

MAGISTRATES' COURTS ORDINANCE 1977:
(ORDINANCE NO 17 OF 1977)

MAGISTRATES' COURTS (PRESCRIBED FORMS)
(AMENDMENT) RULES 1980

In exercise of the powers conferred by section 88(b) of the Magistrates' Courts Ordinance 1977, the Chief Justice hereby make the following Rules:

Citation.

1. These Rules may be cited as the Magistrates' Courts (Prescribed Forms) (Amendment) Rules 1980.

Amendment of
Magistrates' Courts
(Prescribed
Forms) Rules
1978 LN 68/78

2. The Magistrates' Courts (Prescribed Forms) (Amendment) Rules 1978 (hereinafter referred to as the principal Rules) are amended as follows:

(a) by the addition immediately after Rule 37 of the principal Rules of the following new Rule:

"Form 38 (Form for examination of person suspected of being of unsound mind) Cap 37 38. Form 38 shall be the prescribed form for use where a person suspected of being of unsound mind is brought before a Magistrates' Court under section 7 of the Mental Treatment Ordinance and the Magistrates, having heard evidence on oath, are not satisfied that there is any or any sufficient medical evidence upon which to commit the person suspected of being of unsound mind under section 8, and consider that he should be properly examined and diagnosed.

(b) by the addition to the Schedule to the principal Rules of the following new form

FORM 38 - Civil/Criminal
(Prescribed Forms Rule 38)

MENTAL TREATMENT ORDINANCE
CAP 37

ORDER FOR EXAMINATION OF PERSON
SUSPECTED OF BEING OF UNSOUND MIND

To ALL POLICE OFFICERS IN KIRIBATI

WHEREAS.....has been today brought
(name of suspected person)

before the Magistrates' Court for the.....Magisterial
District under the provisions of section 7 of Cap 37 sus-
pected of being of unsound mind;

AND WHEREAS on evidence on oath before us it is considered
that he may be of unsound mind and be in need of care and
protection;

AND WHEREAS there is no medical doctor on.....sufficiently
qualified to give a correct diagnosis of.....
(name of suspected person)

mental state under the provisions of section 8 of Cap 37;

WE ORDER that.....be taken by the
(name of suspected person)

Police to the Mental Wing of the T.C. Hospital Bikenibeu
and be there examined by the psychiatrist.....
who should return him under Police escort to this Court
with his report (and give evidence before us)* as to the
mental state of onthe
(name of suspected person)

.....day of.....19..
at 9.30 a.m. when this Court will decide what action to
take under section 8 of the Mental Treatment Ordinance
(Cap 37).

Order made at thisday of
.....19....

PRESIDING MAGISTRATE

*delete if oral evidence is not necessary, or if it is
too difficult for the medical representative to be
present. "

Made at the High Court, Betio, this 5th day of November
1980.

J A O'BRIEN QUINN
Chief Justice