(Title as in r. 21.)

In re A.B. of.....

I, X.Y. of....., a medical practitioner and being in actual practice at..... hereby certify that I, on the..... day of....., 19....., at..... in the district of..... personally examined A.B. of....., and I hereby certify that he is mentally afflicted and a proper subject of confinement as a mental patient, and I have formed this opinion upon the following grounds, namely:-

1. Facts indicating insanity observed by myself.....
2. Other facts (if any) indicating insanity communicated by others.....
3. I have made enquiries of all persons known to me who seem likely to be able to give information as to any facts of the previous history of the said A.B. likely to be of service with reference to the medical treatment. The following statement contains all such facts known to me:-

Statement.

(If any particulars in this statement could not be ascertained it should be so stated).

Name of patient in full.....

Sex and age.....

Married, single or widowed.....

Condition of life and previous occupation, if any.....

Religion..... [*440]

Previous place of abode.....

Character and disposition.....

Whether first attack.....

Complete or incomplete recovery from previous outbreak.....

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

Hereditary or congenital mental deficiency.....

Duration of existing attack.....

Supposed cause.....

Previous worry, strenuous occupation or physical illness.....

Whether subject to epilepsy.....

Habits as to alcohol.....

Whether suicidal tendencies.....

Whether dangerous to others.....

Whether in a fit condition to be moved from his residence.....

Name in full and place of abode of nearest known relative of the patient and degree of relationship.....

Name of person (if any) with whom patient resides and the relationship (if any) of such person to the patient.....

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

X.Y.

Address.....

Form 5.-Notice to suspected person of change in medical practitioner

appointed to examine him (r. 4 (2)).

(Title as in r. 21.)

In re A.B. of.....

To A.B. of.....

This is to give you notice that the appointment of P.Q. of....., the medical practitioner named in the summons addressed to you, has been cancelled.

The Court has now appointed X.Y., of....., a medical practitioner, to examine you, and you are hereby directed to submit to an examination by the said X.Y.

Date.....

Seal of the Court.

Form 6.-Adjudication and order of confinement under sections 6 (1) and 7 (r. 8).

(Title as in r. 21.)

In re A.B. of.....

Whereas on the..... day of....., 19....., C.D. of..... informed the Court upon oath that he had good cause to suspect and believe and did suspect and believe that A.B. of...was mentally afflicted and a proper subject of confinement:

And whereas it appears to the Court that A.B. is a mental patient and a proper subject of confinement

And whereas, as required by the Mental Patients Law, a medical certificate (of which a copy is annexed hereto) of the unsoundness of mind of the said A.B. has been given:

Now, therefore, the said A.B. is hereby adjudged to be a mental patient and a proper subject of confinement, and it is hereby ordered that the said A.B. be confined in a mental hospital subject to the provisions of the Mental Patients Law, and the regulations of such hospital [*441]

(or, be confined by E.F. of..... to whom a licence dated..... to take charge and care of the said A.B. has been issued by the Director of Health, subject to the provisions of the Mental Patients Law, and the terms of such licence.)

Date.....

.....

District Judge/Magistrate.

Seal of the Court.

Form 7.-Particulars to be furnished on appeal from order of adjudication or confinement (s. 9) (r. 8.)

(Title as in r. 21.)

In re A.B. of.....

To the Registrar of the District Court of..... at the Registry of.....

In re the appeal of A.B. of..... (or M.N. of..... on behalf of A.B. of....., as the case may be) from an order of the Magisterial Court of..... sitting at..... dated the..... day of....., 19....., whereby the said A.B. was

(here set out the nature of the order.)

I, the above-named A.B. (or M.N., as the case may be) hereby give you full particulars of the grounds of my appeal to the Supreme Court from the above-described order of the aforesaid Magisterial Court.

(here state fully the grounds of appeal.)

Date.....

.....
Signature of A.B. or M.N. or
his advocate.

Form 8.-Application for rescission of adjudication (r. 11.)
(Title as in r. 21.)

In re A.B., of.....,
Application by I.K., of.....,

Whereas A.B. of....., who was on the..... day of....., 19....., adjudged by the District Court of..... sitting at....., to be a mental patient and a proper subject of confinement, is of sound mind (or, has regained his sanity) :

The Court is hereby prayed to rescind the above-described adjudication.

The said A.B. is now confined in the mental hospital (or, in the licensed house of E.F.) at.....

or

The said A.B. has been allowed to be absent on parole and is in the charge of M.N., of.....

or

The said A.B. has been discharged from hospital and is residing at.....

.....
Date..... Applicant.

Fixed for hearing on the.....
A.B. to be present at the hearing.

(Note.-This application should be accompanied by a copy of the order of adjudication and supported by affidavit). [*442]

Form 9.-Affidavit to accompany application for rescission of
adjudication (r. 11 (1) (b)).
(Title as in rule 21.)

In re A.B. of.....

I, I.K. of..... make oath and state as follows:-

1. I firmly believe that A.B. of....., is of sound mind (or has regained his sanity).
2. The grounds of my belief are..... (set them out fully).

I.K.

Sworn before me on.....

.....Registrar, District Court.

Form 10.-Order for the release of a mental patient (r. 11(2)).

(Title as in rule 21.)

In re A.B. of.....

Upon the application of I.K., of....., Coming on for hearing before the Court on the..... day of.....,19.....

And it appearing to the Court that the above-named A.B. who is now confined as a mental patient in the mental hospital (or in the licensed house of E.F.) at.....

or

who is now in the charge of M.N. of....., as a mental patient on parole..... is of sound mind (or has regained his sanity):

It is hereby ordered that the superintendent of the said mental hospital (or E.F. or M.N., as the case may be) do discharge the said A.B. and suffer him to go at large whithersoever he will.

Date.....

.....

Seal of the Court.

District Judge/Magistrate.

Form 11.-Information under s. 16 (2) (r.12.)

(Title as in rule 21.)

In re A.B. of.....,

L.M., a peace officer of the rank of (sergeant) informs the Court that the above-named A.B., a criminal mental patient who was discharged from the (criminal) mental hospital at..... by order of the Governor dated..... has broken the condition laid down in the said order that he should..... here set out condition stated to have been broken).

.....

Informant.

Sworn before me on.....

.....

District Judge/magistrate.

Note. -Accompany by copy of Governor's order). [*443]

Form 12.-Warrant for arrest of a criminal mental patient (r. 12 (a).)

(Title as in r. 21.)

In re A.B. of.....

To the superintendent of Police,....., and all other peace officers in Cyprus.

Whereas L.M., a peace officer of the rank of (sergeant) has informed the Court upon oath that the above-named A.B., a criminal mental patient who was discharged from the (criminal) mental hospital at..... by order of the Governor dated..... has broken the condition that he should (here set out condition stated to have been broken).

You are hereby authorized and required to arrest the said A.B. and forthwith bring him before the Court at..... for the purpose of the proceedings to be had upon the information.

You are further required on arresting the said A.B. to inform him of the condition of his discharge from hospital stated to have been broken.

Date.....

Seal of the Court. District Judge/Magistrate.

Form 13.-Warrant for re-committal of criminal mental patient.

(s. 16 (2)) (r. 12).

(Title as in r. 21.)

In re A.B., of.....

To the Superintendent of Police,, and all other peace officers in Cyprus.

Whereas by an order of the Court dated the..... day of....., 19....., it is ordered that A.B. be conveyed to the mental hospital (or the criminal mental hospital, as the case may be) at.....

You are hereby authorized to (arrest and) convey the said A.B. to the said hospital and to deliver him to the superintendent thereof there to be kept in safe custody, for which this warrant shall be sufficient authority.

Date.....

Seal of the Court. District Judge/Magistrate.

Form 14.-Application for further order of confinement in consequence of

revocation of licence (r. 13).

(Title as in r. 21.)

In re A.B. of.....

Ex-parte I.K., (on behalf of the) director of Medical and Health Services.

Whereas the above-named A.B. is now confined as a mental patient by E.F. in his house at..... under a licence issued to him on the..... day of.....,19.....

And whereas the said licence has been revoked by the Director of Medical and Health Services as stated in the accompanying certificate under his hand :-

The Court is therefore prayed to make such further order as to the confinement of the said A.B. as to the Court seems fit.

Date.....

.....
I.K., (on behalf of) Director of Medical and Health services. [*444]

Fixed for hearing on.....

A.B. not to be brought to Court on the day.

.....
Registrar, District Court.

Form 15.-Order for removal of mental patient from licensed house (r. 13.)

(Title as in r. 21.)

In re A.B., of.....

To E.F. of.....

Whereas the licence issued to you on the..... day of....., 19....., to have the above-named A.B. in your charge and care has been revoked:

You are therefore hereby required forthwith to deliver the said A.B. to N.O. of..... who has been appointed to receive the said A.B. in his custody.

Seal of the Court.

.....
District Judge/Magistrate.

FEES.-(r.19).

The following fees shall be paid in stamps to be disposed of as directed in each case:-

	s.	p.
1. On swearing an information under section 3 of the Law Stamps to be affixed to information.	2	0
2. On issuing a summons to a suspected person Stamps to be affixed to the counterfoil in book from which the summons is taken.	5	0
3. On swearing any affidavit other than one of service Stamps to be affixed to affidavit.	2	0
4. On filing any affidavit other than one of service Stamps to be affixed to affidavit.	2	0
5. On issuing a summons to a witness Stamps to be affixed to counterfoil in book from which the summons is taken.	1	4½
6. For the service of any document Stamps to be disposed of as in criminal proceedings.	Same as in criminal proceedings.	
7. For furnishing copies of the proceedings to be disposed of as in criminal proceedings.	Same as in criminal proceedings.	

None of the above fees shall be charged in respect of a proceeding taken on behalf of a Government Department.

APPENDIX B.

FORMS AND FEES UNDER PART 11 OF THE RULES.

FORMS.-(r. 35).

Form 16.-Application for appointment of administrator. (r. 22).

(Title as in r. 38.)

In re A.B., of.....

Ex-parte I.K., of....., applicant (Official title if on behalf of Government. [*445]

Whereas the above-named A.B. is a mental patient (or a criminal mental patient, as the case may be) by virtue of an order of the District (or, Assize) Court of..... dated the..... day of..... 19....., whereof a copy is attached hereto :

The Court is prayed to appoint an administrator of the property of the said A.B.

The said A.B. is confined in the mental hospital (or the criminal mental hospital, or the licensed house of E.F., as the case may be) at.....

or

The said A.B. has been allowed to be absent on parole and is in the charge of M.N. of.....

or

The said A.B. has been discharged and resides at.....

Date.....

Applicant.

Fixed for hearing on.....

To be served (under r. 23 (r. 23.(c)) on.....

Registrar, District Court.

(Note.-Accompany by copy of District or Assize Court's order and support by affidavit in Form 17).

Form 17.-Affidavit in support of application for appointment of administrator (r. 22).

(Title as in r. 38)

In re A.B., of.....

Re the application dated.....

I, I.K., of....., the applicant, make oath and say to the best of my knowledge and belief as follows:-

- 1. The above-named A.B. is a mental patient whose adjudication as such has not been rescinded and who has not been discharged as having regained his sanity.

or

1. The above-named A.B. is a criminal mental patient who has not been discharged as having regained his sanity.

2. The following particulars are true:-

(a) My relation to the said A.B. is..... and my interest in the proper administration of his property is.....

(b) The property of the said A.B. consists of:-

(i) a house at..... approximate value....., etc.

(c) (i) The said house is occupied by (state whom), etc.

(d) The said A.B. has living the following relative:-

(follow rule 22 (2) (d)).

(e) Suggested administrator-C.D. of....., who is willing to act and competent so to do. His relation to the said A.B. is that of..... [*446]

3. The application is made bona fide with a view to the benefit of the said A.B. or to the due and proper administration of his property and affairs.

.....
Applicant.

Sworn before me on.....

.....
Registrar, District Court.

Form 18.-Security bond (r. 24).

(Title as in r. 38.)

In re A.B., of.....

Know all men by these presents that we C.D., of....., the administrator, and E.F. of..... and G.H. of....., the sureties, as also our heirs, executors, and assigns, are bound to the Registrar of the above Court and his successors and representatives in office, the said C.D. as principal in the sum of £....., and the said E.F. as surety in the sum of £....., and the said G.H. as surety in the sum of £....., to pay the said several sums or any part thereof as directed by the said Court. In witness whereof we hereunto set our hands and seals this day of....., 19.....

.....
.....

The condition of this bond is that if C.D., the administrator, duly and properly administers the property and affairs of A.B. of....., a mental patient (or, a criminal mental patient, as the case may be), according to the Mental Patients Law, and the regulations made thereunder and the said Court's directions, then the above obligation shall be void, otherwise it shall be of full force.

Signed, sealed and delivered by C.D., E.F., G.H. in the presence of....., witnesses on the..... day of....., 19.....

(Note.-(1) To be stamped according to amount of security.

(2) The memorandum required by rule 24 (2) where security is given otherwise than by bond may be adapted from the above form.)

Form 19.-Appointment of administrator (r. 25).

(Title as in r. 38.)

In re A.B. of.....

Ex-parte I.K. of..... (Official title if Oil behalf of Government).

Upon hearing the application of I.K. of..... for the appointment of an administrator of the property of the above-named A.B., a mental patient (or, a criminal mental patient, as the case may be) by virtue of an order of the District (or Assize) Court of..... dated the..... day of....., 19..... ; and it appearing to the Court expedient that an appointment should be made and that C.D. of..., is willing to be appointed administrator and competent to discharge the duties thereof:

It is ordered that the said C.D. be and he is hereby appointed administrator of the property of the said A.B. under the Mental Patients Law, upon giving security in the sum of £....., with two sureties approved [*447] by the Court, one in £..... and another in £..... (or as the case may be), and that the said C.D. do administer the said property according to the said Law and the regulations made thereunder and the directions of the Court; and further that the said C.D. do make and file an inventory verified upon oath of the said property showing its approximate value and income.

(Here add any specific directions: See r. 25 (3)).

Date.....

.....

District Judge/Magistrate.

Note.-The administration is undertaken free of charge (or, upon a remuneration of £....., or, upon a remuneration to be fixed by the Court later, as the case may be).

Form 20.-Application for removal of administrator (r. 26).

(Title as in r. 38.)

In re A.B. of.....

Ex-parte G.H., of....., applicant.

The Court is prayed to remove C.D. of..... from his office of administrator of the property of the above-named A.B. on the following grounds :

(Here set out fully the grounds.)

2. The Court is also prayed to order the said C.D. to pay the sum of £..... or any other sum found to be held by him in trust: the said sum of £..... is made up as follows:-

(Give detailed account.)

3. The Court is also prayed to order the said C.D. to pay the sum of £..... or any other sum found by the Court, by way of damage caused through his fault under the following circumstances:-

(Explain fully.)

Date.....

.....

Applicant.

To be served on C.D. the administrator and on..... Fixed for hearing on the..... day of....., 19.....

.....
Registrar, District Court.

(Note.-Accompany by affidavit in Form 21.)

Form 21.-Affidavit to accompany application for removal
of administrator (r. 26.)
(Title as in r. 38.)

In re A.B. of.....

Re the application dated.....

I, G.H. of....., applicant, make oath and say as follows;-

1. That the grounds set forth in my application are true to the best of my knowledge and belief.
2. That the sum of £..... as set forth in paragraph 2 of my application and the sum of £..... as set forth in paragraph 3 thereof are justly due by C.D. the administrator. [*448]
3. My relation to A.B. is that of....., and my interest in the proper administration of his property is.....
4. I suggest L.M., whose relation to A.B. is that of....., for appointment in the place of C.D. L.M. is willing to be appointed administrator and competent to discharge the duties thereof.

G.H.

Sworn before me on.....

Applicant : Deponent

.....

Registrar, District Court.

Form 22.-Application for an order that patient's property or income be applied for his maintenance (r. 27).

(Title as in r. 38.)

In re A.B. of.....

Ex-parte N.O., (Official title, on behalf of the) Director of Medical and Health Services, applicant.

Whereas the above-named A.B. is a mental patient (or, a criminal mental patient, as the case may be) by virtue of an order of the District (or, Assize) Court of....., dated the..... day of....., 19....., (whereof a copy is attached hereto), and has since the..... day of....., 19....., been confined and maintained in the mental hospital (or, criminal mental hospital, as the case may be) at.....

The Court is prayed to make an order as to the application of the property (or, income) of the said A.B., towards the expenses of his past and future maintenance and support.

C.D. of..... is the administrator of A.B.'s property.

or

No administrator has been appointed : (here set out particulars in accordance with rule 22 (2) (d) as directed by r. 27 (2)).

.....
Applicant.

To be served on (see r. 27 (s)).

.....

Fixed for hearing on.....

.....
Registrar, District Court.

(Note.-Accompany by copy of District or Assize Court's order).

Form 23.-Order that patient's property or income be applied
for his maintenance (r. 27 (4)).
(Title as in r. 38.)

In re A.B., of.....

Ex-parte N.O., (Official title-on behalf of the) Director of Medical and Health Services.

Upon the application of N.O., it appearing to the Court that the above- named A.B., a mental patient (or, a criminal mental patient, as the case may be), has since the..... day of....., 19....., been maintained, and that he is still maintained, at the mental hospital (or, criminal mental hospital, as the case may be) at..... ; and it also appearing that C.D. of....., the administrator [*449] of his property, holds in trust the sum of £..... (or, that he has property to the value of £....., or, that he has property producing an (annual) income of £....., as the case may be) ; and it also appearing that the expenses of his past maintenance and support amount to £....., and that the (yearly) expense of his future maintenance and support will be at the rate of £.....

It is hereby ordered that (set out order in regard to expenses of past maintenance).

And it is further ordered that so long as the said A.B. lives and continues to be an inmate of the said hospital (set out order in regard to expense of future maintenance).

Date.....
.....
District Judge/Magistrate.

(Note.-If an order of sale is made, specify fully property to be sold, and manner of sale, and how proceeds should be disposed of. If the order is for the application of specific income, specify fully the property of which the income is to be applied).

Form 24.-Application for an order of contribution by relatives (r. 28).

(Title as in r. 38.)

In re A.B. of.....

Ex-parte N.O., (Official title-on behalf of the) Director of Medical and Health Services, applicant.

Whereas the above-named A.B. is a mental patient (or, a criminal mental patient, as the case may be) by virtue of an order of the District (or, Assize) Court of..... dated the..... day of....., 19....., (whereof a copy is attached hereto), and is now confined and maintained in the mental hospital (or, criminal mental hospital, as the case may be) at.....

And whereas the said A.B. has no property (or, the said A.B.'s property is not sufficient for his full maintenance and support, or, the said A.B.'s property is insufficient to justify an order under section 26 of the Mental Patients Law, as the case may be)

The Court is therefore prayed to make an order directing the under- mentioned relatives of the said A.B. to contribute towards his maintenance and support during his confinement in the said hospital in such shares as may seem fit, namely:-

P.Q. of..... wife (etc.: see s. 27 (1) of the Law).

Date.....

Applicant.

Fixed for hearing on.....

Registrar, District Court.

(Note.-Accompany by copy of District or Assize Court's order, and by Copies of any orders already made under section 26 or 27 of the Law). [*450]

Form 25.-Order for contribution by relatives (r. 28 (k)).

(Title as in r. 38.)

In re A.B., of.....

Ex-parte N.O., (Official title-on behalf of the) Director of Medical and Health Services.

Upon the application of N.O., it appearing to the Court that the above named A.B., a mental patient (or, a criminal mental patient) is now maintained at the mental hospital (or, criminal mental hospital) at..... and that he has no property (or, that his property is not sufficient for his full maintenance and support, or, that his property is insufficient to justify an order under section 26 of the Mental Patients Law); and it also appearing that the following relatives of the said A.B., namely P.Q. of..... his wife, R.S. of....., his father, (etc.), who have been given sufficient notice of the intention to apply for an order directing them to contribute towards the maintenance and support of the said A.B., possess the means and are able to make such contribution:

It is hereby ordered that so long as the said A.B., lives and continues to be an inmate of the said hospital the said relatives shall contribute per (week) as from (to-day) the following several sums :-

P.Q. wife £ s . p.

R.S. father £ s. p. (etc.)

.....
District Judge/Magistrate.

Date.....

Form 26.-Application to vary order for contribution (r. 29).

(Title as in r. 38.)

In re A.B., of.....

Ex-parte N.O., (Official title-on behalf of the) Director of Medical and Health Services,
applicant,

or

Ex-parte P.Q. of....., applicant.

Whereas on the..... day of....., 19....., an order was made directing P.Q
of....., (the wife) of the above-named A.B., to contribute the sum of
£.....s.....p..... per (week) as from the..... day of.....,19.....,
towards the maintenance and support of the said A.B. during his confinement in the
mental hospital (or, criminal mental hospital, as the case may be) at.....

The Court is prayed to vary the said order by reason of the following facts:-

(Here set out facts fully.)

.....
Applicant.

Date.....

Fixed for hearing on.....

.....
Registrar, District Court.

(Notes.-(1) Accompany by copy of order sought to be varied.

(2) If applicant is a person ordered to contribute, he should support his
application by filing an affidavit verifying the facts relied upon). [*451]

FEES.-(r. 36).

The following fees shall be paid in stamps to be disposed of as directed in each
case:-

	s	p
1. On swearing any affidavit other than one of service Stamps to be affixed to affidavit.	2	0
2. On filing any affidavit other than one of service Stamps to be affixed to affidavit.	2	0
3. On entering any order of the District Court other than an order for the appointment or removal of an administrator Stamps to be affixed in book in which the order is entered.	7	4½
4. On lodging a notice of appeal to the Supreme Court Stamps to be affixed to notice of appeal.	10	0
5. On entering any order of the Supreme Court	10	0

- | | | | |
|----|---|---|------------------------------|
| | Stamps to be affixed in book in which the order is entered. | | |
| 6. | On issuing a summons to a witness
Stamps to be affixed to counterfoil in book from which the summons is taken. | 1 | 4½ |
| 7. | For the service of any document
Stamps to be disposed of as in civil proceedings. | | same as in civil proceedings |
| 8. | For furnishing copies of the proceedings
Stamps to be disposed of as in civil proceedings. | | same as in civil proceedings |

None of the above fees shall be charged in respect of a proceeding taken on behalf of a Government Department.