

**DEPARTMENT OF HEALTH  
DEPARTEMENT VAN GESONDHEID**

**No. 542**

**20 July 2012**

**PUBLICATION OF MENTAL HEALTH CARE AMENDMENT BILL, 2012**

The Minister of Health intends to introduce table the Mental Health Amendment Bill, 2012 in Parliament, this year.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft amendment to the regulations, to the Director – General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Cluster Manager: Legal Services), within one month of the date of publication of this notice.

The Bill is attached and further copies can be obtained from Ms Hyldia Phasha of the Department of Health: Legal Services at

18<sup>th</sup> Floor Civitas Building  
Corner Andries and Struben Streets  
Pretoria  
Tel: (012) 395 8492

OR

Government Printers- Pretoria

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**MENTAL HEALTH CARE AMENDMENT BILL, 2012****GENERAL EXPLANATORY NOTE:**

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

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

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**BILL**

**To amend the Mental Health Care Act, 2002 so as to amend and insert certain sections; to provide for the delegation of powers by the head of the national department to officials in the national department; 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 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 any person in the employ of the national department, except the powers referred to in sections 5, 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- (3) A decision made in the exercise of any delegated power, unless withdrawn or amended is deemed to have been made by the head of the national department.”.

**Repeal of laws**

2. Chapter 8 of the Mental Health Act, 1973 (Act No. 8 of 1973) is hereby repealed as a whole.

**Short title and commencement**

3. This Act is called the Mental Health Care Amendment Act, 2012, and comes into operation on a date determined by the President by proclamation in the *Gazette*.