

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 587

Cape Town 28 May 2014

No. 37693

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



AIDS HELPLINE: 0800-123-22 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.

B E 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: 5

“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. 10

(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. 15

(3) A decision made in the exercise of any delegated power, unless withdrawn or amended, is deemed to have been made by the head of the national department. 15

(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.”. 20

Repeal of law

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 The Mental Health Act, 1973 (Act No. 18 of 1973), is hereby repealed.

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*.