

CHAPTER 112
LUNACY LAW
Arrangement of sections

Section

PART I—PRELIMINARY

1. Short title
2. Interpretation

PART II—DECLARATION OF ASYLUM

3. Power to declare an asylum
4. Establishment of asylums by local governments
5. Superintendent of asylum
6. Power to appoint officers
7. Visitors of asylums
8. Visitors book to be kept
9. Visiting committee to be appointed
10. Temporary detention of a suspected lunatic on a medical officer's certificate
11. Magistrate may hold inquiry
12. Medical certificate
13. Adjudication of lunatic
14. Procedure where no medical practitioner in the area
15. Suspected person not to be detained for longer than one month
16. Fees to medical practitioners

PART III—DISCHARGE OF LUNATICS

17. Discharge on certificate of sanity
18. Power of Commissioner to order discharge of lunatic
19. Property found on lunatic liable for his support
20. Power of court to apply property of lunatic towards the maintenance of the lunatic or his family
21. Liability of a community to pay for maintenance of a lunatic

PART V—MISCELLANEOUS

22. scape of Lunatic
23. Power to remove lunatic to hospital
24. Removal of lunatics
25. Notice of death of lunatic

PART VI —OFFENCES AND REGULATIONS

26. Officers ill-treating lunatic or violating rules
27. Offences by person in charge of lunatic on trial
28. Power to make regulations

SCHEDULE

CHAPTER 112
LUNACY LAW

ANSL, Cap. 87

A Law to provide for the custody and removal of lunatics.

[27th August, 1991]

PART I—PRELIMINARY

Short title
Interpretation

1. This Law may be titled as the Lunacy Law.
2. In this Law —

"area" means one or more Local Government Areas in respect of which an asylum is established;

"asylum" means a lunatic asylum appointed or established under this Law;

"community" includes house, family, town, village, and quarter of a town or village;

"lunatic" includes an idiot and any other person of unsound mind;

"Visiting committee" includes any two members of the visiting committee of any asylum sitting together.

PART II—DECLARATION OF ASYLUMS

3. (1) The Commissioner may, by Gazette notice, appoint the whole or part of any building with any out-houses, grounds or premises thereto belonging, to be a lunatic asylum.

(2) All places declared to be lunatic asylums before the commencement of this Law shall be deemed to have been appointed under this Law.
(3) The Commissioner may, in like manner, declare that any place shall cease to be a lunatic asylum.

Power to
declare an
asylum.

4. (1) Except with the consent of the Commissioner first obtained, a local government shall not establish or maintain any place for the confinement of lunatics.

(2) The Commissioner may direct any local government to establish and maintain one or more lunatic asylums for the confinement of lunatics subject to his jurisdiction.
(3) A lunatic asylum established by a local government with the approval or on the direction of the Commissioner shall, and until ordered by the Commissioner to be closed, be an asylum for the purposes of this Law.

Establishment
of asylums by
local
government.

Superintendent
of asylum:

5. Such medical officer as the Commissioner may appoint and in the absence of such appointment, the medical officer in charge of the area in which any asylum is situated shall be in charge of and shall generally superintend the management of such asylum and shall be termed the superintendent of such asylum.

Power to
appoint officers.

6. The Commissioner may appoint to any asylum a chief warder, a matron, and also such subordinate officers and servants as may be necessary:

Provided that, in the case of asylums established by a local government, the warders, matrons, and subordinate officers shall be appointed by the local government.

Visitors of
asylums.

7. (1) The members of the Executive Council, all registered medical practitioners in the service of the Government, whether in the medical or health branch of the service, and Magistrates, and such other persons as the Commissioner may nominate during his pleasure shall be visitors of any asylum.

(2) Any visitor may enter and inspect an asylum at any hour of the day or night, and see and examine any inmate, and may examine into and give directions concerning any complaint.

Visitors book to be kept

8. A book shall be kept in every asylum called the visitors book, in which every visitor who visits the asylum shall enter his name, with the date and hour of his visit, and any remarks he may deem necessary respecting any matter connected with the management of the asylum.

Visiting committee to be appointed

9. (1) The Commissioner shall appoint three or more of the visitors to be a visiting committee for each asylum.

(2) The committee shall meet once a year or more often if necessary at such asylum, and shall inspect the wards, cells, stores, and every other place, and shall receive and inquire into any complaints which shall be preferred by or against any officer, servant, or inmate.

(3) The committee may in any inquiry administer an oath to the superintendent of the asylum or to any officer or servant employed in the asylum.

(4) After each inspection, the committee shall make a report to the Commissioner, and shall draw up and transmit to the Commissioner such other reports or returns as they shall from time to time deem necessary, or which the Commissioner may call for in respect of any matter relating to the asylum.

(5) This section shall not apply to an asylum established by a local government.

Adjudication of Persons as Lunatics:

10. Whenever a medical officer has cause to suspect that any person is a lunatic and considers it expedient that such person should be placed forthwith under observation in an asylum, he may grant a certificate of emergency as in Form A in the Schedule, and cause such person to be taken to an asylum; and it shall be lawful for any person acting on the instruction of the medical officer to take such person to the asylum specified, and for the superintendent of the asylum to receive and detain such person in the asylum:

Temporary detention of a suspected lunatic on a medical officer's certificate Form A.

Provided that no person shall be detained in an asylum under any such certificate for a longer period than seven days except with the authority of a Magistrate.

11(1) Any Magistrate, upon information on oath in the terms of Form B in the Schedule, may examine the suspected person therein referred to and hold an inquiry as to his state of mind.

Magistrate may hold inquiry, Form B.

(2) For the purposes of such inquiry, the Magistrate shall have the same powers of summoning witnesses and administering oaths as in a summary trial.

(3) The Magistrate may, if necessary, issue a warrant for the arrest of the suspected person in terms of Form C in the Schedule.

12. The Magistrate shall also appoint a qualified medical practitioner to examine the suspected person, and such practitioner shall examine such person, and, if he thinks the facts warrant him in so doing, sign a certificate in terms similar to Form D in the Schedule.

Medical certificate Form D.

13. Where, upon any such examination and inquiry as aforesaid, it appears to the Magistrate that the suspected person is a lunatic and a proper subject for confinement, and where a medical practitioner has signed a certificate as required in the last preceding section, the Magistrate may adjudge such suspected person to be a lunatic and proper person subject for confinement, and shall thereupon issue an order in terms of Form E in the Schedule.

Adjudication of lunatic.

Procedure where no medical practitioner in area, Form F, Form G.

Discharge of suspected persons.

Expenses incurred with regard to suspected persons.

Suspected person not to be detained for longer than one month.

Fees to medical practitioners.

Discharge on certificate of sanity.

14. (1) Where there is no qualified medical practitioner within the area, the Magistrate shall proceed as required by section 11 and if it appears to him that the suspected person is a lunatic and proper person subject to confinement, he may send such person in custody, under a warrant in terms of Form F in the Schedule together with a certified copy of the notes of his inquiry, to a Magistrate of an area where there is a qualified medical practitioner. The latter Magistrate shall examine the suspected person and consider the notes of the inquiry, and shall also follow the procedure laid down in sections 12 and 13, and issue an order as in Form G in the Schedule.

(2) If the suspected person is not adjudged a lunatic, then he shall be sent back or allowed to return to the area from which he came.

(3) All expenses which may be necessarily incurred in the sending of any suspected person from one area to another, or the lodging or subsistence of any suspected person, shall be paid out of the Consolidated Revenue Fund of the State.

15. (1) Any Magistrate before whom a suspected person may be brought may detain such person in safe custody for the purpose of inquiring into his state of mind, for a period not exceeding one month.

(2) The forms of criminal summons and warrants prescribed by the Criminal Procedure Law for use in criminal cases may be used mutatis mutandis in inquiries under this Law.

16. Every qualified medical practitioner not being in the employ of the Government of Enugu State who shall be appointed to make an examination of a suspected lunatic under the provisions of this Law shall be entitled for the examination and certificate, to the sum of four naira twenty kobo.

PART III—DISCHARGE OF LUNATIC

17. A Magistrate shall grant an order of discharge as in Form H in the Schedule in respect of any person detained in an asylum with regard to whom a certificate of sanity as in Form I in the Schedule has been granted by the superintendent of the asylum in which such person is detained or by any two qualified medical practitioners, of whom one at least shall be a medical officer, and the superintendent shall discharge such person in accordance with such order.

Provided that no such order of discharge shall be made in respect of any person detained in an asylum under the authority of an order made under section 468 to 472 or section 485 of the Criminal Procedure Law or under the provisions of any law establishing a Magistrate’s Court.

18. (1) The Commissioner may order the discharge from any asylum of any person detained therein under this Law, whether recovered or not, and may allow any lunatic to be absent on trial for such period as he thinks fit, and may at any time grant an extension of such period. In respect of any lunatic absent on trial, the Commissioner may order the payment out of the revenue of any sum not exceeding the sum of four naira per month to the person taking charge of such lunatic.

Power of Commissioner to order discharge of lunatic.

(2) No person shall be allowed to be absent on trial under this section unless some other person enters into an agreement to take charge of such person, in terms of Form J in the Schedule.

(3) If any lunatic allowed to be absent on trial does not return at or before the expiration of the allowed period of absence, such lunatic may at any time after the expiration of

such period be retaken as if he had escaped from the asylum.

PART IV — PROPERTY OF LUNATIC

19. If any property be found on any lunatic at the time of his admission to an asylum, the same shall be taken in charge by the chief warder, who shall enter full particulars in a book to be kept by him, and such property or sufficient portion thereof shall be liable for the medical treatment and support of such lunatic at a rate approved by the Commissioner and for his funeral expenses in case of death, and may be sold to defray the same. Any property or surplus money remaining shall be delivered up and paid to the patient on his discharge, or in case of his death, to the party legally entitled thereto upon application.

Property found on lunatic liable for his support.

20. (1) The High Court, upon the petition of any person, may make any order as to the application of any property of a lunatic subject to the jurisdiction of the court, or the income thereof, in or towards defraying the expenses of the maintenance and support of the lunatic, any wife, child, or children of the lunatic, and, in the case of a lunatic who is not a citizen of Nigeria, the expenses of the lunatic from Nigeria. If any person undertakes to pay the expenses aforesaid, the court may suspend the making of such order for such time and upon such terms as the court may determine.

Power of court to apply property of lunatic towards the maintenance of the lunatic or his family.

(2) Any petition under this section shall be served upon such persons and in such manner as the court directs.

(3) Where any order under this section is made or refused, the court shall make such order as is just as to the costs of the petitioner and may, in its direction, allow such costs out of the estate of the lunatic.

(4) When payment of any money is made in or towards defraying the expenses of the past or future maintenance of any lunatic confined in an asylum, such money shall be paid into the Treasury of the State.

21. (1) When the lunatic is a citizen of Nigeria, any community bound by customary law to support such lunatic shall pay into the Treasury every month during the detention of the lunatic in any asylum such sum for his maintenance as may be prescribed.

(2) The head of such community may be sued for any sum due by such community for the maintenance of the lunatic, and for the purposes of any proceedings in respect thereof, shall be deemed to be personally liable therefor; provided that such head of a community shall have the right to recover such amount from such members of the community as the court may direct in satisfaction of the whole or part of any sum paid by him in respect of such maintenance.

(3) Any such suit against the head of a community may be instituted by and in the name of any officer authorized by the Commissioner.

(4) A certificate signed by the superintendent of an asylum stating the amount of any sum due for the maintenance of a lunatic therein shall, without proof of his signature or any other matter or thing, be deemed *prima facie* evidence in all courts that the sum specified is due to the Government.

Liability of a community to pay for maintenance of a lunatic

PART V—MISCELLANEOUS

Escape of lunatic.

Liability of a community to pay
Power to remove lunatic to hospital.

22. Any person may arrest any lunatic who is escaping or who has escaped from lawful custody, and may return such lunatic into such custody.
23. (1) In the case of illness of any lunatic confined in an asylum, the superintendent of such asylum may cause such lunatic to be removed to a general hospital and as soon as it shall appear to such superintendent that it is no longer necessary for such lunatic to remain in the general hospital, he may be removed back to the asylum where he shall revert to his former custody.
- (2) The superintendent shall before removing a lunatic to a general hospital notify the medical officer in charge of the hospital, and shall, if the case should so require, make arrangements for the safeguarding of the lunatic whilst in the hospital.
- (3) Any lunatic removed under this section to a general hospital and escaping therefrom shall be liable to arrest in the same manner as if he had escaped from any asylum.
24. Any lunatic confined in any asylum may, by order of the Commissioner, be removed from any one asylum to any other asylum.
25. Notice of death of any lunatic in any asylum shall forthwith be given by the chief warder of such asylum to the coroner of the area and to the nearest known relative of the deceased.

Removal of lunatic
Notice of death of lunatic.

PART VI—OFFENCES AND REGULATIONS

26. Any officer or servant employed in an asylum who strikes or ill-treats or willfully neglects any lunatic confined in such asylum, or willfully violates or neglects any rule or regulation made under this Law, shall be guilty of an offence and shall be liable on conviction thereof before the superintendent, to a fine of four naira, which may be recovered by deductions from the offender's salary and allowances, or, on conviction before a Magistrate, to a fine of twenty naira or imprisonment for one month, or both.
27. Any person who accepts the charge of a lunatic allowed to be absent on trial, and who —
- (a) ill-treats or neglects to provide such lunatic with suitable lodging, clothing, food, medical attendance when required, or other necessities, or fails to exercise proper care and control over such lunatic; or
- (b) refuses to allow such lunatic to be visited by any administrative officer or the superintendent or any officer or servant or visitor of the asylum in which such lunatic was confined; or
- (c) refuses or neglects to answer according to the best of his knowledge, information and belief any questions put to him by a Local Government Secretary or such superintendent or visitor or to attend and conform to any directions of a medical officer; or
- (d) without reasonable excuse, the proof of which shall lie upon such person, fails duly to return such lunatic to such asylum,
- shall be liable to a fine of forty naira or imprisonment for three months.

Officers ill-treating lunatic or violating rules.

Officers by person in charge of lunatic on trial.

Power to make regulations.

28. The Commissioner may make regulations —
- (a) as to the management of asylums and the custody of lunatics therein;
- (b) as to the class of lunatics to be confined in different asylums;
- (c) as to the fees to be charged for the maintenance and support of lunatics;
- (d) altering or adding to the forms in the Schedule;

(e) generally, for the better carrying out of the provisions of this Law.

SCHEDULE

Lunacy Law

FORM A

Certificate of Emergency

I certify that it is expedient for the welfare of that he should be forthwith placed under observation and treatment for a period not exceeding days.

My reasons for this conclusion are as follows:

Lunacy Law

FORM B

Information

In the Court of District of A.B. of

..... In forms the undersigned Magistrate that he has good cause to suspect and believe, and does suspect and believe, that C.D. of is a lunatic and a proper subject for confinement.

.....
Signature of Informant:

Taken and sworn at this day of 20..... before me.

.....
Signature and Title of Magistrate:

Lunacy Law

FORM C

Warrant of Arrest of Suspected Person

In the Court of District of to and other officers of this court, and to the superintendent of prison.

Whereas an information has been sworn by A.B. alleging that C.D. is a lunatic and proper subject for confinement;

And whereas the attendance of the said C.D. is necessary at an inquiry which I propose to hold as to his state of mind, and it appears likely that the said C.D. will not attend unless compelled; This is to command you, the said officers of court, in the Governor's name, to arrest the said C.D. and have him before me at on the day of 20 at of the clock in the .. noon.

And the said superintendent of prison is hereby authorized and required to receive the said C.D. into custody and to deliver him up from time to time as required.

Issued at this day of 20.....

.....
Signature of Magistrate

Lunacy Law

FORM D

Medical Certificate

I A.B., a duly qualified medical practitioner, hereby certifies that I, on the

day of

..... at in the Local Government Area of
personally examined C.D. of and I hereby certify that the said C.D. is a
lunatic and a proper subject for confinement, and I have formed this opinion upon the following
grounds, namely—

1. Facts indicating insanity observed by myself (here state the facts).
2. Other facts (if any) indicating insanity communicated by others (here state the facts and
by whom communicated).
3. I have made inquiries 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 C.D. likely to be of service
with reference to his medical treatment. The following statement contains all such facts
known to me—

Statement

(If any particulars in this statement are not known, this is to be stated)

Name of patient

Sex and Age

Married, single, or widowed

Condition of life and previous occupation, if any

The religious persuasion as far as known

Previous place of abode

Whether first attack. Age (if known) on first attack

When and where previously under care and treatment

Duration of existing attack. Supposed cause

Whether subject to epilepsy

Whether suicidal

Whether dangerous to others

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

(Add any other facts proper to state).

Dated this DAY of 20.....,

Signed by A.B.....
(Place of abode)

Lunacy Law

FORM E

Adjudication of Lunacy and Order of Commitment to Asylum

In the Court of District of
Whereas on the day of 20 A.B. of informed
me, the Undersigned E.F., Magistrate of the District of that he had good
cause to suspect and believe that C.D. of was a lunatic and a proper
subject for confinement; and whereas, I have held the examination and inquiry mentioned in
section 11 of the Lunacy Law, and whereas, as required by the said Law, the medical certificate
hereunto annexed of the unsoundness of mind of the said C.D. has been given: now, therefore,
I, the said E.F. as the Magistrate aforesaid, do hereby adjudge the said C.D. to be a lunatic and
a proper subject for confinement, and do hereby order that the said C.D. be detained in the
lunatic asylum at subject to the provisions of the Lunacy
Law.

Dated this day of 20

E.F. _____
Signature and Title of Magistrate

Lunacy Law

FORM F

Warrant of Removal of Suspected Lunatic where no Medical Practitioner in District

Local Government Area of _____ To
Whereas on the _____ day of _____ 20 _____, A.B.
of _____ informed me, the undersigned C.F., Magistrate of the District of _____ that
he had good cause to suspect and believe, and did suspect and believe C.D. of
to be a lunatic and a proper subject for confinement; and whereas it appears to me that the said
C.D. is a lunatic and a proper subject for confinement: and whereas there is no medical
practitioner within the area.

You are hereby ordered to take the said C.D. and deliver him up to the _____ at
the Local Government of _____.

Dated this _____ day of _____ 20 _____.

E.F. _____
Signature and Title of Magistrate

Lunacy Law

FORM G

In the _____ court of _____ District of _____
Whereas on the _____ day of _____ 20 _____, A.B. of _____ informed
E.F, a Magistrate of the District of _____ that he had good cause to suspect and
believe that C.D. of _____ was a lunatic and a proper subject for confinement; and
whereas the said E.F., duly held the examination and inquiry mentioned in section 11 of the
Lunacy Law; and whereas the said E.F. has informed me, the undersigned G.H., a Magistrate
of the District of _____ that there is no medical practitioner in the said area,
and has sent the said C.D. to me, together with a certified copy of the notes of the said inquiry;
and whereas I have examined the said C.D., and perused and considered the said notes; and
whereas as required by the said Law, the medical certificate hereto annexed of the unsoundness
of mind of the said C.D. has been given; now, therefore, I, the said G.H. as such Magistrate
aforesaid, do hereby adjudge the said C.D. to be a lunatic and a proper subject for confinement,
and do hereby order that the said C.D. be detained in the lunatic asylum at
subject to the provisions of the Lunacy Law.

Dated this _____ day of _____ 20 _____.

G.H. _____
Signature and Title of Magistrate

Lunacy Law

FORM H

Order of Discharge of Lunatic

I, A.B., Magistrate at _____ (or as the case may be), do hereby order the discharge
of _____

..... from the lunatic asylum at
To the superintendent

Lunacy Law

FORM I

Certificate of Sanity

(a) When granted by the superintendent

I hereby certify that at present confined in the lunatic asylum at has been under my care and observation for months, and that I have examined him and have inquired into all necessary facts relating to his case, and I believe that he is now of sufficiently sound mind as to be a proper person to be discharged therefrom.

(b) When granted by two medical practitioners

I hereby certify that at present confined in the lunatic asylum at has been under my care and observation for months, and that I have examined him and have inquired into all necessary facts relating to his case, and I believe that he is now of sufficiently sound mind as to be a proper person to be discharged therefrom.

Lunacy Law

FORM J

Undertaking as to Lunatic on Trial

I, A.B. hereby accept the charge of C.D. who is allowed to be absent on trial from the Lunatic Asylum for the period of from this date, under the provisions of the Lunacy Law.

(And I, E.F., the superintendent of said asylum on behalf of the Government, agree to pay the said A.B. at the rate of a month while the said C.D. shall remain in charge of the said A.B. under this agreement.)

Dated at this day of 20

Witness A.B.

Approved E.F.

Commissioner

(When the period is extended, a memorandum to the following effect must be endorsed upon the agreement).

It is hereby agreed between E.F., of the Lunatic Asylum, and the within-mentioned A.B., with the sanction of the Commissioner, that the within-mentioned period of be extended till the day of 20

Approved A.B.
Commissioner

CHAPTER 112

SUBSIDIARY LEGISLATION

LUNACY LAW

ASYLUM REGULATIONS

(Under Section 28)

Regulations for the Superintendent of a Lunatic Asylum

1. The superintendent of an asylum shall not leave his station without writing in a book, to be kept at the asylum for the purpose where he will be found if required. This book is at all times to be accessible to the attendants on duty,
2. He shall have the general management, and be responsible for the professional care of the patients, and for the discipline, cleanliness and good order of the asylum, and subject to the provisions of the Law, all officers and servants attached to or employed in connection with the asylum shall be bound to obey his directions.
3. He shall visit the wards at least once daily between the hours of 7 a.m. and 4 p.m. He shall also make surprise visits to the wards at other hours-day and night-and shall in addition visit them whenever he may be called upon by the senior attendant on duty, or when he considers it necessary. Every visit shall be recorded in a book to be kept for the purpose.
4. He shall sign or countersign all requisitions emanating from, and receipts; given on behalf of, the asylum, after satisfying himself that the quantities therein specified are correct, and, in the case of receipts, that the articles received are of good quality, and in proper condition, and correspond to the invoice, where there is one.
5. Attendants shall be appointed to the charge of wards and patients by the Chief Medical Officer.
6. No asylum attendant or servant shall, in any circumstances, take any money or other present from a patient or friend of a patient under treatment
7. Smoking by attendants and servants in the wards, or ward compound, is strictly forbidden.
8. No visitors to attendants, servants or patients shall be admitted on any pretence except with the written sanction of the superintendent
9. A report must be made at once to the superintendent, or in his absence to the senior attendant, of any change or noticeable feature in the condition of a patient.
10. The strictest order is to be maintained in the wards and compounds. The introduction of tobacco or spirits or provisions in the wards is strictly prohibited.

11. The attendants and servants of the asylum are strictly charged to see that there shall be no communication between the patients and the outside public except through the superintendent and that no person shall visit or give any article whatever to any patient unless authorized in writing to do so by the superintendent

12. The gate-keeper shall permit no one, except the superintendent, the Chief Medical Officer or any person authorized to visit the asylum officially, to enter or leave the asylum without the sanction of the superintendent

13. When a lunatic is a member of any community bound by customary law to support such lunatic a sum at the rate of ten kobo a day for his maintenance and support shall be paid monthly into the Treasury by the community during the detention of such lunatic in the asylum.

Appointment of Lunatic Asylums

made under section 3

The following places have been appointed as lunatic asylums

Buildings	Notices
Enugu Convict Prison; Solitary Cells, Nos. 1-4	