

Legislation	Coverage
<b><i>Mental Disorder</i></b>	
Mental Capacity Act (Section 42)	<p>Under Section 42 of the Act, a person (“D”) ill-treats a person who lack capacity (“P”) if D:</p> <ul style="list-style-type: none"> <li>(a) Subjects P to physical or sexual abuse</li> <li>(b) Wilfully or unreasonably does, or causes P to do, any act which endangers or is likely to endanger the safety of P or which causes or is likely to cause P- <ul style="list-style-type: none"> <li>i. Any unnecessary physical pain, suffering or injury;</li> <li>ii. Any emotional injury; or</li> <li>iii. Any injury to his health or development; or</li> </ul> </li> <li>(c) Wilfully or unreasonably neglects, abandons or exposes P with full intention of abandoning P or in circumstances that are likely to endanger the safety of P or to cause P- <ul style="list-style-type: none"> <li>i. Any unnecessary physical pain, suffering or injury;</li> <li>ii. Any emotional injury; or</li> <li>iii. Any injury to his health or development.</li> </ul> </li> </ul> <p>(4) For the purpose of <a href="#">subsection (3)(c)</a>, D shall be deemed to have neglected P in circumstances likely to cause him unnecessary physical pain, suffering or injury or emotional injury or injury to his health or development if D wilfully or unreasonably neglects to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for P.</p> <p>(5) D may be convicted of an offence under this section notwithstanding —</p> <p>(a)</p> <p>that any actual suffering or injury on the part of P or the likelihood of any suffering or injury on the part of P was obviated by the action of another person; or</p> <p>(b) the death of P.</p> <p>(6) Subject to <a href="#">subsection (7)</a>, any person who is guilty of an offence under this section shall be liable on conviction —</p> <p>(a)</p> <p>in the case where death is caused to P, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both; and</p> <p>(b)</p> <p>in any other case, to a fine not exceeding \$4,000 or to imprisonment for a</p>

	<p>term not exceeding 4 years or to both.</p> <p>(7) The court may, in lieu of or in addition to any punishment specified in <a href="#">subsection (6)</a>, order the person guilty of an offence under this section to execute a bond, with or without sureties, as the court may determine, to be of good behaviour for such period as the court thinks fit, and may include in such bond a condition requiring such person to undergo such counselling, psychotherapy or other programme as may be specified therein.</p> <p>(8) If a person who is ordered to execute a bond of good behaviour under <a href="#">subsection (7)</a> fails to comply with any of the conditions of such bond, he shall —</p> <p>(a)</p> <p>if such bond is in lieu of a penalty under <a href="#">subsection (6)</a>, be liable to the penalty provided for in that subsection; or</p> <p>(b)</p> <p>if such bond is in addition to a penalty under <a href="#">subsection (6)</a>, be liable to a further fine not exceeding \$20,000 or to a further term of imprisonment not exceeding 7 years or to both.</p> <p>(9) In this section, “court” means any court of competent jurisdiction.</p>
Mental Capacity Act (Section 43)	Under Section 43 of the Act, any person who knows or has reason to suspect that a person who lacks capacity is in need of care or protection may make a notification to the Public Guardian of the facts and circumstances on which his knowledge or suspicion is based.