



# Lunacy Regulation (Ireland) Act 1871

## CHAPTER 22

### LUNACY REGULATION (IRELAND) ACT 1871

- 1 Title of Act.
- 2 Interpretation of terms.
- 3 The clerk of the custodies to be styled the registrar in lunacy; his duties and salary.
- 4 Copies of medical certificates, &c. certifying as to lunacy to be transmitted to registrar.
- 5 Manager, &c. of asylum, on receiving any lunatic, &c. to make return.
- 6 Persons treating any other as lunatic, &c. to make return.
- 7 Persons making wilfully false returns to be guilty of perjury.
- 8 Persons neglecting to make return to be subject to penalty.
- 9 No penalty to be exacted in case of unavoidable accident.
- 10 Penalties under the Act how recovered.
- 11 Medical visitors may be ordered to visit alleged lunatic, and report.
- 12 Inquiry may be ordered on the report of visitor.
- 13 Alleged lunatic within jurisdiction to have notice, and may demand an inquiry before a jury.
- 14 Where alleged lunatic demands a jury, Lord Chancellor may examine him as to competency, and order a jury.
- 15 Cases where a jury may be dispensed with.
- 16 Issue of lunacy may be sent to a common law court, &c.
- 17 Order of Lord Chancellor or certificate of judge to be deemed an inquisition.
- 18 Jury to be had if lunatic out of jurisdiction.
- 19 Inquiry not to be carried back, except under special order.
- 20 Last five sections not to apply to pending petitions.
- 21 Nothing to preclude the Lord Chancellor from issuing a special commission.
- 22 Inquiry by legal visitors may be directed.

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- 23 Evidence may be oral, &c.
- 24 Lord Chancellor or master may administer oath.
- 25 Swearing of affidavits in the colonies, &c.
- 26 Form of affidavits.
- 27 Short form of affidavit for verification of documents, as in schedule.
- 28 Witnesses maybe cross-examined orally. How expenses to be paid.
- 29 Masters may issue advertisements.
- 30 Lord Chancellor may authorise payment or transfer into court of money or stock as security for receiver.
- 31 Grant of custody may be extended to surviving committees in certain cases.
- 32 Master to allow items, subject to appeal to Lord Chancellor.
- 33 Lord Chancellor may dispense with attendance of next of kin.
- 34 In cases of members of same family, proceedings may be consolidated, and evidence interchanged.
- 35 Master may direct times, &c. of proceeding before him.
- 36 Master to inquire into delays.
- 37 Master may disallow costs.
- 38 Documents not to be of unnecessary length.
- 39 Master may report decision pending inquiry.
- 40 Form of reports.
- 41 Reports to be filed with registrar in lunacy only.
- 42 Objections to report may be brought in.
- 43 No petition against confirmation, but objections to be brought forward on petition for confirmation.
- 44 Reports not objected to may be confirmed without petition.
- 45 Such reports to contain consequential directions, and fiat of Lord Chancellor to give them operation of orders.
- 46 Cases in which reports shall not be confirmed without petition.
- 47 Form of Orders.
- 48 Orders to be entered by the registrar, and office copies to be furnished and signed by him.
- 49 Money orders to be acted upon by Accountant General as if drawn up by the Registrar of the Court of Chancery. Registrar to certify to Accountant General.
- 50 Persons forging the signature or seal of the registrar guilty of felony.
- 51 Notwithstanding the death of lunatic, the Lord Chancellor's control over his estate to continue.
- 52 Upon death of lunatic the committee to bring in statement of facts. The master to report thereon.
- 53 Master may open and deliver out will.
- 54 Report upon the death of lunatic not to be confirmed save by order of the Lord Chancellor.
- 55 Order by the Lord Chancellor upon any such report.

#### *Visiting*

- 56 Duties of visitors.
- 57 All lunatics to be visited four times a year.
- 58 Visitors to report to Lord Chancellor.
- 59 Visitors reports to be kept secret, and destroyed on death, &c.
- 60 Committee may surrender lease, and accept renewal.
- 61 Charges of renewal to be charged on estates.

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- 62 New leases to be to the same uses.
- 63 Lunatic's property may be sold, mortgaged, &c., for debts, maintenance, &c.
- 64 Power to charge lunatic's property for his maintenance, debts, and costs.
- 65 Modes in which future maintenance may be charged when interest not in possession.
- 66 Expenses of improvements may be charged on estate.
- 67 Surplus of moneys to be of the same nature as the estate.
- 68 Power to Lord Chancellor, where property of lunatic does not exceed £2,000 in value, or £100 per annum, to apply it for his benefit in a summary manner, without inquisition.
- 69 Power to sell land or other property of lunatic for his benefit.
- 70 Power to apply property of persons acquitted on the ground of insanity for their benefit.
- 71 Where lunacy temporary, Lord Chancellor may apply cash arising from income for temporary maintenance, without grant, &c.
- 72 Committee may convey land in performance of contracts.
- 73 Lord Chancellor may dissolve partnership, and committee may convey partnership property.
- 74 Committee may make sale, partition, or exchange.
- 75 Committee may sell land for building purposes.
- 76 Committee may assign business premises.
- 77 Committee may dispose of undesirable lease.
- 78 Committee may make building and other leases, subject to such covenants as Lord Chancellor shall order.
- 79 Committee may make leases of mines already opened.
- 80 Committee may, where necessary for maintenance of lunatic, or expedient, make leases of mines unopened.
- 81 Lord Chancellor, in matters of lunacy, enabled to empower committees of estates to grant leases binding on issue or remaindermen.
- 82 Produce of newly-opened mines, where necessary for lunatic's maintenance, to be so applied; otherwise to be carried to separate account, and be considered real estate.
- 83 Committee may execute leasing powers of lunatic having limited estate.
- 84 Committee may accept surrender, and make new lease.
- 85 Fines, how to be paid. On death of lunatic, quality of money arising by fines.
- 86 Committee may exercise power vested in lunatic for his own benefit or give consent.
- 87 Committee may exercise power vested in lunatic in character of trustee or guardian, &c.
- 88 Appointment of new trustees under power to have effect of appointments by Court of Chancery, and like orders may be made as under Trustee Act, 1850.
- 89 Deeds, &c. executed under this Act to be as valid as if lunatic had been of sound mind.
- 90 Stock belonging to lunatic may be ordered to be transferred.
- 91 Stock in name of lunatic residing out of Ireland may be ordered to be transferred.
- 92 Who shall be appointed to make transfer.
- 93 All deeds, transfers, payments, &c. made in pursuance of this Act to be valid and binding.
- 94 Costs may be paid out of estate.

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- 95 Act not to subject lunatic's property to debts.
- 96 Powers to extend to colonies, &c.

#### *Traverse*

- 97 Petitions for traverse to be presented within a limited time.
- 98 Persons not petitioning or not proceeding to trial within limited time barred
- 99 Lord Chancellor may direct new trials.
- 100 Lord Chancellor may, notwithstanding traverse, make orders for management of person and estate.
- 101 No traverse of an inquisition made by one of the judges of the superior courts and by a jury to be granted, but new trial may be ordered by the Lord Chancellor.
- 102 Commission may be superseded on conditions.
- 103 Power to appoint a guardian of person of weak mind.
- 104 No order to have validity for more than six months.
- 105 Guardian to file monthly accounts.
- 106 Hearing of petition for guardian to be in camera.
- 107 Conveyances, transfers, &c. executed by guardian to be valid.
- 108 Appointment of future registrars.
- 109 Annual percentage to be charged on estates of lunatics.
- 110 Master to certify the amount of the clear annual income of each lunatic.
- 111 Percentage to be paid notwithstanding death, &c. before payment.
- 112 Power to Lord Chancellor to alter per-centage and fees.
- 113 Power to exempt small properties.
- 114 Provisions respecting per-centage and fees to apply to cases under 8 & 9 Vict. c.100 and to certain cases where lunatic is out of jurisdiction.
- 115 Lord Chancellor may direct annul ties to be paid to registrars, &c.
- 116 Annuities and salaries to be in lieu of fees.
- 117 Lord Chancellor may direct office expenses, &c. to be paid, out of the fees.

#### *General Orders*

- 118 Power to Lord Chancellor to make general orders.

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SCHEDULE I —

SCHEDULE II — SHORT FORM OF AFFIDAVIT.