

SCHEDULES

FOURTH SCHEDULE

Section 120.

MODIFICATIONS OF PROVISIONS OF LUNACY REGULATION (IRELAND) ACT, 1871

- 1 In the definitions in section two of the Lunacy Regulation (Ireland) Act, 1871 (in this Schedule referred to as " the Act"), the expression " stock " shall be defined to include shares and also any fund, annuity or security transferable in the books kept by any body corporate or unincorporated company or society, or by an instrument of transfer, either alone or accompanied by other formalities, and the expression " dividend " shall be construed accordingly.
- 2 Section eighteen of the Act (which contains provisions requiring an inquiry under the Act to be before a jury where the alleged lunatic is not within the jurisdiction and provisions respecting notice to be given to such a lunatic) shall cease to have effect.
- 3 In section sixty-eight of the Act (which provides that where the property of a lunatic does not exceed two thousand pounds in value or the income thereof one hundred pounds per annum the application thereof for his benefit may be ordered without any inquiry under a commission of lunacy) for the words " two thousand pounds " there shall be substituted the words " ten thousand pounds " : for the words " one hundred pounds " there shall be substituted the words " five hundred pounds " : for the words " for the purpose of rendering the property of such person or the income thereof," there shall be substituted the words " for the purpose of protecting the property of such person or the income thereof or of rendering such property or income " ; and after the words " trade or business " there shall be inserted the words " or for otherwise administering the affairs of such person.
- 4 For section ninety-one of the Act (which authorises the making of orders with respect to stock standing in Northern Ireland in the name of a lunatic residing outside Northern Ireland) there shall be substituted the following section:—

“**91** Where the Lord Chief Justice of Northern Ireland is satisfied—

 - (a) that under the law prevailing in a place outside Northern Ireland a person has been appointed to exercise powers with respect to the property or affairs of any other person on the ground (however formulated) that that other person is incapable, by reason of a disorder or disability of mind, of managing and administering his property or affairs ; and
 - (b) that having regard to the nature of the appointment and to the circumstances of the case it is expedient that he should exercise his powers under this section:

he may direct any stock standing in the name of the said other person or the right to receive the dividends thereof to be transferred into the name of the person so appointed or otherwise dealt with as requested by that person, and may give such directions as the judge thinks fit for dealing with accrued dividends thereof.”

Status: This is the original version (as it was originally enacted).

5 In section ninety-six of the Act (which prescribes the extent of the powers and authorities given by the Act) for the words "(except England, Wales and Scotland)", there shall be substituted the following words :—

“but shall not be exercisable in relation to any person—

- (a) in relation to whom powers have been exercised in England or Wales under any enactment there in force with respect to the management of property or affairs of mentally disordered persons: or
- (b) for whom a curator bonis, tutor, or judicial factor has been appointed in Scotland”.