

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.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 592.

7 April 1976.

No. 592.

7 April 1976.

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

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 48 of 1976: Mental Health Amendment Act, 1976.

No. 48 van 1976: Wysigingswet op Geestesgesondheid, 1976.

MENTAL HEALTH AMENDMENT ACT, 1976.

ct No. 48, 1976

ACT

To amend the Mental Health Act, 1973, so as to delete certain provisions which have lapsed; to further regulate the discharge of State President's decision patients; and to prohibit sketches and photographs and the publication of information concerning patients and institutions in certain circumstances.

(Afrikaans text signed by the State President.)
(Assented to 22 March 1976.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 29 of the Mental Health Act, 1973, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 29 of Act 18 of 1973.

“(a) Where any person is with reference to a charge of murder or culpable homicide or a charge involving serious violence, detained as a President's patient under the provisions of section 27, 28 or 29 of the Mental Disorders Act, 1916 (Act No. 38 of 1916), a judge in chambers may at any time after the order of detention, on written application being made to him by the official *curator ad litem* for a recommendation to the State President that such person be discharged either absolutely or conditionally or that he cease to be treated as a President's patient, make such recommendation as he may think fit.”

2. The following section is hereby inserted in the Mental Health Act, 1973, after section 66: Insertion of section 66A in Act 18 of 1973.

“Prohibition of sketches and photographs and of publication thereof and of false information. 66A. Any person—

- (a) not being a member of the Newspaper Press Union of South Africa, who, without the authority in writing of the Secretary—
- (i) sketches or photographs or causes to be sketched or photographed any institution, portion of an institution, patient or group of patients, whether within or outside any institution; or
 - (ii) publishes or causes to be published in any manner whatsoever any sketch or photograph of any patient or group of patients, whether such sketch or photograph was made or taken before or after the issue of a reception order in respect of the patient or in respect of any patient of the group of patients, or of any institution or portion of an institution; or

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(b) who publishes or causes to be published in any manner whatsoever any false information concerning the detention, treatment, behaviour or experience in an institution of any patient or any person who was a patient, or concerning the administration of any institution, knowing the same to be false, or without taking reasonable steps to verify such information (the onus of proving that reasonable steps were taken to verify such information being upon the accused),

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine or to both such fine and such imprisonment."

3. This Act shall be called the Mental Health Amendment Short title Act, 1976.