

**Reprint
as at 1 January 2001**



**Health (Infirm and Neglected
Persons) Regulations 1958**
(SR 1958/54)

Cobham, Governor-General

Order in Council

At the Government Buildings at Wellington this 17th day of April
1958

Present:
The Right Hon W Nash presiding in Council

Pursuant to the Health Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Health.

**Health (Infirm and Neglected Persons)
Regulations 1958**

Reprinted as at
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Regulations

1

- (1) These regulations may be cited as the Health (Infirm and Neglected Persons) Regulations 1958.
- (2) These regulations shall come into force on 1 May 1958.

2

- (1) Every application to a District Court, under section 126 of the Health Act 1956, for an order for the committal to a hospital or institution of any person to whom that section applies shall be made in form 1 of the Schedule, or to the like effect, and, subject to the provisions of the said section 126 and of these regulations, the provisions of the District Courts Rules 1948 shall apply.
- (2) Unless, having regard to the circumstances of the case, the court or a District Court Judge otherwise directs, notice of the application shall be served on the person to whom it relates not less than 3 clear days before the day of hearing.

Regulation 2(1): amended, on 1 April 1980, pursuant to rule 2 of the District Courts Rules 1948, Amendment No 16 (SR 1980/55).

Regulation 2(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 2(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

3

Every order made by a District Court under the said section 126 shall be in form 2 of the Schedule, or to the like effect.

Regulation 3: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

4

- (1) Every such order of committal shall, unless it is sooner rescinded under regulation 5, continue to have effect until the Medical Officer of Health certifies in writing to the medical officer or other person in charge of the hospital or institution that the detention of the person committed is no longer necessary.

- (2) On the request of the person committed, or of any other person acting on his behalf and with his consent, the Medical Officer of Health shall give a certificate under this regulation if he is satisfied that the person committed will, if discharged from the hospital or institution, be living in satisfactory conditions and under such care or attention (if any) as may in the opinion of the Medical Officer of Health be required in the circumstances of the case.
- (3) Every certificate given by the Medical Officer of Health under this regulation shall be sufficient authority for the discharge from the hospital or institution of the person committed.

5

- (1) If the Medical Officer of Health refuses, on any such request being made as aforesaid, to give a certificate under regulation 4, the person committed, or any other person acting on his behalf and with his consent, may apply to a District Court for the rescission of the order:
provided that no such application shall be made sooner than 2 weeks after the date of the order.
- (2) Every application under this regulation shall be made by way of originating application on notice under the District Courts Rules 1948, and the provisions of those rules shall apply accordingly.
- (3) If on any such application the court is satisfied that the person committed will, if discharged from the hospital or institution, be living in satisfactory conditions and under such care or attention (if any) as may in the opinion of the court be required in the circumstances of the case, the court may in its discretion rescind the order of committal and make an order for the discharge of the person committed.

Regulation 5(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 5(2): amended, on 1 April 1980, pursuant to rule 2 of the District Courts Rules 1948, Amendment No 16 (SR 1980/55).

6

- (1) The regulations made for the purposes of section 142 of the Health Act 1920 on 19 July 1921 (*Gazette*, 21 July 1921,

Vol II, p 1943) and on 30 March 1925 (*Gazette*, 9 April 1925, Vol I, p 1028) are hereby revoked.

- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any order or document made or any thing whatsoever done under the provision so revoked, and every such order, document, or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the order or document was made or the thing was done.
-

Schedule

Form 1

r 2

Notice of application for committal under
section 126 of Health Act 1956

In the District Court
held at *[place]*

In the matter of the Health Act 1956
and

In the matter of an application for
the committal of *[name]* to a hospital or institution.

Between *[name]* of *[specify]*,

Medical Officer of Health,

Applicant,

and

[name], of *[address]*, *[occupation]*,

Respondent.

Take notice that the above-named applicant will apply to the District Court at *[place]* on *[to be filled in by the Registrar]* *[date]* at *[time]*, for an order that the above-named respondent be committed to a hospital or institution under the control of the *[specify]* district health board, on the grounds that the respondent is an aged (*or* infirm *or* incurable *or* a destitute) person within the meaning of section 126 of the Health Act 1956, and is living *or* habitually lives in insanitary conditions (*or* without proper care or attention).

Signature:

To the Registrar of the District Court at *[place]*

and

To the above-named *[name of respondent]*.

Form 1—*continued*

This notice of application is filed by [*name*] whose address for service is at [*specify address*].

Note

If in doubt, consult a solicitor or the Registrar immediately.

Schedule form 1: amended, on 1 January 2001, by section 111(2) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Schedule form 1: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 2
Order of committal under section 126 of Health
Act 1956

r 3

(General title as in form 1)

It is ordered that [*name of respondent*] be committed to the [*name of hospital or institution*] to be detained there until he is discharged on the certificate of the Medical Officer of Health.

Dated at: [*place, date*]

[*Signature*]
(Registrar).

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in the *Gazette*: 23 April 1958.

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Notes

1 *General*

This is a reprint of the Health (Infirm and Neglected Persons) Regulations 1958. The reprint incorporates all the amendments to the regulations as at 1 January 2001, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

New Zealand Public Health and Disability Act 2000 (2000 No 91): section 111(2)

District Courts Rules 1948, Amendment No 16 (SR 1980/55): rule 2

District Courts Amendment Act 1979 (1979 No 125): section 18(2)
