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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

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:—

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

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 592. 7 April 1976.

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

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

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Wet No. 48, 1976 WYSIGINGSWET OP GEESTESGESONDHEID, 1976.

WET

Tot wysiging van die Wet op Geestesgesondheid, 1973, ten einde sekere bepalings wat verval het, te skrap; die ontslag van Staatspresidentspasiënte verder te reël; en sketse en foto's en die publikasie van inligting aangaande pasiënte en inrigtings onder sekere omstandighede te verbied.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 22 *Maart* 1976.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 29 van Wet 18 van 1973.

1. Paragraaf (*a*) van subartikel (1) van artikel 29 van die Wet op Geestesgesondheid, 1973, word hierby deur die volgende paragraaf vervang:

„(*a*) Waar iemand met betrekking tot 'n aanklag van moord of strafbare manslag of 'n aanklag waarby ernstige geweld betrokke is, as 'n Presidentspasiënt aangehou word ingevolge die bepalings van artikel 27, 28 of 29 van die ‚Wet op Geestesgebreken, 1916' (Wet No. 38 van 1916), kan 'n regter in kamers te eniger tyd na die aanhoudingsbevel, op skriftelike aansoek aan hom deur die amptelike *curator ad litem* om 'n aanbeveling aan die Staatspresident dat bedoelde persoon òf onvoorwaardelik òf voorwaardelik ontslaan word òf dat hy nie langer as 'n Presidentspasiënt behandel word nie, die aanbeveling doen wat hy goedvind.".

Invoeging van artikel 66A in Wet 18 van 1973.

2. Die volgende artikel word hierby in die Wet op Geestesgesondheid, 1973, na artikel 66 ingevoeg:

„Verbod op sketse en foto's en op publisering daarvan en van valse inligting.

66A. Iemand wat—

(*a*) nie lid is van die Persunie van Suid-Afrika nie en wat sonder die skriftelike magtiging van die Sekretaris—

(i) 'n inrigting, gedeelte van 'n inrigting, pasiënt of groep pasiënte, hetsy binne of buite 'n inrigting, skets of fotografeer of laat skets of fotografeer; of

(ii) 'n skets of foto van 'n pasiënt of groep pasiënte, hetsy so 'n skets of foto voor of na die uitreik van 'n opnemingsbevel ten opsigte van die pasiënt of ten opsigte van enige pasiënt van die groep pasiënte gemaak of geneem is, of van 'n inrigting of gedeelte van 'n inrigting op enige wyse hoegenaamd publiseer of laat publiseer; of

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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:—

Amendment of section 29 of Act 18 of 1973.

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:

"(*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.".

Insertion of section 66A in Act 18 of 1973.

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

"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*) enige vals inligting aangaande die aanhouding, behandeling, gedrag of ervarings in 'n inrigting van 'n pasiënt of iemand wat 'n pasiënt was, of aangaande die bestuur van 'n inrigting, op enige wyse hoegenaamd publiseer of laat publiseer, wetende dat dit vals is of sonder om redelike stappe te doen om seker te maak dat daardie inligting juis is (die bewyslas om te bewys dat redelike stappe gedoen is om seker te maak dat daardie inligting juis is, berus by die beskuldigde),

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sodanige boete sowel as sodanige gevangenisstraf.".

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Geestesgesondheid, 1976.

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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.".

Short title.

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