

LUNACY (AMENDMENT) ACT.

Act No. 3, 1955.

An Act to confer power on the Master in Lunacy Elizabeth II,
No. 3, 1955. to deal in certain circumstances with property in New South Wales of mentally defective, insane or lunatic patients confined in other British countries; for this purpose to amend the Lunacy Act, 1898-1952; and for purposes connected therewith. [Assented to, 8th March, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Lunacy (Amendment) Act, 1955." Short title and citation.

(2) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898-1955.

2. The Lunacy Act, 1898-1952, is amended—

(a) by inserting next after Part VIII the following new Part:— Amendment of Act No. 45, 1898.
New Part VIIIa.

PART VIIIa.

Special provisions relating to the property of mental patients residing outside New South Wales.

167A. (1) In this Part of this Act—

"Reciprocating state" means any part of Her Majesty's dominions outside New South Wales which has been declared under subsection two of this section to be a reciprocating state for the purposes of this Part of this Act. Interpretation and application of Part.

(2)

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(2) Where the Governor is satisfied that the laws in force in any part of Her Majesty's dominions outside New South Wales are such as to enable powers to be exercised in that part in cases of insane patients residing in New South Wales substantially similar to the powers conferred by this Part of this Act in cases of mentally defective, insane or lunatic patients residing in that part, the Governor may by proclamation published in the Gazette declare that part to be a reciprocating state for the purposes of this Part of this Act, and thereupon that part shall become a reciprocating state within the meaning of this Part of this Act.

(3) The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation under this section.

(4) References in the foregoing provisions of this section to Her Majesty's dominions outside New South Wales shall be construed as including references to any territory which is under Her Majesty's protection and to any territory the subject of a trusteeship agreement approved by the General Assembly of the United Nations which is under the administration of a government of any part of Her Majesty's dominions.

Powers of
Master as to
property in
New South
Wales of
mental
patient
confined in
reciprocating
state.

167B. (1) If the officer charged by the laws of a reciprocating state with the care, recovery, collection, preservation and administration of the property and estates of mentally defective, insane or lunatic patients in any hospital, **asylum** or other institution situated in that state and authorised for the reception and care of persons of unsound mind—

(a) certifies in writing under his hand and seal to the Master that any person is a mentally defective, insane or lunatic patient residing in that state and is confined in any such hospital, **asylum** or

or other institution and that he is No. 3, 1955.
possessed of or entitled to or appears
to be entitled to or interested in real
or personal property in New South
Wales; and

(b) by instrument in writing under his
hand and seal authorises the Master
to collect, recover, manage, sell or
otherwise dispose of and administer
such property or to make inquiry
respecting such property,

the Master shall have and may exercise over and
in respect of such property the same powers of
collection, recovery, management, sale, disposi-
tion, administration, and inquiry as he would
have had and may have exercised over such
property if such mentally defective, insane or
lunatic patient had been resident in New South
Wales and an insane patient within the meaning
of this Act; and the provisions of this Act apply
in respect of such property accordingly.

(2) Where the Master has, pursuant to
any such authority as is referred to in para-
graph (b) of subsection one of this section and
in the exercise of the powers conferred upon
him by that subsection, received any moneys or
properties, the Master may, after—

(a) payment of all costs, charges and
expenses incurred in the exercise of
those powers pursuant to that auth-
ority; and

(b) satisfying or providing for the follow-
ing debts and claims of which he has
notice, namely, debts of the mentally
defective, insane or lunatic patient
named in such authority owing to per-
sons resident in New South Wales and
the claims of persons so resident
against that patient,

pay

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pay over or deliver the balance of such moneys or properties to the officer of the reciprocating state who signed such authority or his successor in office, without seeing to the application thereof, and without incurring any liability in respect of such payment over or delivery, and shall duly account to that officer or his successor for that balance.

Sec. 1.
(Consequen-
tial.)

(b) by inserting in section one next after the matter relating to Part VIII the following matter:—

PART VIII A.—*Special provisions relating to the property of mental patients residing outside New South Wales—ss. 167A, 167B.*
