

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE MANAGEMENT OF
MENTAL HEALTH IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Samuel O. Ikon

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows—

1 PART I—INSTITUTIONS FOR THE CARE OF PERSONS WITH
2 MENTAL DISORDERS

3 1.—(1) The Government of the Federation, or of a State, or of a
4 Local Government Area; or a private organization or an individual, may
5 establish and maintain hospitals and medical facilities even in penal
6 institutions, for the treatment and care of persons with mental and
7 behavioural disorders and for the training of medical and other health
8 personnel for the treatment of such persons.

Establishment of
Institutions

9 (2) The Minister may, by order published in the Gazette, appoint
10 the whole or part of any public building with any houses, grounds or
11 premises belonging thereto, which meets stipulated minimum standard, to
12 be a mental health facility. Accordingly, all such places which existed before
13 the commencement of this Act shall be deemed to have been appointed
14 under this Act.

15 (3) The Minister may in like manner declare that any place shall
16 cease to be a mental health facility.

17 (4) For any facility to be designated as Psychiatric Hospital for the
18 purpose of this section, it shall comply with such conditions (as it relates to
19 the quality and number of personnel, the number of beds in the hospital, the
20 equipment and facilities provided in the hospital) as the Minister may from
21 time to time prescribe.

1 (5) There shall be appointed for each Psychiatric Hospital established
2 pursuant to this Act a Medical Director who shall be a Medical Practitioner
3 recognised by the Medical and Dental Council of Nigeria as having special
4 training and requisite experience in the diagnosis and treatment of persons with
5 mental and behavioural disorders.

6 (6) There shall also be appointed for each Psychiatric Hospital such
7 medical practitioners, practitioners in such fields allied to medicine and any
8 other staff as may be deemed necessary by the hospital management.

9 (7) There shall be established in each general hospital and other
10 similar medical institutions separate wards for admission and care of patients
11 with mental and behavioural disorder.

12 (8) There shall be established in all Primary Health Care Centres a
13 component unit for referral services and follow up care for persons with mental
14 disorder.

15 PART II—ADMISSION AND DISCHARGE OF PATIENTS

Voluntary
Admission

16 2. Any person who requires treatment for mental disorder, may be
17 admitted voluntarily into any hospital or other facility approved for that
18 purpose by the government, pursuant to section 3 of this Act.

Compulsory
Admission

19 3.—(1) A person may be admitted to a hospital and there detained for
20 periods specified by sections of this Part of the Act on an application for
21 admission for observation on grounds that—

22 (a) he is suffering from mental and behavioural disorder of a nature or
23 degree which warrants his compulsory admission in a hospital for observation
24 (with or without medical treatment) for a limited period; and

25 (b) he ought to be so detained in the interest of his own safety or with a
26 view to protecting the safety and interest of other persons.

27 (2) An application pursuant to subsection (1) of this section shall be
28 made on the written recommendation of a medical practitioner in the
29 prescribed form stating that the conditions set out in paragraphs (a) and (b) of
30 Subsection (1) of the section are satisfied.

1 (3) A patient admitted pursuant to this section may be detained for
2 a period not exceeding 28 days, beginning with the day on which he is
3 admitted. He may however be detained thereafter if he becomes liable for
4 compulsory admission again by virtue of a subsequent application, order, or
5 direction under any of the following provisions of this Act.

6 4.—(1) An emergency application may be made either by a health
7 care worker or by any relative of the patient in case of urgent necessity for
8 the patient to be admitted and detained under Section 5 of this Act, but
9 compliance with the provisions of the Act relating to application for
10 admission for observation would involve undesirable delay.

Emergency
Application

11 (2) A patient admitted pursuant to this section may be detained for a
12 period of 3 days beginning with the day on which the application was made.

13 5.—(1) A person may be admitted to a hospital and there detained
14 pursuant to an application for admission for treatment made in accordance
15 with the following provisions of this section.

Application for
Admission for
Treatment

16 (2) An application for admission for treatment may be made in
17 respect of a patient on the grounds set out in paragraphs (a) and (b) of
18 Subsection (1) of Section 5.

19 (3) An application for treatment shall be founded on the written
20 recommendations of two medical practitioners, who shall each state that in
21 his opinion—

22 (a) the patient is suffering from one or more of the forms of mental
23 disorder referred to in Section 2 of this Act.

24 (b) That the conditions set out in Subsection 2 of this section are
25 met.

26 6.—(1) Subject to the provisions of this Act, an application for the
27 compulsory admission of a patient for observation or treatment following a
28 period of compulsory admission for observation pursuant to Subsection 3 of
29 Section 5 may be made either by the nearest relative of the patient or a health
30 worker, and shall be addressed to the Medical Director of the hospital to

Application for
compulsory
admission

1 which admission is sought.

2 (2) The consent of the nearest relative of the patient is needed to make
3 the application, unless it becomes clear that in the circumstances further
4 consultations to achieve this would occasion unreasonable delay.

Medical
recommendation
for Admission of
a Patient

5 7.—(1) The medical recommendation necessary to back up an
6 application for admission of a patient pursuant to the provisions of a of Section
7 8 shall be given by two medical practitioners who have personally examined
8 the patient either together or at an interval of not more than 7 days, and shall be
9 signed on or before the date of the application.

10 (2) One of the two medical practitioners required for the purposed of
11 Subsection (1) of this section shall be a medical practitioner who is a specialist
12 psychiatrist, or one with the experience in the diagnosis and treatment of
13 mental disorder.

Effect Application
for Admission t

14 8.—(1) An application for admission of a patient to a hospital under
15 the provisions of this part of this Act duly completed in accordance therewith
16 shall be sufficient authority for the applicant, or any person authorised by him
17 to take and convey the patient to the hospital specified in such application—

18 (a) in case of an emergency application, within 3 days beginning with
19 the date on which the patient was examined by the medical practitioner giving
20 the recommendation referred to in Section 5 of this Act, or with the date of the
21 application whichever is earlier;

22 (b) in the case of an application other than an emergency application,
23 within 14 days beginning with the date on which the patient was last examined
24 by a medical practitioner before giving the medical recommendation.

25 (2) The application shall be sufficient for the Medical Director of the
26 hospital to which the patient is taken to detain him in the hospital in accordance
27 with the provisions of this Act.

28 (3) The application shall be sufficient to render any previous
29 application under this part of the Act by virtue of which he was liable to be
30 detained in a hospital no longer effective.

1 (4) A patient admitted to a hospital pursuant to an application for
2 admission and treatment may apply to a Mental Health Review Tribunal
3 within six months from the day on which he was so admitted.

4 9. An application for the admission of a patient to a hospital may
5 be made under this part of this Act as follows—

Application in
respect of Patient
already in Hospital

6 (a) in the case of an application for admission for treatment of a
7 patient who is already liable for detention for observation, where an
8 application is so made, the patient shall be treated for the purposes of the Act
9 as if he had been admitted to the hospital at the time when the application
10 was received by the Medical Director of the hospital;

11 (b) in the case of a patient under no detention application or order,
12 if it appears to the medical practitioner in charge of the patient that an
13 application ought to be made under this part of this Act for admission he may
14 furnish a report in writing to that effect to the medical director of the
15 hospital, and in such cases, the patient may be detained in the hospital for a
16 period of 3 days from the day on which the report is furnished, pending when
17 all other necessary conditions pursuant to Sections 8 and 9 may be satisfied.

18 10.—(1) If an application for admission for observation or for
19 treatment or any medical recommendation given for the purposes of the
20 application is found to be defective or incorrect and this is within a period
21 not exceeding 14 days beginning with the day on which the patient is
22 admitted to a hospital pursuant to the application, the medical director of the
23 hospital shall give consent for the defect or error to be rectified by the person
24 by whom the application or recommendation was signed; and the said
25 application or recommendation shall have effect and shall be deemed to
26 have had effect as if it has been originally made as eventually amended.

Rectification of
Application and
Recommendation

27 (2) If either of the medical recommendations given in accordance
28 with the provisions of this part of this Act is found insufficient to warrant the
29 patient's detention pursuant to the application, the medical director of the
30 hospital may within the fourteen days mentioned in Subsection (1) of this

1 section give notice in writing to that effect. A fresh medical recommendation
2 complying with the relevant provisions of this part of this Act (other than the
3 provisions relating to the time, signature, and the interval between
4 examination) submitted to the medical director within that period shall suffice,
5 provided that the other medical recommendation on which the application is
6 founded too also complies with all the relevant provisions.

Duration of
Authority for
Detention and
Renewal

7 **11.—(1)** A patient admitted pursuant to an application for admission
8 for treatment may be detained in a hospital for a period of 365 days beginning
9 with the day on which the patient was so admitted, but shall not be detained for
10 any longer period unless the authority for his subsequent detention is renewed
11 under the provisions of this section.

12 (2) Authority for the detention of a patient who has not previously
13 been discharged may be renewed under this section for periods of 365 days at a
14 time if it appears to the medical officer to be expedient. Provided that the
15 medical director of the hospital shall cause the patient to be informed on each
16 occasion, and the patient informed of his right to apply to a Mental Health
17 Review Tribunal.

Removal of
Patient to a place
of safety

18 **12.—(1)** Where a Police Officer or a staff of Social Welfare
19 Department of Government finds in a place to which the public has access, a
20 person who appears to him to be suffering from mental and behavioural
21 disorder and to be in immediate need of care or control, the police officer or
22 social welfare worker, as the case may be, may if he thinks it necessary to do in
23 the interest of that person or for the protection of other persons, remove that
24 person to a place of safety with a view to making an application for his
25 treatment and care under this Act.

26 (2) A person removed to a place of safety under this section may be
27 detained there for period not exceeding 72 hours for the purpose of enabling
28 him to be examined by a medical practitioner and of making any necessary
29 arrangements for his treatment or care.

30 (3) A police officer or any other person required or authorised by this

1 Act to take any person into custody or to convey or to detain any person shall
2 for the purposes of taking him into custody or conveying or detaining him,
3 have all the powers, authority, protection and privilege of a police officer in
4 the ordinary course of his duties as such.

5 (4) If any person being in lawful custody by virtue of this section
6 escapes, he may be retaken and returned to the hospital or place of safety—

7 (a) by the person who had his custody immediately before the
8 escape; or

9 (b) by any officer or the staff of the hospital, his nearest relative, or
10 his guardian, or by a police officer if at the time of his escape he was liable to
11 be detained in a hospital.

12 13.—(1) The responsible medical officer may grant to any patient
13 who is for the time being liable to be detained in a hospital under this Act,
14 leave to be absent from the hospital subject to such conditions, as that officer
15 considers necessary in the interest of the patient or for the protection of other
16 persons.

Grant of Leave
of Absence from
Hospital

17 (2) Leave of absence may be granted under this Section either
18 indefinitely or for a specified period; and where leave is granted for a
19 specified period, that period may be further extended as the responsible
20 medical officer may deem fit.

21 (3) The responsible medical officer may by notice in writing to the
22 patient or to the person for the meantime in charge of the patient, revoke the
23 leave of absence for the recall of the patient to the hospital if it appears to him
24 that it is necessary so to do in the interest of the patient's health and safety
25 and for the protection of others.

26 (4) A patient to whom a leave of absence is granted under this
27 section shall not be recalled under Subsection (3) of this Section after he has
28 ceased to be liable to be detained under this Act.

29 (5) In all cases of removal of patient to hospital for the first time or
30 removal of a patient who breaches the condition of leave of absence, the

1 police shall be available to render assistance.

Order of
Discharge of a
Patient

2 **14.** An order for discharge in respect of a patient detained under any
3 section of this part of this Act may be made:

4 (a) by the responsible medical officer or by the medical director of the
5 hospital, where the patient is detained pursuant to an application for admission
6 of observation; or

7 (b) by the responsible medical officer, the medical director, or by the
8 nearest relation, where the patient is detained pursuant to an application for
9 admission for treatment. In other cases, the order shall be made pursuant to the
10 responsible medical officer's report that the circumstances leading to his
11 detention in the first place no longer exist.

Order of
Discharge of
nearest relative

12 **15.—(1)** Subject to the provisions of this section, the patient's nearest
13 relative may at anytime apply for the discharge of a patient detained in hospital.

14 (2) The nearest relative of the patient in making such an application
15 shall give a notice in writing in that regard not less than 72 hours to the medical
16 director. In the event that the responsible medical officer furnishes the medical
17 director of the hospital a report within 72 hours that in his opinion the patient, if
18 discharged, would be likely to act in a manner dangerous to himself and to other
19 persons—

20 (a) the application by the relative will not be granted;

21 (b) no further application for discharge of that patient shall be
22 entertained from that relative during a period of 3 months beginning with the
23 date of the medical report; and

24 (c) the medical director of the hospital shall cause the nearest relative
25 of the patient to be informed of his right to apply to a Mental Health Review
26 Tribunal in respect of the patient within a period of 28 days beginning with the
27 day on which he is so informed.

28 **PART III - ADMISSION OF PATIENTS CONCERNED WITHIN**

Power of Court
to order Hospital
Admission

29 **CRIMINAL PROCEEDINGS**

30 **16.—(1)** Where a person is convicted before a High Court of a

1 criminal offence, or before a Magistrate's Court of an offence punishable on
2 summary conviction with imprisonment, the court may by a hospital order
3 authorise his admission for observation in a hospital if it has cause to suspect
4 that the person may be suffering from mental disorder.

5 (2) Where the court is satisfied, on written evidence made within
6 seven days of admission of two medical practitioners, one of whom is
7 recognised to have special experience in the diagnosis and treatment of
8 mental and behavioural disorders that—

9 (a) the offender is suffering from mental disorder, severe mental
10 impairment or dis-social disorder;

11 (b) the mental disorder is of a severe nature or degree which
12 warrants the detention of the patient in a hospital for medical treatment; and

13 (c) the offender is likely to benefit from such treatment with
14 respect to future criminal tendency and behaviour.

15 The court may decide that the most suitable method of disposing of the case
16 is by means of an order under this section.

17 (3) Where an order is made under this section, the Court shall cause
18 the further detention of the criminal in the hospital where the initial
19 assessment of his mental state was made for further treatment until the
20 patient (criminal) is assessed as having made sufficient improvement to be
21 discharged therefrom, and a report in that respect from the medical
22 practitioners who made the initial assessment is placed before the court.

23 (4) On receiving such a report, the Court shall order the discharge
24 of the patient from hospital within three days of receiving the report.

25 (5) The provisions of this section shall apply in the case of a
26 substance abuser in breach of the provisions of the National Drug Law
27 Enforcement Agency Act.

28 17. Where the patient has not made satisfactory progress with
29 treatment pursuant to Subsection (3) of Section 18 within six months of the
30 initial order, and a report in that respect from the medical practitioners

Compulsory Order

1 referred to in Section 18 is placed before the court, the court shall, in the interest
2 of public safety issue a compulsory order for the detention and treatment of the
3 patient for another period of six months and for multiple periods of six months
4 thereafter, provided that—

5 (a) the patient shall be advised on his right to appeal to the Mental
6 Health Review Tribunal; and

7 (b) a medical report on the desirability of subsequent detention and
8 treatment of the patient in the interest of public safety is made on each
9 occasion.

Compulsory order
with restriction

10 **18.—(1)** Where the Court receives a report from the medical
11 practitioners referred to in Section 18 to the effect that the mental disorder from
12 which the patient is suffering is of such severity as to warrant maximum
13 restriction of the patient, the Court shall issue a compulsory order with
14 restriction provided that the patient shall be advised on his right to appeal to the
15 Mental Health Review Tribunal of his case.

16 (2) A compulsory order with restriction shall not be issued by a Court
17 unless the Court in its wisdom and having regard to all the circumstances
18 including the nature, character and antecedents of the offender and to the other
19 available options (including terms of imprisonment) of dealing with him that
20 the most suitable method of disposing of the case taking into cognisance the
21 issue of public safety is by means of an order under this section.

The Child
offender

22 **19.—(1)** If in the case of a child or young person brought before a
23 juvenile or other court—

24 (a) the court is satisfied that the young person is in need of care or
25 protection that his parent or guardian is unable to control him, as the case may;
26 and

27 (b) the conditions which under Section 18 of this Act are required to
28 be satisfied for the making of a hospital order in respect of a person convicted
29 as herein mentioned are so far as applicable, satisfied in the case of the child or
30 young person; the court shall have the like power to make a hospital order or

1 guardianship as if the child or young person had been convicted by the court
2 of an offence punishable on summary conviction with imprisonment and
3 provisions of the said Section 18 shall with the necessary modifications and
4 substitutions apply accordingly.

5 **20.—(1)** If in the case of a person serving a sentence of
6 imprisonment, the Minister or the Governor, as the case may be is satisfied
7 by the report of a medical practitioner who has special experience in the
8 diagnosis and treatment of mental and behavioural disorders—

Removal to
Hospital of
persons serving
sentence of
imprisonment

9 (a) that the said person is suffering from a mental and behavioural
10 disorder, severe mental impairment or dis-social disorder; and

11 (b) that the mental disorder is of a nature or degree which warrants
12 the detention of the patient in a hospital for medical treatment, the Minister
13 or Governor may, if he is of opinion having regard to the public interest and
14 all the circumstances that it is expedient to do so, direct by warrant, that the
15 person be so removed and detained in such hospital as may be specified in
16 the directive

17 (2) The transfer directive in the context of Subsection (1) of this
18 section shall have the like force as a hospital order made in accordance with
19 the provisions of Section 18 of this Act.

20 (3) The foregoing provisions of this section shall apply for the
21 purpose of the transfer of any person in custody pending trial as they apply
22 for the purpose of any person serving a sentence of imprisonment.

23 (4) For the purposes of this Section—

24 (a) the Minister shall exercise the power to give a transfer directive
25 in the case of a person convicted of an offence committed under any
26 enactment made by the Government of the Federation; and

27 (b) the Governor shall exercise the power to issue a directive in
28 respect of a person convicted for an offence committed under an enactment
29 made by the Government of a State.

Mental health
review Tribunal

1 **21.—**(1) The Minister may, for the purpose of dealing with
2 applications and reference by and in respect of patient under this Act constitute
3 for each State or group of States, such number of Mental Health Review
4 Tribunals, as he may with the approval of the President determine.

5 (2) Each Mental Health Review Tribunal shall consist of such
6 members as the Minister may by order published in the Gazette decide, which
7 order shall similarly specify the regulation of the proceedings of the Tribunal.

8 (3) The Mental Health Review Tribunal shall function in protecting
9 the interests of patients who are subject to the provisions of this Act. In doing
10 so, it shall review treatments that require a second opinion, visit detained
11 patients and investigate complaints, keep under review the exercise of
12 statutory powers relating to detained patients, and carry out any other function
13 as may be directed by the Minister.

14 PART IV—PROPERTY AND AFFAIRS OF PATIENTS

Application of
this Part

15 **22.—**(1) The provisions of this part shall apply in respect of a person,
16 who in the considered opinion of a High Court Judge based on competent
17 medical evidence is incapable by reason of mental disorder of managing and
18 administering his property and affairs; and a person whom the Judge is satisfied
19 to refer to as a patient for purpose of this Part of this Act.

General function
of the Judge with
respect to
property

20 **23.—**(1) The judge may, with respect to the property and affairs of a
21 patient, do or secure the doing of all such things as to him appear necessary or
22 expedient—

23 (a) for the maintenance or other benefit of the patient;

24 (b) for the maintenance or other benefit of members of the patient's
25 family;

26 (c) for making provision for other persons or purposes for whom or
27 which the patient might be expected to provide if he were not mentally
28 disordered; or

29 (d) otherwise for administering the patient's affairs.

30 (2) (a) In the exercise of the powers conferred by this section, regard

1 which he had previously given consent, withdraw such consent in writing if
2 he so desires.

3 (5) Subsections (2) (a) and (b) of this Section shall not apply to any
4 treatment—

5 (a) which is immediately to save the patient's life;

6 (b) which (not being irreversible) is immediately necessary to
7 prevent a deterioration of his condition; or

8 (c) which (not being irreversible or hazardous) is immediately
9 necessary to alleviate serious suffering by the patient; or

10 (d) which (not being irreversible or hazardous) is immediately
11 necessary and represents the minimum interference necessary to prevent the
12 patient from violence or being a danger to himself or to others.

13 (6) In all circumstances the responsible medical officer shall take
14 into account the condition of the patient, the need to obtain consent from the
15 nearest relative, periods of lucid intervals and his/her personal moral
16 decision to obtain consent.

17 PART VI - OFFENCES UNDER THIS ACT

18 26.—(1) Any person who with intent to deceive, forges or willfully
19 makes false entry or statement in any of the following documents—

Forgery or False
Entry of Statements

20 (a) an application for admission under this Act;

21 (b) any medical report or recommendation under this Act;

22 (c) any other document required or authorised to be made for any of
23 the purposes of this Act.

24 (2) Any person guilty of an offence under this section of this Act
25 shall be prosecuted and if found liable shall be convicted to imprisonment
26 for a term not exceeding 2 years or to a fine of ₦100,000 or to both.

27 27.—(1) It shall be an offence under this section for a man or a
28 woman who is an officer or staff or is otherwise employed in or is one of the
29 managers of a Psychiatric hospital to have sexual relationship (intercourse)

Sexual
relationship with
Patient

1 with a woman or a man as the case may be who is—

2 (a) for the time being receiving treatment for mental disorder in that
3 hospital; or

4 (b) subject to his/her guardianship or otherwise in his/her custody or
5 care under this Act in Psychiatric Hospital or other similar approved institution
6 for the treatment of mentally, disorder persons.

7 (c) for the time being receiving treatment as an out-patient.

8 (2) Any person guilty of an offence under this section shall be liable to
9 prosecution, and on conviction, to imprisonment for a term not exceeding 1
10 year or to a fine of ₦100,000, or both of them. This shall not be prejudicial to
11 any other sanctions such a person may be liable to from bodies to which he may
12 belong as a member.

13 (3) No proceedings shall be instituted for an offence under this
14 section, except by or with the consent of the Attorney-General of the State
15 concerned.

Assisting Patient
to unlawful Leave
Absence

16 **28.—**(1) Any person who induces or knowingly assists any other
17 person—

18 (a) being liable to be detained in a hospital to absent himself without
19 leave; or

20 (b) being in legal custody by virtue of this Act to escape from such
21 custody, shall be guilty of an offence.

22 (2) Any person who knowingly harbours a patient who is absent
23 without leave of absent or is otherwise at large and liable to be retaken into
24 custody; or gives him assistance with intent to prevent, hinder or interfere with
25 his being taken into custody or returned to the hospital or other place or where
26 he ought to be detained shall be guilty of an offence.

27 (3) Any person guilty of an offence under this section shall be liable on
28 conviction to 3 months imprisonment or to a fine of ₦100,000, or both of them.
29

1 shall be had first of all to the requirements of the patient, and the rules of law
2 which restrict the enforcement by a creditor of rights against property under
3 the control of the Judge;

4 (b) Subject to the provisions of paragraph (a) in this subsection, the
5 Judge shall, in administering a patient's affairs, have regard to the interests
6 of creditors and also the desirability of making provisions for obligations
7 of the patient notwithstanding that they may not be legally enforceable.

8 (3) Without prejudice to the provisions of Subsection (2) of this
9 section, the Judge shall have power to make such orders and give such
10 directions and authorities as he thinks fit for the purposes of that section and
11 in particular may make orders or give directives or authorities for—

12 (a) the control (with or without the transfer or vesting of property
13 or the payment into court of money or securities) and management of any
14 property of the patients;

15 (b) the settlement of any property of the patient or the gift of any
16 property of the patient to any person;

17 (c) the carrying on by any suitable person of any profession, trade
18 or business of the patient;

19 (d) the sale, exchange, charging or other disposition of any
20 property of the patient;

21 (e) the acquisition of any property in the name of the patient;

22 (f) the dissolution of any property of which the patient is a member;

23 (g) the carrying out of any property of which the patient is a
24 member;

25 (h) the conduct of any legal proceedings in the name of the patient
26 or on his behalf;

27 (i) the reimbursement out of the property of the patient, with or
28 without interest, of money applied by any person for or for the benefit of the
29 patient; or

30 (j) the exercise of any power vested in the patient (including a

1 power of consent) whether beneficially or as a guardian, trustee or otherwise
2 however.

Judge's power in
case of Emergency

3 **24.** Where it is represented to the Judge and he has reason to believe
4 that a person may be incapable by reason of mental disorder of managing or
5 administering his property and affairs, and the Judge is of opinion that it is
6 necessary to make immediately provision for any of the matters referred to in
7 Section 25 of the Act, the Judge may exercise any of the powers conferred on
8 him by the said Section 25, so far as is requisite for enabling that provision to be
9 made, pending the question whether the said person is incapable as afore_said.

10 **PART V —TREATMENT**

Consent to
treatment

11 **25.—**(1) This part of this Act applies to any patient referred to in any
12 section of this Act.

13 (2) The following forms of medical treatment for mental disorder and
14 behavioural disorders shall require consent—

15 (a) any surgical operation for destroying brain tissue or for destroying
16 the function of the brain tissue; and

17 (b) such other forms of treatment requiring explanation of known
18 risks to the patient to enable the patient to decide whether or not to accept such
19 form of treatment.

20 (3) A patient shall not be given any form of treatment unless—

21 (a) the responsible medical officer or a registered medical practitioner
22 has certified in writing that the patient is capable of understanding the nature,
23 purpose and likely effects of the treatment and has consented to it; or

24 (b) the medical officer referred to in paragraph (a) of this subsection
25 certifies in writing that the patient has not consented to the treatment for reason
26 of incapacitation or other, but that having regard to the likelihood of its
27 alleviating or preventing a deterioration of his condition, the treatment should
28 be given.

29 (4) A patient may, at any time before the completion of treatment for

1 PART VII - IMMUNITY SAVINGS AND TRANSITIONAL PROVISIONS

2 29.—(1) No person shall be liable on any ground to civil or
 3 criminal proceedings to which he would have been liable apart from this
 4 section in respect of any act done pursuant to this Act or any regulations or
 5 rules made under or in respect of anything done in discharge of any
 6 functions conferred by this Act, unless such act was done in bad faith or
 7 without reasonable care.

Immunity from
Legal Proceedings

8 (2) No civil or criminal proceedings shall be brought without leave
 9 of the Attorney-General of the State concerned who shall not give such leave
 10 unless he is satisfied that there is substantial ground for the contention that
 11 the person to be prosecuted has acted in bad faith or without reasonable care.

12 30.—(1) The Minister may, with the approval of the President,
 13 Commander-in-Chief of the Armed Forces, make regulations, for
 14 prescribing anything which under this Act ought to be prescribed and such
 15 regulation or regulations shall be published in the Federal Government
 16 Gazette.

Minister's power
to make regulations

17 (2) Without prejudice to the generality of the provisions of
 18 Subsection (1) of this section the regulations made under that subsection
 19 may—

20 (a) specify the hospitals and other institutions with facilities for the
 21 time being for the reception, and treatment of patients requiring treatment
 22 and care for mental disorder;

23 (b) specify access to the public into Psychiatric Hospitals and
 24 similar other institutions, and their conduct while in such premises; and

25 (c) such other things as may appear to be lacking in this Act but
 26 necessary to achieve the aims and goals of the Act.

27 31. In the Act, unless the context otherwise requires—

Application

28 (a) "Mental Disorder" means any disability or disorder of mind or
 29 brain, whether permanent or temporary, which results in an impairment or
 30 disturbance of mental functioning. Social deviance or conflict alone without

1 disturbance of mental functioning is not mental disorder;

2 (b) “mental impairment” means a state of arrested or incomplete
3 development of mind which includes significant impairment of intelligence
4 and social functioning and is associated with abnormally aggressive or
5 seriously irresponsible conduct on the part of the person concerned.

Interpretation

6 **30.** In this Act, unless the context otherwise requires—

7 (a) “court order” means an order made out by court committing a
8 criminal offender before the court to compulsory admission with or without
9 restriction to a psychiatric facility for observation, assessment and advice on
10 his mental state;

11 (b) “hospital order” means an order signed by two doctors, one of
12 whom shall be a psychiatric doctor committing a patient for detention in a
13 psychiatric facility for observation and treatment;

14 (c) “leave of absence” means a period of trial away from hospital
15 granted by the responsible medical officer so as to enable the patient's family to
16 take him home to observe him and report on his progress with treatment;

17 (d) “medical director” means the chief executive medical practitioner
18 in charge of a psychiatric hospital to which this Act applies;

19 (e) “medical practitioner” means a medical graduate registered within
20 the meaning of Medical and Dental Practitioners Act, 1988;

21 (f) “responsible medical officer” means a medical practitioner in
22 charge of a patient's case;

23 (g) “mental health professional/welfare” includes a qualified
24 psychiatrist, a medical officer working in a psychiatric hospital or unit, a
25 clinical psychologist, a psychiatric social worker, a psychiatric nurse;

26 (h) “Minister” means the Minister charged with the responsibility for
27 matters relating to Mental Health.

28 (i) “nearest relative” in relation to a patient, includes a husband or
29 wife, son or daughter, father or mother, brother or sister, grandparent or
30 grandchild, uncle or aunt, nephew/niece or cousin;

1 (j) "patient" means a person suffering or appearing to be suffering
2 from mental disorder;

3 (k) "place of safety" in relation to the patient includes police station
4 or post, a hospital, any place of reverence - Church, Mosque, Palace.

5 31. The Act may be cited as Mental Health Bill, 2016.

Citation

SCHEDULE

FORM A

CERTIFICATE OF ADMISSION

Section 5

I certify that it is expedient for the welfare and safety 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—

.....
.....
.....
.....
.....

.....
Signed: Medical Officer

FORM B

INFORMATION [Relative, good neighbor]

A. B of informs the undersigned Medical
Officer that he has good cause to suspect and believe, and does suspect and believe that CD of
.....is in need of mental healthcare.

.....
*Social Welfare Officer/Nurse
Signature of Informant*

Taken and sworn at this day of
....., 2013.

Before me:

.....
Medical Officer

FORM C

MEDICAL CERTIFICATE

Section 9

I, Dr a duly qualified medical practitioner hereby certify that I, on theday of at in LGA of State personally examined Mr/Mrs/Miss and I hereby certify that the said is mentally ill and a proper subject for admission, and I have formed this opinion upon the following grounds, namely:

(1) Facts indicating mental disorder observed by myself as hereunder stated
.....
.....
.....
.....

(2) Other facts (if any) indicating mental disorder communicated by as hereunder stated:
.....
.....
.....
.....

(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 likely to be of service with reference to his medical treatment. The following statement contains all such facts known to me:

- Name of Patient in full
- Sex and Age
- Marital Status
- Condition of life and previous occupation if any
- Religion
- Previous Place of Abode
- Whether first attack. Age on first attack (if known)
- 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 in full and place of abode of nearest known relative of patient and degree of relationship.
- Any other facts.

Dated thisday of, 200

Signed
Medical Practitioner
(Place of abode)

FORM D

Section 16

CERTIFICATE OF RECOVERY AND DISCHARGE

(a) When granted by Medical Officer

I hereby certify that at present confined in this hospital 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 has made such progress as to be a proper person to be discharged therefrom.

.....
Signature of Medical Officer

(b) When granted by two Medical Practitioners

We hereby certify that we have this day personally examined at present confined at hospital, and after due inquiring into all necessary facts relating to his case, we believe that he has now made such progress as to be a proper person to be discharged therefrom.

.....
Medical Officer I

.....
Medical Officer II

EXPLANATORY NOTE

The Act makes elaborate provisions for the management of Mental Health in Nigeria. The Act makes sundry provisions for the formal admission for observation and/or treatment, it makes provisions for the protection of the interest of the mentally ill from the normal population, in various personal, civil and criminal matters as well as the protection of the general public interest from any antisocial behaviour associated with the mental disorder, especially in matters relating to criminality and recidivism.