

Uganda

## Mental Health Act Chapter 308

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# Uganda

## Mental Health Act

### Chapter 308

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Commenced on 18 February 2021 by [Mental Health Act \(Commencement\) Instrument, 2021](#)

*[This is the version of this document at 31 December 2023.]*

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**An Act to provide for the establishment of the Uganda Mental Health Advisory Board and to provide for its composition, tenure and functions; to provide for mental health treatment at primary health centres; to provide for emergency admission and treatment, involuntary admission and treatment and for voluntary and assisted admission and treatment; to provide for referral for examination and for examination in mental health units; to provide for the admission and treatment of persons with mental illness who are not ordinarily resident in Uganda; to provide for the requirement to consent to treatment; to provide for the protection of the rights of patients; to provide for the right to appoint personal representatives and for orders for custody, management and guardianship; to provide for mental health treatment for prisoners and other offenders and for related matters.**

*[Act 15/2019; S.I. 25/2021]*

## Part I – Preliminary

### 1. Object of Act

The object of this Act is to—

- (a) provide for care and treatment for persons with mental illness at primary health centres;
- (b) provide for the admission in, for the treatment and for the discharge from, health units and mental health units, of persons with mental illness;
- (c) ensure that persons with mental illness are enabled to seek treatment;
- (d) provide for basic mental health services;
- (e) ensure the safety and protection of persons with mental illness and the protection of their rights and the safety of the people who come into contact with them;
- (f) ensure that community mental health services are integrated in the treatment and care of persons with mental illness; and
- (g) establish the Mental Health Advisory Board.

### 2. Interpretation

In this Act, unless the context otherwise requires—

“**assisted treatment and care**” means the provision of health interventions to a person who presents himself or herself voluntarily to a health unit or mental health unit but is incapable of making informed decisions due to his or her mental health status especially during episodes of mental illness;

“**Board**” means the Uganda Mental Health Advisory Board established under section 4;

“**bodily restraint**” means restraint where the free movement of the body or part of the body of a patient is restricted using a device for example clothing, a belt, a harness, a sheet or a strap, which is tied or fastened to the body or part of the body of the patient;

“**community mental health services**” refer to a system of care in which the community members of a person with mental illness, in collaboration with health workers are the primary providers of the interventions to promote mental wellbeing of a person with mental illness;

“**community treatment order**” means an order issued by a senior mental health practitioner, giving instructions regarding the involuntary treatment of a person with mental illness at a primary health centre;

“**concerned person**” means a person who, not being a relative of a person with mental illness, has reasonable and justifiable concern for the wellbeing of the person with mental illness;

“**court**” means a court with competent jurisdiction;

“**currency point**” has the value assigned to it in Schedule 1 to this Act;

“**dependant**” includes—

- (a) a wife, a husband, a son or daughter under eighteen years of age or a son or daughter of or above eighteen years of age who is wholly or substantially dependant on the person with mental illness;
- (b) a parent, a brother or sister, a grandparent or grandchild who is wholly or substantially dependant on the person with mental illness for the provision of the ordinary necessities of life suitable to a person of his or her situation; or
- (c) any other person who is wholly or substantially dependant on the person with mental illness.

“**emergency treatment**” means psychiatric treatment that is necessary to give to a person to—

- (a) save the life of that person; or
- (b) prevent the person from behaving in a way that is likely to result into serious physical harm to that person or any other person;

“**health unit**” means a government hospital and includes a primary health centre and a similar non-governmental hospital;

“**mechanical bodily restraint**” means restraint which prevents the free movement of the body or a limb of a patient by mechanical means as a form of treatment of physical disease or injury, but does not include restraint by the use of a medical or surgical appliance;

“**medical practitioner**” means a person registered as a medical practitioner under the Medical and Dental Practitioners Act and includes a psychiatry nurse registered as such under [the Nurses and Midwives Act](#);

“**mental capacity**” means the independent and informed cognitive ability to understand the nature and effects of one’s decisions and actions;

“**mental health practitioner**” means a psychiatrist, a registered psychiatry nurse, psychiatry clinical officer, a mental health social worker and a clinical psychologist;

“**mental health services**” refers to assessment, diagnosis, treatment, care, counselling or any intervention provided to promote emotional, psychological and cognitive wellbeing of a person with mental illness;

“**mental health service user**” refers to any person receiving either continuous or non-continuous mental health care and treatment services from a health unit, mental health unit or community aimed at enhancing his or her mental health status regardless of age, gender, social or economic standing;

“**mental health unit**” means any building or part of a building appointed by the Minister under this Act or by a statutory instrument, for the admission, treatment and care of persons with mental illness;

“**mental illness**” means a diagnosis of a mental health condition in terms of accepted diagnostic criteria made by a mental health practitioner or medical practitioner authorised to make such diagnosis and for purposes of this definition, mental health conditions include but are not limited to depression, bipolar, anxiety disorders, schizophrenia and addictive behaviour due to alcohol or substance abuse among others;

“**Minister**” means the Minister responsible for health;

“**patient**” means a person who receives treatment and care for mental illness under this Act;

“**person in authority**” includes a community leader, a chief, an officer or member of a political, technical or administrative structure of a local government, a police officer, a religious leader, a nongovernmental organisation or any other person of influence in a community;

“**person with mental illness**” means a person who is proven, at a particular time, by a mental health practitioner to have mental illness, at that particular time, and includes a patient;

“**personal representative**” is a person appointed in writing by a person with mental illness to act on his or her behalf, or a person appointed by court to act on behalf of a person with mental illness, where the person with mental illness loses capacity to execute a particular task;

“**primary health Centre**” means a government primary health centre II, III or IV or equivalent health unit in the private sector;

“**psychiatric treatment**” means treatment for mental illness that does not involve—

- (a) treatment that involves the deep sleep therapy or insulin coma or sub coma therapy;
- (b) psychosurgery; or
- (c) electroconvulsive therapy;

“**Public Trustee**” means a person appointed as such under the Public Trustees Act;

“**relative**” means a spouse, parent, grandparent, child, sibling, uncle or aunt, of a person with mental illness, whether by blood, marriage or a relationship established by law;

“**seclusion**” means the sole confinement of a patient in a room, where it is not within the control of that patient who is confined, to leave that room;

“**senior mental health practitioner**” means a psychiatrist, senior psychiatry clinical officer, senior psychiatry nursing officer, senior mental health social worker and senior clinical psychologist;

“**treatment and care**” means the provision of interventions whether medical or otherwise to a person with mental illness.

### 3. District mental health focal person

- (1) The chief administrative officer of every district shall appoint from among district health staff a district mental health focal person who shall work under the supervision of the district health officer.
- (2) The district mental health focal person shall be a mental health practitioner.
- (3) The district mental health focal person shall coordinate the mental health services and community mental health services in the district.
- (4) The district mental health focal person may receive such facilitation as is necessary to facilitate his or her coordination function.

## Part II – Uganda Mental Health Advisory Board

### 4. Establishment of Uganda Mental Health Advisory Board

- (1) For the purposes of monitoring the implementation of this Act, there is established a board to be known as the Uganda Mental Health Advisory Board.
- (2) The Board shall be under the general supervision of the Minister.

### 5. Composition of Board

- (1) The Board shall be composed of a chairperson and six members.
- (2) The chairperson shall be an eminent person with experience in the field of medicine, social work or human rights.
- (3) The members shall include—
  - (a) the Chairperson;
  - (b) the Director General of medical services or his or her representative;
  - (c) a consultant psychiatrist;
  - (d) a police officer at the rank of Commissioner of Police;
  - (e) a mental health service user nominated by the recognised and duly registered association for mental health service users;
  - (f) a representative from the Ministry of Gender, Labor and Social Development; and
  - (g) a lawyer specialised in human rights advocacy, nominated by the Uganda Law Society.
- (4) The national mental health coordinator shall be an *ex-officio* member and secretary of the Board.
- (5) The chairperson and members referred to in subsection (3) shall be appointed by the Minister who shall, in making the appointments, take into consideration the principle of equal opportunity and gender.
- (6) The member referred to in subsection (3)(d) shall be nominated by the Minister for Internal Affairs.

### 6. Tenure of Board

- (1) The chairperson and members of the Board except those in subsection (3)(b) and subsection (4) shall hold office for three years and are eligible for re-appointment for one further term.
- (2) The chairperson or a member shall vacate office—
  - (a) by tendering his or her resignation in writing to the Minister;
  - (b) on revocation of the nomination of the member by the responsible person or organisation; or
  - (c) by removal from office by the Minister on resolution of the Board supported by not less than two-thirds of the members of the Board, present and voting.

### 7. Functions of Board

The Board shall—

- (a) monitor and advise Government on mental health services and mental health units in Uganda;
- (b) monitor the implementation of this Act;

- (c) accredit private mental health units to treat mental illness;
- (d) set standards for mental health units and inspect and monitor the performance of mental health units to ensure that they meet the prescribed standards;
- (e) review any matter referred to it by a patient, a relative or a concerned person, concerning the treatment of the patient in a mental health unit and in particular of a patient on involuntary admission and treatment or a prisoner with mental illness and where necessary, take or advise the mental health unit to take the necessary remedial action;
- (f) provide guidelines for the requisite competencies required for the review of cases of involuntary treatment, forensic and capacity assessment by the mental health practitioners and periodically review the guidelines;
- (g) promote and protect the rights of persons with mental illness;
- (h) commission research into emerging issues on mental health;
- (i) promote public awareness on mental health and mental illness; and
- (j) carry out any other function necessary for the implementation of this Act.

## 8. Review by Board

- (1) A patient, or a personal representative, a relative or a concerned person, on behalf of a patient, may, for the purposes of section [7\(e\)](#), make an application to the Board, requesting the Board to—
  - (a) determine whether the patient needs continued treatment or extended psychiatric emergency care against his or her consent;
  - (b) determine whether the patient should continue to be admitted in a mental health unit for extended emergency treatment against his or her consent;
  - (c) determine whether the patient who is admitted in a mental health unit against his or her consent for extended emergency treatment should have been or should be transferred to another mental health unit; or
  - (d) make a decision on any other matter concerning the patient who is receiving treatment against his or her consent.
- (2) In addition to subsection [\(1\)](#), the Board may inquire into any complaint made to it concerning—
  - (a) the failure to uphold the rights of a person with mental illness; or
  - (b) any other matter related to the administration of this Act.
- (3) The Board shall for the purposes of a review, consider the psychiatric condition of the patient and the medical and psychiatric history and the social circumstances of the patient.
- (4) An officer in charge of a mental health unit or a mental health practitioner who attends to a patient in a mental health unit shall, on receipt of a letter of complaint or of appeal written by the patient or on behalf of the patient to the Board, forward the letter to the Board, as soon as practicable, after the letter comes to his or her notice.
- (5) The Board may delegate any function under this section to a member of the Board.

## 9. Review by Board of its own motion

The Board may, at any time, carry out a review of a case of an involuntary patient, which is considered under section 8, where the Board considers it appropriate to do so, based on a report or complaint it receives, or for any other reason.

## 10. Meetings of Board

- (1) The Board shall meet at least once every three months.
- (2) The Chairperson may summon a special meeting of the Board on request made in writing by not less than five members of the Board.
- (3) The Minister may request for a special meeting of the Board.
- (4) The Chairperson shall preside at all meetings of the Board at which he or she is present and in the absence of the Chairperson, the members present shall elect a person to preside from among themselves.
- (5) Seven members of the Board shall form quorum at any meeting of the Board.
- (6) A decision of the Board shall be by consensus.
- (7) The Board may co-opt any person who is not a member to attend any of its meetings as an adviser, and that person may speak at the meeting on any matter in relation to which his or her advice is sought, but shall not make a decision on any matter before the meeting.
- (8) A member of the public may make a request in writing to the Board, for permission to attend a meeting of the Board.
- (9) The Board may regulate its own procedure during meetings, subject to the provisions of this Act and regulations made under this Act.

## 11. Committees of Board

- (1) The Board may appoint a committee to assist in the carrying out of its functions under this Act and may delegate to a committee such functions as it may consider necessary, subject to conditions that it may determine.
- (2) A committee appointed under this section shall comprise members of the Board.
- (3) A committee may co-opt a resource person to its meeting; except that the co-opted person shall not make a decision on any matter before the committee.
- (4) A committee may regulate its own procedure during meetings, as may be prescribed by the Board.

## 12. Secretariat

- (1) The office of the national mental health coordinator shall be the Secretariat for the Board.
- (2) The secretariat shall—
  - (a) implement the policies and decisions of the Board; and
  - (b) do such other things as may be necessary or expedient for the carrying out of the functions of the Board.

### 13. Mental health tribunals

- (1) The Board may, where it considers it necessary, establish a mental health tribunal, on such terms and conditions as the Board shall determine.
- (2) A mental health tribunal shall have not less than three and not more than five members, one of whom shall be a mental health service user.
- (3) For the purposes of this section, a mental health tribunal shall, review, investigate, arbitrate or advise on a complaint referred to the tribunal, by a patient, a personal representative, a relative or a concerned person, concerning decisions made in relation to a patient under this act.

### 14. Appeals

A person who is aggrieved by the decision of the Board or of a mental health tribunal may appeal to the High Court.

### 15. Funds of Board

- (1) The funds of the Board shall consist of—
  - (a) money appropriated by Parliament for the functions of the Board;
  - (b) grants received by the Board, with the approval of the Minister and the Minister responsible for finance; and
  - (c) any other money as may with the approval of the Minister and the Minister responsible for finance, be received by or made available to the Board for the purpose of performing its functions.
- (2) The funds of the Board shall be administered and controlled by the accounting officer of the Ministry.

### 16. Annual and other reports

- (1) The Board shall within three months after the end of each financial year, submit to the Minister, a report on the activities of the Board in respect of the financial year, containing such information as the Minister may require.
- (2) The Board shall also submit to the Minister such other reports on its activities or any other matter as the Minister may require.

### 17. Inquiries directed by Minister

- (1) The Minister may direct the Board to inquire into any matter related to the administration of this Act.
- (2) Where the Minister directs the Board to inquire into a matter under subsection (1), the Board shall make a report of its findings to the Minister.

## Part III – Treatment and admission of persons with mental illness

### 18. Treatment and admission of persons with mental illness

A person shall not be provided with care and treatment or be admitted at a health unit or a mental health unit except in accordance with this Part.

## Mental health treatment at primary health centres

### 19. Treatment and care of out-patients at primary health centres

- (1) A primary health centre shall provide treatment for mental illness to all patients taken to the health facility for treatment or care.
- (2) Treatment for mental illness at a primary health centre shall only be administered on a person with mental illness after that person gives informed consent to the treatment.
- (3) A patient who is willing to receive treatment and care under this part, but is not in position to give informed consent by him or herself, shall be entitled to assisted care and treatment in accordance with this Act.
- (4) Notwithstanding subsection (2), involuntary treatment may be administered at a primary health centre where a person with mental illness was discharged from a mental health unit or a prison, with a condition that he or she receives involuntary treatment at a primary health centre.
- (5) Where a person with mental illness is discharged from a mental health unit or a prison with a condition that he or she receives involuntary treatment at a primary health centre, a senior mental health practitioner shall issue a community treatment order to that effect.
- (6) The community treatment order issued under subsection (5) shall be sent to the primary health centre where the person with mental illness who is discharged is to receive treatment.
- (7) A copy of the community treatment order shall be given to the person in respect of whom it is made and where possible, the contents of the community treatment order shall be explained to that person.
- (8) The treatment administered under this section shall be appropriate to the socio-cultural beliefs and practices of the person with mental illness and shall have scientific evidence of safety and effectiveness.
- (9) A person who is not satisfied with a condition of a community treatment order may appeal to the Board against the order.
- (10) A community treatment order shall be in the format specified in Schedule 2 to this Act.
- (11) A person who ill-treats or tortures a person with mental illness—
  - (a) in respect of whom a community treatment order is issued; or
  - (b) who is a resident of the area, knowing that person to be a person with mental illness, commits an offence and is liable, on conviction, to a fine not exceeding one hundred eighty currency points or to imprisonment for a term not exceeding eighteen months, or both

### 20. Admission, treatment and care at primary health centres

- (1) Subject to subsection (2), a person with mental illness shall be admitted at a primary health centre within his or her reach.
- (2) Admission at a primary health centre shall be voluntary except for emergency admission.
- (3) A person who does not consent to voluntary admission or who due to incapacity to consent, cannot consent to voluntary admission, and who does not qualify for emergency treatment under this Act, shall not be admitted in a primary health centre but shall be referred to the nearest mental health unit.
- (4) Section 19 shall apply to the treatment of patients who are admitted under this section.

## Emergency admission and treatment

### 21. Emergency admission and treatment

- (1) A person qualifies for emergency admission and treatment where that person has mental illness and as a result of which he or she—
  - (a) is likely to inflict serious harm on himself or herself or on another person; or
  - (b) has behaviour which may lead to—
    - (i) a serious financial loss to himself or herself;
    - (ii) a lasting or irreparable harm to an important personal relationship held with another person as a result of damage to the reputation of the person;
    - (iii) serious damage to the reputation of the person; or
    - (iv) damage to property.
- (2) A person who qualifies for emergency admission and treatment shall be given immediate care and treatment at a health unit or a mental health unit.
- (3) A relative, concerned person or a police officer who has reasonable grounds to believe that a person has mental illness and requires immediate medical attention shall cause the person to be taken to a health unit or a mental health unit for emergency treatment.
- (4) A person who qualifies for emergency admission under subsection (1) shall be received by the medical practitioner or mental health practitioner, on duty at the health unit or mental health unit where the person is taken.
- (5) Where no medical practitioner or mental health practitioner is available at a health unit or mental health unit where a person is taken for emergency admission, the person shall be received for admission by a health worker on duty at the health unit or mental health unit.
- (6) A person who is admitted under subsection (4) and (5) shall be assessed within twelve hours and the emergency treatment shall be for a period of not more than three days after assessment.
- (7) After the expiry of the period in subsection (6), the medical practitioner or mental health practitioner who administers the emergency treatment shall make the necessary arrangements for the care and treatment of the person as, a voluntary, assisted or involuntary patient.
- (8) Where a patient needs emergency treatment beyond the period in subsection (6) or where the patient cannot after the stipulated period be treated as a voluntary, assisted or involuntary patient, the emergency treatment shall be continued for a period of not more than five days.
- (9) A patient shall not be continuously managed for emergency treatment for a period exceeding five days.
- (10) The mental health practitioner or medical practitioner shall where possible obtain consent for emergency treatment for competent patients and where consent cannot be obtained, the mental health practitioner or medical practitioner shall provide medical treatment that is in the patient's best interest to save life or prevent the deterioration of the patient's health.
- (11) A police officer or any other person shall, where there is a person with mental illness who is discharged but has nowhere to go or is cruelly treated or neglected by a person having charge over him or her, immediately report that fact to the District Community Development Officer.
- (12) The District Community Development Officer may, after receiving the report, cause a social assessment to be conducted and work with available mental health facilities to improve social support structures for the person with mental illness.

- (13) In this section “health worker” means a health professional, administrative, scientific and support staff employed in the health unit or mental health unit.

## 22. Duties of a person who gives emergency treatment

A medical practitioner or mental health practitioner who administers emergency treatment under section [21](#), shall prepare a report of the treatment, indicating the name of the person given the treatment and the person who gives the treatment, the particulars of the treatment and the time, place and circumstances in which the treatment is given.

## Involuntary admissions

### 23. Involuntary assessment, admission and treatment

- (1) A person with mental illness and who *prima facie* requires treatment and care from a mental health unit but is for the time being incapable of expressing himself or herself as willing or unwilling to receive treatment, may on a written request under this section, be received in a mental health unit as an involuntary patient for treatment and care.
- (2) Involuntary examination, admission and treatment shall only be carried out at a mental health unit.
- (3) The request under subsection [\(1\)](#) shall be addressed to the officer in charge of the mental health unit where the admission, treatment and care is being sought and shall—
  - (a) be made by the husband or wife or by a relative, of the person to whom it relates; or
  - (b) if there is no husband, wife or relative available or willing to make a request, be made by a concerned person who shall state in his or her request the reason why it is not made as provided in paragraph [\(a\)](#), the connection of the requestor with the person to whom the request relates and the circumstances in which the request is made;
  - (c) if the requestor is not a relative, state what steps were taken to locate the relatives in order to determine their inability to make the request;
  - (d) set out the grounds on which the requestor believes that admission, treatment and care are required; and
  - (e) state the date, time and place where the person was last seen by the requestor before making the request.
- (4) An application referred to in subsection [\(1\)](#) may be withdrawn any time before a decision is taken.
- (5) On receipt of the request, the officer in charge of the mental health unit to whom the request is addressed, shall within three days make a written response, specifying the procedures to be followed for the examination, admission and treatment and thereafter shall cause the person to be brought to the mental health unit for examination.
- (6) The officer in charge shall approve the request only if it satisfies the conditions for involuntary admission and shall, in writing inform the applicant whether the person should be admitted for involuntary treatment and care or not.
- (7) An examination under this section shall be carried out as soon as practicable by two mental health practitioners, one of whom shall be a psychiatrist or where a psychiatrist is not available, a senior mental health practitioner.
- (8) On completion of the examination, the mental health practitioners shall submit to the officer in charge their written findings on whether the person has mental illness and qualifies under subsection [\(1\)](#) to be admitted as an involuntary patient.

- (9) Where the officer in charge approves involuntary treatment and care, he or she shall—
  - (a) within forty-eight hours after approval cause the person to be admitted to the mental health unit for treatment;
  - (b) with the concurrence of any other mental health unit with the appropriate facilities, refer the person to that mental health unit.
- (10) Where a person examined under this section can be treated at a primary health centre, a senior mental health practitioner shall issue a community treatment order, in respect of that person.
- (11) A person shall only be admitted as an involuntary patient where involuntary admission is the only means by which that person may be provided with care, treatment and rehabilitation that will benefit him or her.
- (12) Involuntary admission shall be for a period of not more than three months, unless the Board authorises extension of the period.
- (13) An involuntary patient may be discharged at any time as may be determined appropriate by the mental health practitioner who attended to the patient.
- (14) A person who willfully assists a person with mental illness who is being conveyed to or from a mental health unit for involuntary examination, admission and treatment, to escape commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding six months, or both.

#### **24. Power of police**

- (1) For the purposes of effecting an involuntary or an emergency admission, a police officer may enter any premises, without a warrant, where the health and safety of a person who is suspected to have mental illness and of a person who has contact with a person suspected to have mental illness, may be in danger if admission is not effected immediately.
- (2) Where a police officer who arrests a person for a criminal act or for causing public disorder has reasonable grounds to suspect that the person who is arrested has mental illness, the police officer shall within twenty-four hours of the arrest, take the person who is arrested to a health unit, for assessment.

### **Absence from mental health units**

#### **25. Leave of absence**

- (1) A psychiatrist may grant leave of absence to an involuntary patient who is admitted in a mental health hospital, for a period, and subject to conditions the psychiatrist thinks appropriate, where the psychiatrist is satisfied that the leave is likely to benefit the health of the patient.
- (2) The psychiatrist may in addition to granting leave or while the involuntary patient is on leave, determine whether it is appropriate to order that he or she should no longer be an involuntary patient.
- (3) An involuntary patient who is granted leave of absence under this section shall be considered to be admitted in the mental health unit for the duration of the leave but shall not be limited in his or her movements while on leave.
- (4) The psychiatrist who grants leave under this section, may, where he or she believes that it is not appropriate for the involuntary patient to continue being on leave, cancel the leave by giving a written notice to that effect to the involuntary patient concerned.

## 26. Absence without leave

- (1) A patient is deemed to be absent from a mental health unit without leave where that patient is an involuntary patient and he or she—
  - (a) is away from the mental health unit without having been granted leave of absence; or
  - (b) is away from the mental health unit on leave of absence, but fails to return to the mental health unit when the leave expires or is cancelled.
- (2) An involuntary patient who is absent from a mental health unit without leave may be apprehended by—
  - (a) a person employed by the mental health unit, who is qualified to do so as may be prescribed by regulations made under this Act; or
  - (b) a police officer.
- (3) Where the person who apprehends an involuntary patient under subsection (2) is not a police officer, the person shall take the patient to—
  - (a) the mental health unit from which the involuntary patient is absent; or
  - (b) a police officer, who shall, within twenty-four hours, take the involuntary patient to the mental health unit from which the involuntary patient is absent.
- (4) A person who has power to apprehend an involuntary patient under subsection (2)(a) may—
  - (a) for the purposes of enforcing the apprehension, enter any premises where the involuntary patient to be apprehended is suspected to be; and
  - (b) when apprehending the involuntary patient, seize anything that is likely to be used by that patient in a way that would prejudice the health or safety of that patient or of any other person or which would cause damage to any property.
- (5) A person who—
  - (a) willfully assists a patient to escape from a mental health unit; or
  - (b) hides a person with mental illness, who escapes from a mental health unit,commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding six months, or both.

## 27. Staff of mental health unit permitting escape of patient

A member of the staff of a mental health unit who through wilful neglect or connivance permits a patient to leave the mental health unit other than upon discharge, removal or release on trial in a manner prescribed by this Act, commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding eighteen months, or both.

## Voluntary and assisted admission and treatment

### 28. Voluntary admission and treatment

- (1) A person with mental illness who has attained the apparent age of eighteen years, and submits voluntarily to a health unit or a mental health unit shall be received or admitted as a voluntary patient by that health unit or mental unit, and is entitled to voluntary treatment.
- (2) A person with mental illness who has not attained the apparent age of eighteen years and whose parent or guardian by application desires to submit him or her for treatment to a health unit or

a mental health unit, shall be received or admitted as a voluntary patient by that health unit or mental health unit and is entitled to voluntary treatment.

- (3) The application mentioned under subsection (2) may be verbal or written.
- (4) A person with mental illness received as a voluntary patient under this section may leave the health unit or mental health unit, upon giving the officer in charge of the unit seventy-two hours' notice of his or her intention to leave and if he or she has not attained the apparent age of eighteen years, upon such notice being given by his or her parent or guardian, and the release shall be at the discretion of the officer in charge of the health unit or mental health unit.
- (5) A voluntary patient shall only receive treatment after giving informed consent to the treatment.

## 29. Assisted admission and treatment

- (1) A person shall be received at a health unit or a mental health unit for assisted admission and treatment, where that person is taken to the health unit or mental health unit by a relative or a concerned person and where due to mental illness, any delay in admitting the person and providing treatment may result in—
  - (a) death or irreversible harm to that person;
  - (b) serious harm inflicted by the person on himself or herself or on another person; or
  - (c) serious damage or loss of property belonging to that person or to another person.
- (2) A person shall not be provided with assisted treatment under this section except where a relative or a concerned person who takes him or her to the health unit or mental health unit, gives written consent to the treatment, in the prescribed form.
- (3) Before consent is given under subsection (2), a mental health practitioner shall confirm that the person received at a health unit or a mental health unit for assisted admission and treatment—
  - (a) is suffering from mental illness and requires treatment for his or her health or safety and for the health and safety of others; and
  - (b) is incapable of making an informed decision on the need for the treatment.
- (4) Where at any stage the psychiatrist who attends to a patient receiving assisted treatment has reason to believe from personal observation or from information or representations by the patient, that the patient has recovered the capacity to make informed decisions, the psychiatrist shall request the patient to state whether he or she is willing to voluntarily continue with the treatment.
- (5) Where a patient receiving assisted treatment voluntarily consents to continue with treatment, the patient shall be treated as a voluntary patient.
- (6) Where a psychiatrist determines that a patient receiving assisted treatment, who recovers the capacity to make informed decisions, still needs treatment, but the patient refuses to continue with the treatment, the psychiatrist shall treat the patient as an involuntary patient and inform the patient of his or her right to appeal to the Board against that decision.

## 30. Discharge of patient under assisted admission

- (1) A patient who is admitted under assisted admission, may on the request of a relative or a concerned person, be discharged from the mental health unit, where the relative or concerned person is willing and able to take care of the patient.
- (2) The relative or concerned person who makes a request to have a patient discharged under subsection (1), shall be the person who authorised the admission.
- (3) The request under this section shall be in writing to the officer in charge of the mental health unit where the patient is admitted and shall give an undertaking to take care of the patient.

## Referral for examination

### 31. Referral by medical practitioner

Where a medical practitioner suspects on reasonable grounds that a person should be made an involuntary patient for the purposes of this Act, the medical practitioner shall, using the prescribed form, refer the person for examination, at a mental health unit or at any other place where the examination may be carried out by a psychiatrist, or where a psychiatrist is not readily available, by another senior mental health practitioner.

### 32. Referral of patients admitted in health units and voluntary patients in certain circumstances

- (1) A medical practitioner or a mental health practitioner shall, using the prescribed form, refer a patient admitted in a health unit or a voluntary patient, for examination by a psychiatrist or where a psychiatrist is not available, another senior mental health practitioner, in a mental health unit or at any other place where an examination may be carried out.
- (2) A referral shall be made under this section, where a patient admitted in the health unit or where a voluntary patient seeks to be discharged, but where the medical practitioner or the mental health practitioner determines that he or she should be made an involuntary patient for the purposes of this Act.
- (3) The medical practitioner or mental health practitioner who makes a referral under this section, shall, in writing, order that the patient admitted in the health unit or the voluntary patient, be admitted at a mental health unit for up to twenty-four hours from the time when he or she seeks to be discharged.

### 33. No referral without personal examination

- (1) Where a referral for examination is made under section [32](#), the medical practitioner or a mental health practitioner, in charge of the patient admitted in the health unit or the voluntary patient shall personally examine him or her before making the referral.
- (2) The medical practitioner or a mental health practitioner shall refer the patient admitted in a health unit or voluntary patient, for examination within forty-eight hours after the examination required under subsection [\(1\)](#).

### 34. Police assistance

Where necessary, the medical practitioner or mental health practitioner who makes a referral under section [32](#) or [33](#), shall request a police officer to apprehend the patient admitted in a health unit or the voluntary patient and to take him or her for the examination.

## Examination in mental health unit

### 35. Examination by psychiatrist or senior mental health practitioner

- (1) A psychiatrist or senior mental health practitioner who examines a person in respect of whom a referral is made under section [31](#) or [32](#), may order that the person be received and admitted in a mental health unit for assessment of whether the person should be treated as an involuntary patient.
- (2) A person to be examined under section [31](#) or [32](#) may be admitted at the mental health unit where the examination is to be held, for up to twenty-four hours from the time the person is received into the mental health unit.

- (3) Notwithstanding anything in this section, receiving a person into a mental health unit is not admission for the purposes of this Act.
- (4) Where a person referred for examination under section 31 or 32 is not examined within the period specified in subsection (2), he or she shall be discharged from the mental health unit.

### **36. Order giving involuntary status**

- (1) Where a psychiatrist or senior mental health practitioner who carries out an examination under section 35 confirms that the person examined should be admitted as an involuntary patient in accordance with section 23, the psychiatrist or senior mental health practitioner shall make an order, in writing, authorising that the person be received and admitted at a mental health unit as an involuntary patient.
- (2) An order made under subsection (1) shall be made before the expiry of seven days after the referral is made.

## **Admission and treatment for persons with mental illness, not ordinarily resident in Uganda**

### **37. Admission of patients not ordinarily resident in Uganda**

- (1) A person who is not ordinarily resident in Uganda, who requires admission and treatment for mental illness while in Uganda, shall before being admitted or receiving treatment, produce medical reports concerning the treatment issued by the medical authorities of the country of origin of that person.
- (2) Subsection (1) shall not apply to a person who qualifies for emergency admission and treatment in accordance with section 21.
- (3) The mental health unit that receives the person who requires treatment under this section shall only admit the person after determining that he or she requires further treatment and that the mental health unit is able to provide the treatment.
- (4) A person admitted under this section shall receive treatment from the mental health unit in accordance with this Act and shall be discharged in accordance with section 58.

### **38. Charges for admission and treatment**

The Minister may, in consultation with the Board, prescribe the charges to be paid for admission and treatment of persons who are not ordinarily resident in Uganda, who require treatment for mental illness while in Uganda.

### **39. Transfer of person with mental illness to another country**

- (1) Where a psychiatrist determines that, for a person with mental illness who is not ordinarily resident in Uganda, a transfer of that person to another country or to his or her country of origin is in his or her best interest, the officer in charge of the mental health unit where the person is admitted, shall, after ascertaining that the person is fit to travel, request a relative or a concerned person to inform the relevant authorities of the country where the person is to be transferred.
- (2) The information under subsection (1) shall include a summary of the medical records of the person to be transferred.
- (3) The mental health unit of the country where the person is to be transferred shall indicate readiness to receive him or her, before he or she is transferred.

- (4) The medical records of a person to be transferred to another country shall be treated as confidential.

#### 40. Cost of transfer and maintenance of patient

The cost of transferring a person who is not ordinarily resident in Uganda to another country shall be borne, as may be agreed, between the Government and the mental health unit of the country where the person is to be sent.

### Consent to treatment

#### 41. Consent to treatment by voluntary patients

- (1) A voluntary patient shall before receiving treatment, give consent to the treatment.
- (2) A voluntary patient shall also give consent where he or she is to—
  - (a) undergo a surgical or medical intervention that may lead to irreversible structural or physiological change; or
  - (b) participate in a clinical, experimental or research based intervention.
- (3) A voluntary patient shall not be given treatment for mental illness without his or her consent.
- (4) A voluntary patient shall, before being asked to give consent, be given a clear explanation of the proposed treatment, by the mental health practitioner who attends to him or her, of the proposed treatment he or she is to receive and the duration of the treatment.
- (5) The explanation under subsection (4) shall—
  - (a) contain sufficient information to enable the patient make a balanced judgment about the treatment;
  - (b) identify and explain any medication or technique about which there is insufficient knowledge to justify its being recommended or to enable its effect to be reliably predicted; and
  - (c) warn the patient of any risks which may be inherent in the care or the treatment.
- (6) The explanation shall be communicated to the patient—
  - (a) in a language and form that is readily understood by the patient and where necessary, by a competent interpreter; and
  - (b) in a manner that facilitates the understanding of the patient of what is communicated.
- (7) For the purposes of this section, a voluntary patient is deemed to have given consent to care or treatment only where—
  - (a) the requirements of this section are complied with; and
  - (b) the consent is freely and voluntarily given.
- (8) A voluntary patient shall only be deemed to give consent where he or she is allowed sufficient time to consider the matters involved in the decision to be made and to obtain the advice and assistance that may be necessary before giving the consent.
- (9) A voluntary patient is deemed to be incapable of giving consent except where he or she is capable of understanding—
  - (a) the requirements of this section as shall be communicated to him or her;
  - (b) the matters involved in the decision to be made; and

- (c) the effect of giving the consent.
- (10) Where a voluntary patient lacks the capacity to consent, the consent shall be obtained from the personal representative of the patient and, where the patient does not have a personal representative, an opinion on the treatment to be administered shall be sought from a mental health practitioner.
- (11) The consent given by a voluntary patient shall specify that he or she consents to the treatment to be administered and to the duration of the treatment.
- (12) Failure by a voluntary patient to offer resistance to treatment does not in itself constitute consent to treatment.

#### **42. Withdrawal of consent to treatment by voluntary patients**

- (1) A voluntary patient may in writing to the mental health practitioner who attends to him or her, withdraw the consent given under section [41](#).
- (2) The mental health practitioner shall, on receipt of a withdrawal of consent to treatment, immediately cease providing the treatment.
- (3) Notwithstanding subsection [\(2\)](#), where the mental health practitioner is of the opinion that the treatment should be continued, the mental health practitioner shall, within forty-eight hours of receipt of the request to withdraw consent to treatment, review the request and seek the opinion of another mental health practitioner.
- (4) Where the mental health practitioner who reviews the request to withdraw treatment under subsection [\(3\)](#) and the mental health practitioner who gives an opinion under subsection [\(3\)](#) are both of the opinion that treatment should continue, the patient shall be treated as an involuntary patient.

#### **43. Right to appeal decision to continue treatment without consent**

A voluntary patient who is not satisfied with the decision of the mental health practitioners made under section [42](#) may appeal to the Board.

#### **44. Consent to treatment by involuntary patients**

- (1) An involuntary patient who is capable of giving consent, shall be requested to give consent to treatment before receiving the treatment.
- (2) Where a mental health practitioner who attends to an involuntary patient determines that the involuntary patient needs the treatment to be administered, but the involuntary patient refuses to consent to the treatment, the mental health practitioner shall before giving the treatment, seek the opinion of another mental health practitioner on the treatment to be given.
- (3) Where treatment is administered without consent, the mental health practitioner shall indicate this in the medical records of the involuntary patient.
- (4) Notwithstanding the fact that treatment is given without consent, the mental health practitioner treating the patient shall in all cases, inform the involuntary patient of the treatment to be administered on him or her.
- (5) Where an involuntary patient is to participate in clinical or experimental research for psychiatric treatment, consent shall be obtained from the involuntary patient before the research is carried out.
- (6) Where an involuntary patient does not consent or is not capable of consenting to participation in clinical or experimental research under subsection [\(5\)](#), the involuntary patient shall not participate in the research.

## Special treatment options

### 45. Use of special treatment options

- (1) Special treatment options such as electroconvulsive therapy, seclusion, psychosurgery and bodily restraint shall be provided only after exhaustion of all other treatment options.
- (2) These procedures shall be applied under the authorisation and supervision of a psychiatrist.

### 46. Electroconvulsive therapy

- (1) A mental health practitioner, where the mental health practitioner is not the psychiatrist who treats an involuntary patient, shall not perform electroconvulsive therapy on an involuntary patient except where the electroconvulsive therapy—
  - (a) is recommended by the psychiatrist who treats the patient; or
  - (b) is approved by a psychiatrist.
- (2) A psychiatrist who approves electroconvulsive therapy under subsection (1)(b) shall—
  - (a) be satisfied that the electroconvulsive therapy has clinical merit and is appropriate in the circumstances; and
  - (b) determine whether or not the patient has capacity to give consent to the electroconvulsive therapy and where the patient has capacity, determine that consent is given.
- (3) Notwithstanding anything in this section, electroconvulsive therapy may be given as emergency treatment where the requirement for emergency treatment in section 21 are fulfilled.
- (4) A mental health practitioner shall not perform electroconvulsive therapy on a voluntary patient except where the voluntary patient gives consent to the treatment.
- (5) For the avoidance of doubt, electroconvulsive therapy shall not be administered to children.
- (6) A person who performs electroconvulsive therapy contrary to this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred eighty currency points or to imprisonment for a term not exceeding eighteen months, or both.

### 47. Seclusion of patients

- (1) A person shall not cause a patient to be held in seclusion at a health unit which is not a mental health unit.
- (2) A patient in a mental health unit, may where necessary be kept in seclusion.
- (3) A patient at a mental health unit shall only be kept in seclusion where—
  - (a) a psychiatrist authorises; or
  - (b) for the purposes of emergency treatment, a senior mental health practitioner authorises.
- (4) The authorisation to keep a patient in seclusion shall be in writing and shall indicate the period for which it is given and any other information as may be prescribed by regulations made under this Act.
- (5) A patient shall not be kept in seclusion consecutively for more than twenty-four hours.
- (6) Where the authorisation for seclusion is given by a senior mental health practitioner other than a psychiatrist, the senior mental health practitioner shall notify a psychiatrist of the authorisation for seclusion and the psychiatrist may vary or revoke the authorisation.

- (7) The authorisation to keep a patient in seclusion shall be given where it is necessary for the protection, safety or well-being of the patient or any other person with whom the patient may come in contact, if not kept in seclusion.
- (8) A person who keeps a patient in seclusion contrary to this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred eighty currency points or to imprisonment for a term not exceeding eighteen months, or both.

#### **48. Special duties where patient is kept in seclusion**

- (1) Where a patient is kept in seclusion, the officer in charge of the mental health unit shall provide the basic needs of the patient, including bedding, clothing, food, drink, and toilet facilities.
- (2) The conditions of a patient kept in seclusion shall be monitored and reviewed by a psychiatrist at regular intervals.
- (3) A patient kept in seclusion shall be observed by a mental health practitioner at regular intervals.
- (4) The officer in charge of the mental health unit or the mental health practitioner who observes the patient shall inform the relative or the concerned person, of the condition of the patient.

#### **49. Mechanical bodily restraint and bodily restraint**

- (1) Mechanical bodily restraint or bodily restraint shall only be used for the treatment of a patient where—
  - (a) a psychiatrist authorises; or
  - (b) for the purposes of emergency treatment, a senior mental health practitioner authorises.
- (2) A psychiatrist or a senior mental health practitioner shall give authorisation to use mechanical bodily restraint or bodily restraint on a patient where it is necessary—
  - (a) for the medical treatment of the patient;
  - (b) for the protection, safety, or well-being of the patient or of any other person with whom the patient may come in contact; or
  - (c) to prevent the patient from persistently destroying property.
- (3) The authorisation to use mechanical bodily restraint or bodily restraint on a patient shall be in writing and shall indicate the period for which it is given and any other information as may be prescribed by regulations made under this Act.
- (4) Mechanical bodily restraint and bodily restraint shall be used for the treatment of a patient for only the period for which authorisation is given.
- (5) Where the authorisation for mechanical body restraint or bodily restraint is given by a senior mental health practitioner other than a psychiatrist, the senior mental health practitioner shall notify a psychiatrist of the authorisation and the psychiatrist may vary or revoke the authorisation.
- (6) A person who administers mechanical bodily restraint or bodily restraint contrary to this section commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding fifteen months, or both.

### **Part IV – Protection of the rights of persons with mental illness**

#### **50. Application of Part**

- (1) The rights of patients and the duties of the mental health practitioners in this Part are in addition to the rights and duties in Part V, and any other law.

- (2) In upholding the rights and performing the duties under this Part, regard shall be had to the best interests of the patient.

### **51. Respect, human dignity and privacy**

- (1) The person, human dignity and privacy of a patient, shall be respected.
- (2) Subject to such limitations as are prescribed by law, a person with mental illness shall not be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.
- (3) Subject to such limitations as are prescribed by law, a person with mental illness has the right to protection from physical, economic, social, sexual and other forms of exploitation and abuse.
- (4) A patient shall be provided with care and treatment that improve his or her mental capacity to develop to full potential and which facilitate his or her integration into ordinary life.
- (5) The care and treatment administered to a patient shall be proportionate to his or her mental health status.

### **52. Non-discrimination of persons with mental illness**

- (1) A patient shall not be discriminated against, by any person, on grounds of his or her mental health illness.
- (2) All the patients shall receive equitable treatment from the health units and mental health units.
- (3) An employer shall not discriminate against an employee who is a person with mental illness, on the basis of the mental illness of that employee.
- (4) Notwithstanding subsection (3), an employer may, on the advice of a senior mental health practitioner, take appropriate action where the senior mental health practitioner establishes that the mental illness directly affects the ability of an employee to carry out his or her duties.
- (5) Appropriate action under subsection (4) shall be in accordance with the employment laws and other laws of Uganda.

### **53. Exploitation and abuse**

- (1) An employee of a mental health unit who provides treatment to a patient shall not—
  - (a) subject the patient to exploitation, abuse or degrading treatment;
  - (b) subject the patient to forced labour; or
  - (c) use the treatment as a form of punishment to the patient or for the convenience of any person other than the patient.
- (2) An employee of a mental health unit or any other person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding six months, or both.

### **54. Determination of mental health status**

- (1) A determination of the mental health status of a person shall be carried out, where it is required for proceedings before a court of law or for any other official purpose.
- (2) A determination under subsection (1) shall only be carried out by a psychiatrist or where a psychiatrist is not available, by a senior mental health practitioner.
- (3) The determination under this section shall be based on only factors which are exclusively relevant to the mental health status of the patient and not on any social, political, economic, cultural, religious or other factors.

- (4) The determination shall only be used for the purposes for which it was required.
- (5) A person, who carries out a determination of the mental health status of a person contrary to this section, commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding six months, or both.

### **55. Right to information**

- (1) A mental health practitioner who attends to a patient shall provide the patient with information about—
  - (a) his or her admission, the treatment to be administered and the right to consent to the treatment, in the language the patient understands;
  - (b) support groups and any other resources that may be necessary for the care and treatment of the patient; and
  - (c) the right to appeal to the Board against any decision made regarding the care and treatment of the patient.
- (2) A relative or a concerned person shall also be provided with the information prescribed in subsection (1).

### **56. Disclosure of information**

- (1) Any information which is otherwise confidential under any law may be disclosed where the disclosure is necessary for the protection of a person with mental illness to whom the information relates or for the protection of another person.
- (2) A mental health practitioner may deny a patient access to information concerning his or her health, where the disclosure is likely to—
  - (a) seriously prejudice the patient; or
  - (b) cause the patient to conduct himself or herself in a manner that may seriously prejudice him or her or the health of another person.

### **57. Knowledge of rights**

- (1) A mental health practitioner shall, before administering treatment to a voluntary patient, inform the patient of his or her rights.
- (2) Notwithstanding subsection (1), a psychiatrist may order that a right of a voluntary patient be restricted or denied, where the psychiatrist considers it to be in the interest of the patient to do so.

### **58. Discharge of patient**

- (1) Where a patient is to be discharged from a mental health unit, the mental health practitioner who attends to the patient or a mental health practitioner authorised by the mental health practitioner who attends to the patient, shall, in the prescribed form, issue a discharge report to the patient and the patient shall be permitted to leave the mental health unit.
- (2) A person who knowingly and wilfully issues a discharge report contrary to subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both.

## Part V – Capacity, competence and guardianship

### 59. Capacity and competence

- (1) A person with mental illness has the right to enjoy legal capacity on equal basis with others in all aspects of life.
- (2) A person with mental illness has the right to manage his or her affairs.
- (3) Notwithstanding subsection (2), a person with mental illness may be stopped from managing his or her affairs where—
  - (a) the Board orders, after it is established by two mental health practitioners, appointed by the Board, that the person with mental illness is not able to manage his or her affairs; or
  - (b) court, on an application by a relative or a concerned person, determines that the person is not able to manage his or her affairs.
- (4) Where the mental health practitioners referred to in subsection (3)(a) have differing opinion, the Board shall appoint another mental health practitioner to carry out another assessment.
- (5) The assessment carried out under subsection (3)(a) or by the third mental health practitioner under subsection (4), as the case may be, shall be deemed to be the decision of the Board on the matter.
- (6) The assessment made under this section shall be restricted to evaluating the capacity of a person with mental illness to determine the ability of managing his or her own affairs.
- (7) Where an order is made that a person with mental illness is not capable of managing his or her affairs, the order shall, respectively, be reviewed—
  - (a) by the Board at the next meeting of the Board and at every subsequent meeting until the order is revoked; or
  - (b) by the court that gives the order, every two months.
- (8) An order made under this section may be extended under the authority of the Board or on application of the person who applied to court for the order.
- (9) Where the Board or court, as the case may be, does not make an extension of the order, the order shall lapse and the person with mental illness in respect of whom the order was made, shall resume management of his or her affairs.
- (10) Where a person with mental illness in respect of who an order is made or a relative or a concerned person is aggrieved by the order, the person, a relative or concerned person may apply to the Board or to court for a review of the order.
- (11) There shall be no transaction of the affairs of a person with mental illness in respect of who an order is made under this section—
  - (a) before an application for review of the order is heard by the Board or by court;
  - (b) during the hearing of a review of the order by the Board or by court; or
  - (c) before a decision in respect of the review is made by the Board or by court.

### 60. Right to appoint personal representative

- (1) For the purposes of managing his or her affairs, a person with mental illness has the right to appoint a personal representative to make decisions on his or her behalf.
- (2) A person appointed as a personal representative under subsection (1) shall make a decision taking into account the best interest of the person with mental illness.

- (3) The personal representative under subsection (1.) may be a relative, a concerned person, mental health practitioner or a lawyer appointed through advance directive when the person with mental illness is capable to make the appointment.

## **61. Appointment of personal representative by court**

- (1) Where an order is made under section 59 that a person with mental illness is not capable of managing his or her affairs, or where a person with mental illness does not appoint a personal representative, court shall appoint a suitable relative to be his or her personal representative.
- (2) A personal representative shall—
  - (a) manage the estate of the person with mental illness; or
  - (b) be the guardian of the person with mental illness and of the dependants of that person.
- (3) Where court determines that a person with mental illness is capable of managing himself or herself, and that that person is not dangerous to himself or herself or to others and is not likely to act in a manner that is offensive to public decency, the court may make an order only for the management of the estate of that person and not for guardianship.
- (4) Where court cannot identify a relative suitable to manage the affairs of the person with mental illness, the court shall appoint as a personal representative, the Public Trustee, to manage the affairs of the person with mental illness.
- (5) The personal representative or public trustee shall act in the best interest of the person with mental illness, to the extent determined by court to—
  - (a) manage the estate of the person with mental illness; and
  - (b) ensure proper care of the person with mental illness and the dependants of that person.
- (6) Where, upon review, a person with mental illness is found capable of managing his or her affairs, the court shall revoke the order made to the personal representative or Public Trustee.

## **62. Responsibilities of personal representative appointed by court**

- (1) Court shall grant a personal representative general or specific powers, to manage the estate of the person with mental illness.
- (2) Notwithstanding subsection (1), a personal representative shall not, without the special permission of the court—
  - (a) mortgage, charge or transfer, by sale, gift, surrender, exchange, or by any other means, mortgage, charge or transfer any movable or immovable property of the person with mental illness;
  - (b) lease any property of the person with mental illness for a term exceeding five years; or
  - (c) invest funds of the person with mental illness in any security except a security authorised by law.
- (3) A personal representative shall not—
  - (a) invest any funds belonging to the person with mental illness in any company or undertaking in which the personal representative has an interest; or
  - (b) purchase immovable property for the person with mental illness without the authority of court.
- (4) Where necessary, the court shall determine an allowance to be paid out of the estate of the person with mental illness, to a personal representative, for the services rendered.

**63. Personal representative to furnish inventory and final accounts**

A personal representative appointed by court, shall within six months of the appointment, file in court an inventory of the property of the person with mental illness, including the money, goods and effects the personal representative receives on account of the estate and a statement of the debts owed by, or due to the person with mental illness.

**64. Power to order transfer of property of person with mental illness residing out of Uganda**

Where any movable or immovable property is in the name of or vested in any person residing out of Uganda, the Board or court may, upon being satisfied that such person is with mental illness and that a personal representative or public trustee has been appointed for his or her estate according to the law of the place where he or she is residing, order a fit person to pay, deliver or transfer the property, or any part of it, to the name of the personal representative or public trustee so appointed, as the court may think fit.

**Part VI – Mental health treatment for suspects and prisoners****65. Powers of police**

- (1) Where it appears to a police officer arresting a person that the person is suffering from mental illness, the police officer shall not arrest or detain the person but shall take the person for an assessment of his or her mental health.
- (2) The police officer shall deal with the person based on the results of the assessment carried out under subsection (1).
- (3) Where the police officer determines that the person requires treatment for mental illness, the person shall be taken to a health unit, by the police officer.

**66. Assessment of mental health status of prisoners and children in remand homes**

- (1) Where it appears to the officer in charge of a prison, through personal observation or from information provided, that a prisoner or a child in prison may have mental illness, the officer in charge of the prison shall cause an examination of the mental health status of the prisoner or child in a remand home to be carried out.
- (2) Where a psychiatrist is not readily available, the examination shall be carried out by a medical practitioner or a mental health care practitioner.
- (3) The psychiatrist, medical practitioner or mental health care practitioner who carries out an examination under this section, shall make a report to the officer in charge of the prison or remand home.
- (4) The report made under subsection (3) shall specify the mental health status of the prisoner or the child in a remand home and where necessary, indicate the plan for the treatment of the prisoner or the child in a remand home.

**67. Treatment of prisoners and children in remand homes with mental illness**

- (1) Where as a result of the examination carried out under section 66, it is determined that the prisoner can be treated in the prison, the officer in charge of the prison shall take the necessary steps to ensure that the required care and treatment is provided to that prisoner or child in a remand home.
- (2) Where as a result of the examination carried out under section 66, it is determined that the mental illness of the prisoner or child in a remand home is of such nature that the prisoner or child in a remand home can only be treated in a mental health unit, the officer in charge of the prison shall

request a magistrate to cause the prisoner or child in a remand home to be transferred to a mental health unit.

- (3) The magistrate to whom a request is made, shall request a psychiatrist, or where a psychiatrist is not available, another senior mental health practitioner, to determine whether the prisoner or child in a remand home should be transferred to the mental health unit.
- (4) Where the psychiatrist, or other senior mental health practitioner recommends that the prisoner or child in a remand home should be cared for and treated at a mental health unit, the magistrate shall issue a written order to the officer in charge of the prison, to transfer the prisoner or child in a remand home to a mental health unit.
- (5) Where the psychiatrist, or other senior mental health practitioner recommends that the prisoner or child in a remand home does not need to be cared for and treated in a mental health unit, but in the prison where he or she is detained, the magistrate shall issue a written order to the officer in charge of the prison to take the necessary steps to ensure that the required levels of treatment are provided to the prisoner in the prison or child in a remand home.

#### **68. Periodic reviews of mental health status of prisoners or children in remand homes with mental illness**

- (1) The officer in charge of a prison or a remand home, in which a prisoner or a child with mental illness is detained shall cause the mental health status of that prisoner to be reviewed at least twice every year, by a psychiatrist.
- (2) The review under subsection (1) shall—
  - (a) specify the mental health status of the prisoner or child in a remand home; and
  - (b) set out recommendations regarding a plan for the care and treatment of the prisoner or child in a remand home.
- (3) The psychiatrist who carries out the review under subsection (1) shall submit a summary of the report of the review to the Board, the court and the officer in charge of the prison.
- (4) Within thirty days of receipt of the report, the Board shall—
  - (a) make a recommendation on the plan for the care and treatment for the prisoner; and
  - (b) send a written notice of its recommendations and the reasons for the recommendations—
    - (i) where necessary, to the prisoner;
    - (ii) to the officer in charge of the mental health unit where the prisoner is to be transferred; and
    - (iii) to court.

#### **69. Recovery of prisoner with mental illness**

The officer in charge of a mental health unit, who believes, from personal observations or from information obtained, that a prisoner with mental illness who is admitted in the mental health unit, has recovered to such an extent that he or she does not require treatment or that the treatment can be appropriately given at the prison, shall—

- (a) compile the discharge report;
- (b) request the prison to collect the prisoner; and
- (c) make a report of the discharge to the court.

**70. Prisoner or child in remand home who absconds from mental health unit**

- (1) Where a prisoner or child in a remand home with mental illness who is admitted in a mental health unit absconds from the mental health unit, the officer in charge of the mental health unit shall—
  - (a) immediately notify the police and request the police to locate, apprehend and return the prisoner or child in a remand home to the mental health unit; and
  - (b) notify the magistrate and the officer in charge of the prison where the prisoner or child in a remand home with mental illness was detained, within seven days after notifying the police.
- (2) The police may use such restraining measures as may be necessary and appropriate in the circumstances, to apprehend a prisoner or child in a remand home under this section,

**71. Expiry of term of imprisonment of prisoner or child in remand home with mental illness**

- (1) Subject to this section, on the expiry of the term of imprisonment of a prisoner or child in a remand home with mental illness, the prisoner or child shall, as the case may be, be released from the prison where the prisoner is detained or from the mental health unit where the prisoner or child is admitted.
- (2) Where a prisoner or child in a remand home with mental illness who is treated in prison or remand home, is due to be released from prison or remand home, the officer in charge of the prison or remand home shall before the release, refer the prisoner or child to a mental health unit for examination.
- (3) The mental health practitioner who carries out the examination under subsection (2), shall determine whether the prisoner or child should continue with treatment after release from prison or remand home and shall in this case, refer him or her to a primary health centre situated in the area where the person is to reside, to be treated as a voluntary or an involuntary patient, as the case may be.
- (4) Where the person to be released from prison is to be an involuntary patient, a senior mental health practitioner shall issue a community treatment order for that person.
- (5) The senior mental health practitioner who issues a community treatment order to a person or child who is released from prison or remand home and the officer in charge of the prison or remand home that releases a prisoner or child with mental illness shall inform the probation officer of the area where the person released from prison or remand home is to reside.

**72. Duties of local authorities and person in authority**

- (1) The local council executive of the area where a person with mental illness who is released from prison or remand home resides, shall monitor the person to ensure that he or she does not present a risk to the residents of the area.
- (2) Where a person in authority or the local authority establishes that the person is a risk to the residents of the area where he or she resides, the local council executive shall cause the person to be admitted in a mental health unit as an involuntary patient.

**Part VII – Miscellaneous****73. Protection from liability**

A person who performs a function in accordance with the requirements of this Act, shall not be personally liable for any act or omission done in good faith in the performance of the function.

#### **74. Investigation of deaths related to mental illness**

The officer in charge of a mental health unit shall conduct an investigation into the deaths that occur in the mental health unit and file a report to the Board, as may be prescribed by regulations.

#### **75. Regulations**

- (1) The Minister may, by statutory instrument, in consultation with the Board, make regulations—
  - (a) for the care, treatment and rehabilitation of persons with mental illness;
  - (b) to designate and appoint mental health units and hospitals;
  - (c) for the control and management of mental health units;
  - (d) prescribing the standards to be maintained by the mental health units in Uganda;
  - (e) prescribing the procedure for treatment of persons with mental illness;
  - (f) prescribing the procedure for integration of community mental health services and psychosocial support in treating and caring for persons with mental illness;
  - (g) prescribing anything which may be prescribed under this Act; and
  - (h) generally for the purpose of carrying into effect the provisions of this Act.
- (2) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable, on conviction, to a fine not exceeding one hundred twenty currency points or imprisonment for a term not exceeding five years.
- (3) The regulations shall be laid in Parliament.

#### **76. Power to amend Schedule 1**

The Minister may, by statutory instrument, with the approval of Cabinet amend Schedule 1 to this Act.

### **Schedule 1 (Sections 1, 76)**

#### **Currency point**

A currency point is equivalent to twenty thousand shillings.

### **Schedule 2 (Section 19(10))**

#### **Community Treatment Order**