

**CRIMINAL MATTERS AMENDMENT ACT 68 OF 1998**

[ASSENTED TO 28 SEPTEMBER 1998] [DATE OF COMMENCEMENT: 28 FEBRUARY 2002]

*(English text signed by the President)*

**Regulations under this Act**

DIRECTIVES UNDER SECTION 7 OF THE CRIMINAL MATTERS AMENDMENT ACT 68 OF 1998 (GenN 292 in GG 23176 of 28 February 2002)

**ACT**

**To amend the Mental Health Act, 1973, so as to further regulate periodical reporting on the mental condition of State patients and the detention and discharge of such patients; to amend the Criminal Procedure Act, 1977, so as to further regulate the referral of an accused for enquiry into his or her capacity to understand proceedings or regarding the criminal responsibility of an accused concerning the offence with which he or she is charged; and to provide for matters connected therewith.**

- 1** Amends section 25 of the Mental Health Act 18 of 1973 , as follows: paragraph (a) substitutes subsection (1) (a) ; and paragraph (b) deletes subsection (2).
- 2** Amends section 29 of the Mental Health Act 18 of 1973 by substituting subsection (1).
- 3** Amends section 77 of the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) inserts subsection (1A); paragraph (b) substitutes subsection (6) (a) ; paragraph (c) substitutes subsection (7); and paragraph (d) substitutes subsection (9).
- 4** Amends section 17 of Mental Health Act 18 of 1973 by substituting the expression 'a Director of Public Prosecutions appointed in terms of section 13 (1) of the National Prosecuting Authority Act, 1998 ( Act 32 of 1998 )' for the expression 'an attorney-general'.
- 5** Amends section 78 of the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) substitutes subsection (1); paragraph (b) inserts subsections (1A) and (1B); paragraph (c) substitutes subsection (2); and paragraph (d) substitutes subsection (6).
- 6** Amends section 79 of the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) substitutes subsection (1); paragraph (b) inserts subsection (1A); paragraph (c) adds subsection (2) (c) ; and paragraph (d) substitutes subsection (4) (d) .

**7 Savings**

(1) Pending the commencement of the Legal Aid Guide as contemplated in section 3 of the Legal Aid Act, 1969 ( Act 22 of 1969 ), and to the extent that the Legal Aid Guide, existing at the commencement of this Act, does not regulate the position of the granting of legal aid or legal representation in respect of the proceedings referred to in section 3 (a) of this Act, the Legal Aid Board shall be competent to draft directives, in consultation with the Minister, in terms of which legal aid or legal representation is rendered or made available for purposes of section 3 (a) of this Act.

(2) (a) The directives referred to in subsection (1) must be published in the *Gazette* .

(b) Before the directives are published in the *Gazette* , they must be submitted to Parliament and tabled as soon as possible.

**8 Short title and commencement**

This Act shall be called the Criminal Matters Amendment Act, 1998, and shall come into operation on a date fixed by the President by proclamation in the *Gazette* .