# Government Gazette

REPUBLIC OF SOUTH AFRICA
IRIPHABLIKHI YOMZANTSI-AFIKA

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## THE PRESIDENCY

No. 427 28 May 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 12 of 2014: Mental Health Care Amendment Act, 2014**

## -OFISI KAMONGAMELI

Ino. 427 28 May 2014

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

**Ino 12 ka 2014: nguMthetho Wokwenza Utshintsho KuMthetho Ojongene Nezigulo Zengqondo, 2014**

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

________ Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President)*
*(Assented to 28 May 2014)*

# ACT

**To amend the Mental Health Care Act, 2002, so as to insert a new section; to provide for the delegation of powers by the head of the national department to officials in the national department; to repeal the Mental Health Act, 1973; and to provide for matters connected therewith.**

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of Act 17 of 2002**

**1.** The Mental Health Care Act, 2002 (Act No. 17 of 2002), is hereby amended by the insertion after section 72 of the following section:

‘‘**Delegation of powers**

**72A.** (1) The head of the national department may, in writing, delegate any power conferred upon him or her by this Act to a competent person in the employ of the national department, except the powers referred to in sections 5, 6(3), 13(2), 41 and 49.

(2) The head of the national department may, at any time—

*(a)* withdraw a delegation made under subsection (1); or

*(b)* withdraw or amend any decision made in the exercise of such delegated power.

(3) A decision made in the exercise of any delegated power, unless withdrawn or amended, is deemed to have been made by the head of the national department.

(4) Any right or privilege acquired or any obligation or liability incurred as a result of a decision made in terms of a delegated power referred to in subsection (1) cannot be affected by any subsequent withdrawal or amendment of that decision.’’.

**Repeal of law**

**2.** The Mental Health Act, 1973 (Act No. 18 of 1973), is hereby repealed.

**INKCAZELO NGOKUBANZI**

| | |
|---|---|
| [ ] | Amagama abhalwe ngqindilili kwiibrakethi ezisisikweri abonisa okukhutshiweyo kumthetho okhoyo. |
| ______ | Amagama akrwelwe umgca ngaphantsi abonisa okufakelweyo kumthetho okhoyo. |

*(English text signed by the President)*
*(Assented to 28 May 2014)*

# UMTHETHO

**Injongo kukwenza utshintsho kuMthetho Ojongene Nezigulo Zengqondo ka-2002 ukuze kufakelwe isiqendu esitsha; kukwenzela ukuba intloko yesebe lezwelonke amagunya iwaphathise amagosa akwisebe lezwelonke; kukutshitshisa i*Mental Health Care Act* ka-1973; nokulungiselela izinto ezinxibelelene nezi.**

KUWISW' UMTHETHO yiPalamente yeRiphablikhi yoMzantsi-Afrika ngale ndlela ilandelayo:—

**Kwenziwa utshintsho kuMthetho 17 ka-2002**

**1.** Kwenziwa utshintsho kuMthetho Ojongene Nezigulo Zengqondo 17 ka-2002 ngokuthi kufakelwe isiqendu esilandelayo emva kwesiqendu 72:

''**Ukuwaphathisa abanye amagunya**''

**72A.** (1) Intloko yesebe lezwelonke inokuthi, ngokubhala, iliphathise omnye umntu naliphi na igunya ethiwe jize lona ngulo Mthetho, loo mntu uphathiswayo engumntu oqeshwe lisebe lezwelonke, ngaphandle kwamagunya ekuthethwe ngawo kwisiqendu 5, 6(3), 13(2), 41 nakwesama-49, angenakuphathiswa.

(2) Intloko yesebe lezwelonke inokuthi, nangaliphi na ixesha—

*(a)* ikurhoxise ukuphathisa ebikwenze ngokwesiqendwana (1); okanye

*(b)* irhoxise okanye yenze utshintsho kwisigqibo esenziwe xa bekuphathiswe igunya.

(3) Isigqibo esenziwe xa bekuphathiswe igunya sithathwa ngokuthi senziwe yintloko yesebe likarhulumente, ngaphandle kokuba sirhoxisiwe okanye senziwa utshintsho.

(4) Naliphi na ilungelo elifunyenweyo okanye inyhweba efunyenweyo okanye uxanduva oluzuziweyo ngenxa yesigqibo esenziwe ngokuphathiswa igunya okuthethwe ngako kwisiqendwana (1) alinakuchatshazelwa kukurhoxiswa okanye kukwenziwa kotshintsho kweso sigqibo okunokuthi kulandele kamva.''.

**Kutshitshiswa umthetho**

**2.** I*Mental Health Act* 18 ka-1973 iyatshitshiswa.

**Short title and commencement**

**3.** This Act is called the Mental Health Care Amendment Act, 2014, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**Igama lawo elifutshane nokuqalisa kwawo ukusebenza**

**3.** Lo Mthetho ubizwa ngokuba nguMthetho Wokwenza Utshintsho KuMthetho Ojongene Nezigulo Zengqondo ka-2014, kwaye uqalisa ukusebenza ngomhla ogqitywe nguMongameli ngokwenza isihlokomiso ku*Shicilelo-Mithetho.*