

## LEGAL ASPECTS WITH REGARD TO MENTALLY ILL OFFENDERS IN SOUTH AFRICA

M Swanepoel\*

### SUMMARY

The purpose of this note is to discuss legal aspects with regard to mentally ill offenders with specific reference to the defence raised as a result of mental illness. In order to fully understand this defence it is important to provide a clinical background on what forensic psychiatry is. It is also necessary to define certain clinical concepts such as the concept of mental illness, and the criteria for the classification of mental illnesses. This then leads to a discussion of the defence of mental illness. A conclusion is drawn at the end, with a summary of the findings.

**KEYWORDS:** mental illness; mentally ill offenders; forensic psychiatry; defence with regard to mental illness; *Criminal Procedure Act*; *Mental Health Care Act*.

---

\* Prof Magdaleen Swanepoel. LLB LLM LLD. Associate Professor, Unisa, School of Law, Department of Jurisprudence. E-mail: MagdSwanem@unisa.ac.za.