

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

NORTH-WEST NOORD WES

PROVINCIAL GAZETTE PROVINSIALEKOERANT

Price R1,20

Prvs R1,20

Vol. 1

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Nr.

No. 34

It is hereby notified that the Premier has
assented to the following Act which is
hereby published for general information.

**Act No. 9 of 1994 : North-West Housing Corporation
Amendment Act, 1994**

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

**Wet No. 9 van 1994 : Wysigingswet op die Noord-Wes
Provinsiale Behuisingkorporasie, 1994.**

ACT

To amend the Bophuthatswana Housing Corporation Act, 1982; so as to change the name of that body to "North West Housing Corporation" and, with the view to giving effect to such change, to effect such amendment to that Act (including the short title) as may be necessary; in section 3 to change the composition of the Board and to dissolve the existing Board; in section 4 to further empower the responsible Member to remove a member of the Board from office; in section 5 to provide for the suspension of a member pending inquiry or investigation; to further provide for circumstances under which a person is disqualified from being appointed or remaining a member of the Board; in section 10 to empower the responsible Member to call for an emergency meeting of the Board under certain circumstances; in section 12 to determine the quorum at a meeting of the Board; in section 13 to require a member to disclose an interest in any matter forming the subject of deliberation in a meeting of the Board; in section 18 to provide for the appointment of the General Manager and Acting General Manager by the responsible Member; to insert a new section 18A regarding the conditions of service of other staff of Corporation; in section 19 to further regulate the powers, functions and duties of the Corporation; to insert new sections 19A, 19B and 19C providing for the establishment, constitution and Regulations of the Housing Tender Board; in section 24 to provide for the guarantee of a loan by the Member of the Executive Council for Finance and Provincial Expenditure subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993); in section 27 to further provide for the financial accountability of the Board; in section 28 to empower the responsible Member to appoint an auditor to conduct an interim audit of

the Corporation's financial books and statements; to insert a new section 31A providing for the application of the Act to the whole territory of the North West; and to provide for incidental matters.

(English text signed by the Premier on 31st August 1994).

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

Amendment of section 1 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

1. Section 1 of the Bophuthatswana Housing Corporation Act, 1984 (hereinafter referred to as the Principal Act) is hereby amended -

(a) by the insertion immediately after the definition of "company" of the following definitions:

" 'Constitution' means the Constitution of Republic of South Africa, 1993 (Act 200 of 1993);

'Executive Council' means the Executive Council contemplated in section 149 of the Constitution;";

(b) by the substitution of the definition of "house" of the following definition:

" 'house' includes any shelter, affordable low cost dwelling, flat, apartment or residential unit whether held or to be held

under a sectional title deed as defined in section 1 of the Sectional Title Act, 1986 (Act 95 of 1986), or otherwise and the word "housing" has a corresponding meaning;"

- (c) by the substitution for the definition of "local authority" of the following definition:

" 'local authority' means any body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act 32 of 1961), and includes -

- (a) a local council established under section 2(1) of the Local Councils Act (House of Assembly), 1987 (Act 94 of 1987);
- (b) an Administrator as contemplated in the Abolition of Development Bodies Act, 1986 (Act 75 of 1986) in the performance of the functions entrusted to him or her in terms of the last-mentioned Act;
- (c) an Administrator in the performance of the functions entrusted to him or her in terms of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991);
- (d) any local authority as defined in the Ordinances of the Province of the Cape of Good Hope and the Province of Transvaal (as of force in the North West Province) and any tribal, community or regional authority contemplated by the Traditional Authorities Act, 1978 (Act 23 of 1978); and
- (e) any body established in terms of the Local Government Transition Act, 1993 (Act 209 of 1993).";

- (d) by the deletion of the definition of "Minister";
- (e) by the insertion immediately after the definition of "local authority" of the following definitions:

" 'Province' means the Province of the North West as contemplated in section 124(1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);

'responsible Member' means the Member of the Executive Council for Local Government, Housing, Planning and Development;";

- (f) by the deletion of the definition of "Republic";
- (g) by the substitution for the definition of "statutory corporation" of the following definition:

" 'statutory corporation' means any corporation which, by or in terms of any law of force in the Province, has been established or exists in the Province;";

- (h) by the substitution for the definition of "the Corporation" of the following definition:

" 'the Corporation' means the North West Housing Corporation established by section 2.".

Substitution of section 3 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

2. The following section is hereby substituted for section 3 of the Principal Act:

"Constitution
of Board of
Directors of
Corporation,
Appointment
and Termina-
tion of Ap-
pointment of
Members of the
Board and Re-
muneration,
etc. of Mem-
bers of Board.

3.(1) Notwithstanding anything to the contrary contained in this Act, the Board of Directors of the Corporation shall consist of a chairperson, deputy-chairperson, an officer in the Public Service designated by the responsible Member and at least seven other members or such greater number of members who who shall be persons who in the opinion of the responsible Member are representative of the broad cross-section of the population of the Province and are -

- (a) by virtue of their qualifications, expertise and experience suited to serve on the Board;
- (b) committed to the housing needs of the Province, fairness, transparency, openness and accountability of their public office;
- (c) independent and impartial in the due performance of their functions and duties as officers of the Corporation; and
- (d) committed to the objectives and principles of the Constitution, the housing policy determined by the Provincial Legislature and the Reconstruction and Development Programme.

(2) The members of the Board, save for the members in the Public Service and in the employment of the Corporation, shall be appointed by the responsible Member on such terms and conditions and for such period not exceeding three years as the responsible Member may determine either generally or in respect of each individual member which he shall cause to be specified in the letter of appointment to be issued in respect of such member.

(3) Subject to the provisions of subsection (1), the responsible Member shall when making the appointments referred to in subsection (2), have due regard to the promotion and protection of the interests of the disadvantaged persons.

(4) Any member of the Board whose term of office has expired, shall be eligible for re-appointment.

(5) The members of the Board excluding members in the Public Service shall be paid such remuneration and allowances and be entitled to such perquisites (including leave of absence) as the responsible Member in consultation with the Member of the Executive Council for Finance and Provincial Expenditure may from time to time determine."

Substitution of section 4 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

3. The following section is hereby substituted for section 4 of the Principal Act:

"Removal and
resignation
from office.

4.(1) Notwithstanding the provisions of section 3, the term of office of any member may, before the expiration thereof, be terminated by the responsible Member (whereupon such member shall be removed from office) -

- (a) on account of his or her misconduct;
- (b) on account of unfitness for the duties of his or her office;
- (c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;
- (d) if he or she has become disqualified in terms of section 6;
- (e) if in the opinion of the responsible Member, there are good and sufficient reasons for doing so.

(2) A member of the Board may at any time resign from the Board upon one month's written notice tendered to the responsible Member."

Substitution of section 5 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

4. The following section is hereby substituted for section 5 of the Principal Act:

"Suspension of
member of the

5.(1) The responsible Member may, whenever there is being undertaken any enquiry or investigation for the

Board pending
inquiry or in-
vestigation.

purpose of establishing whether or not there exists sufficient cause for the removal of a member from office in terms of section 4(a) to (d), inclusive, suspend such member from his or her office pending the outcome of such an enquiry or investigation.

(2) Whenever a member is suspended in accordance with the provisions of subsection (1), he or she shall in respect of the period of his or her suspension not be entitled to any emoluments under this Act: Provided that -

(a) if the period of his or her suspension endures for longer than three months, the Board shall until such time as such suspension is terminated and a member is either removed from office under subsection (1), or restored to his or her office (as the case may be), pay to the member an amount equal to such portion of his basic salary as would have accrued to him or her in respect of the period in excess of such three-month period;

(b) if he or she is restored to his or her office, he or she shall, in respect of the period of his or her suspension, and in addition to any amount paid or payable to him or her under paragraph (a) of this proviso (if any), be paid all such emoluments as would have been payable to

him or her under this Act had he or she not been so suspended."

Substitution of section 6 of Act of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

5. The following section is hereby substituted for section 6 of the Principal Act:

"Disqualification
for membership
of Board.

6. A person shall be disqualified from being appointed or remaining a member of the Board if -

- (a) if he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;
- (b) if he or she is subject to an order of a competent court declaring him to be of unsound mind or mentally disordered or defective;
- (c) if he or she has been convicted of any offence for which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such

imprisonment was wholly or partly suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as such a member of the Board; and

(d) if he or she -

(i) is nominated as a candidate for election as a member of the National Assembly or any Provincial Legislature; or

(ii) is nominated as a senator; or

(iii) is a member of the Executive Council; or

(iv) is a Minister or Deputy Minister of State."

Amendment of section 7 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

6. Section 7 of the Principal Act is hereby amended -

(a) in subsection (1):

(i) by the substitution for the word "Minister" of the expression "responsible Member";

(ii) by the substitution for paragraphs (c) and (d) of the following paragraphs:

"(c) upon the term of office of a member having been

terminated in terms of section 4;

- (d) if, at the time of a member's appointment, he or she was disqualified in terms of section 6 or if he or she becomes so disqualified after his or her appointment or";

- (b) by the substitution for subsection (2) of the following subsection:

"(2) Any vacancy in the Board occurring in terms of subsection (1) shall be filled by the appointment of another member by the responsible Member in terms of this Act as soon as may be reasonably practicable after the occurrence of such vacancy and any member so appointed shall remain in office for the unexpired portion of his or her predecessor's term of office.".

Amendment of section 8 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

7. Section 8 of the Principal Act is hereby amended -

- (a) in subsection (1), by the substitution for the word "chairman" of the word "chairperson";
- (b) by the substitution for subsection (2) of the following subsection:

"(2) The deputy-chairperson of the Board shall preside at the meetings of the Board and exercise and perform the powers, functions and duties of the chairperson whenever the office of the chairperson is vacant or the chairperson is absent or suspended or incapacitated or refuses or fails to act, and whenever the offices of both the chairperson

and deputy-chairperson are vacant or both the chairperson and deputy-chairperson are absent or suspended or incapacitated or refuse or fail to act, the responsible Member shall appoint one of the remaining members of the Board as deputy-chairperson for the unexpired portion of his or her predecessor's term of office."; and

- (c) by the substitution for the terms "Minister", "chairman" and "deputy-chairman" wherever they occur in subsections (3), (4) and (5) of the terms "responsible Member", "chairperson" and "deputy-chairperson" respectively.

Amendment of section 10 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

8. Section 10 of the Principal Act is hereby amended -

- (a) in subsection 1, by the substitution for the term "Minister" wherever it occurs in that subsection of the expression "responsible Member";
- (b) by the substitution for subsection (2) of the following subsection:

"(2) The chairperson may at any time call for an extraordinary meeting of the Board if in his or her opinion it is justified by the circumstances prevailing and shall, upon having been presented with a requisition for that purpose signed by at least two members of the Board, forthwith call for an extraordinary meeting of the Board, and if the chairperson fails to call for such an extraordinary meeting within seven days as from such

presentation, such two members may, on the expiration of such seven days, call for an extraordinary meeting.";

- (c) by the addition immediately after subsection (2) of the following subsection:

"(3)(a) Notwithstanding the provisions of subsection (2), the responsible Member may direct the chairperson to call for an emergency meeting of the Board if in the opinion of the responsible Member there are circumstances relating to housing in the Province which urgently need to be addressed by the Board.

(b) The chairperson shall within three days of receipt of the directive referred to in paragraph (a) forthwith convene an emergency meeting of the Board and the chairperson shall within three days after such emergency meeting submit to the responsible Member a report of the deliberations of such meeting.".

Amendment of section 12 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

9. Section 12 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) At any meeting of the Board the quorum shall be one-half of the total number of the members of the Board."

Amendment of section 13 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

10. Section 13 of the Principal Act is hereby amended -

(a) by the substitution for paragraph (b) of the following paragraph:

"(b) any intended or pending legal or arbitration proceedings to which the Board is or may become a party and in which any such member has, directly or indirectly, either by himself or herself or through his or her spouse, partner or business associate or through any other person related to him or her within the third degree of consanguinity or affinity, any interest, whether as a party, witness or legal representative or otherwise and such interest is disclosed to the Board."

(b) by the substitution for subsection (2) of the following subsection:

"(2) If any member of the Board fails to disclose any interest on his or her part, as contemplated by subsection (1), when the Board turns to consider and deal with any matter affected by such interest, and if such member contravenes or fails to comply with the provisions of that subsection, such proceedings of the Board shall be null and void and such member shall be guilty of an offence, unless it is proved that such member did not know that he or she had such an interest: Provided that in applying this section a member shall for the purposes of subsection (1)(a) be deemed not to have a

pecuniary interest in any matter affecting or relating to any transaction with any established charitable institution, society or association, or any school, college, university or other educational or training institution, where such member or his or her spouse, partner, business associate or any person related to him or her within the third degree of consanguinity or affinity, is a member of the management committee, school committee or controlling body, or is an employee of, such charitable institution, society or, association, or such school, college, university or educational or training institution or is enrolled as a student of any school, college, university or educational or training institution."

Substitution of section 15 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

11. The following section is hereby substituted for section 15 of the Principal Act:

"Standing orders. 15. Subject to the provisions of this Act, the Board may make, amend and rescind standing orders for the regulation of the proceedings and business of the Board and of any committee of the Board, and for all other matters connected with or incidental to the management of the Board and in connection with its business and duties."

Substitution of section 16 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

12. The following section is hereby substituted for section 16 of the Principal Act:

"Committees
Board.

16.(1) The Board may by resolution appoint of committees for the purpose of assisting the Board in the due and proper exercise or performance of any specific power, function or duty conferred or imposed on the Board by or in terms of this Act, and may likewise dissolve, extend, enlarge or limit any committee so established.

(2) A committee appointed in terms of subsection (1), shall consist of such persons (which shall include at least one member of the Board) who are appointed by the Board by virtue of being regarded by the Board as suitably and appropriately qualified in regard to the matters relating to the objects of the committee in question: Provided that the Board shall be required to obtain the responsible Member's approval where it seeks to appoint a committee not wholly comprised of the Board."

Substitution of section 18 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

13. The following section is hereby substituted for section 18 of the Principal Act:

"General Manager
of the Corpora-
tion.

18.(1) The responsible Member shall appoint a person known as the General Manager of the Corporation who shall be its chief executive, administrative and accounting officer.

(2) The General Manager shall be appointed for such period, on such terms and conditions as to service, be paid such salary and allowances and be entitled to such perquisites and benefits as the responsible Member in consultation with the Member of the Executive Council for Finance and Provincial Expenditure may from time to time determine.

(3) The provisions of sections 4, 5 and 6 shall mutatis mutandis apply in relation to the tenure of office of the General Manager.

(4) Whenever the post of General Manager is vacant or the General Manager is suspended in terms of section 5(1) or he or she is incapacitated or refuses or fails to act, the responsible Member may designate one of the officers of the Corporation to act as General Manager of the Corporation in which event such acting General Manager shall exercise and perform the powers, functions and duties of the General Manager for as long as any such vacancy exists or any of the aforementioned circumstances subsist."

Insertion of section 18A of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

14. The following section is hereby inserted immediately after section

18 of the Principal Act:

"Other staff
of Corporation.

18A.(1) The General Manager of the Corporation, may in consultation with the Board appoint such officers, employees and workpersons for the Corporation as he or she may deem necessary, for the due, proper and effective exercise and performance of the powers, functions, duties and business incorporations of the corporation, subject to such terms and conditions relating to service, salary and perquisites as the Board in consultation with the Member of the Executive Council for Finance and Provincial Expenditure may determine.

(2) Subject to the provisions of this Act, the provisions of the Public Services Act, 1994, and any regulations and rules thereunder, as amended from time to time, and any determination from time to time made in terms thereof (excluding any such determination relating to salary, salary range or scale or relating to any terms and conditions of service inconsistent with any terms and conditions of service determined or imposed under sub-section (1)), shall mutatis mutandis apply in respect of any person appointed under subsection (1) except insofar as the Board in consultation with the Member of the Executive Council for Finance and Provincial Expenditure has by regulation amended or substituted the provisions of the last-mentioned Act, the

first-mentioned regulations, the said rules and any determination so made.

(3) In applying subsection (1), "salary" includes -

- (a) any payment in money or kind, including remunerative recognition of academic or technical qualifications or the improvement of such qualifications;
- (b) payment of or contribution towards membership fees or moneys in respect of professional, technical or medical aid funds, societies, councils or associations and premiums payable in respect of insurance schemes and pension funds;
- (c) leave of absence, whether with full or half pay or unpaid.

(4) Every person appointed in terms of subsection (1) shall, subject to the provisions of this Act, exercise and perform the powers, functions and duties assigned to him or her by the General Manager or by an officer of the Corporation similarly appointed and authorised thereto by the General Manager."

Substitution of section 19 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

15. The following section is hereby substituted for section 19 of the Principal Act:

"Principal powers, functions and duties of the Corporation.

19.(1) The principal powers, functions and duties of the Corporation shall be -

- (a) on a continuous basis to assess, determine and review the position regarding homelessness and housing in the Province and, in the light thereof, to determine the needs of the Province as regards shelter, accommodation and housing;
- (b) to investigate, plan, prepare, commission and execute schemes and programmes for the provision of shelter, accommodation and housing (including affordable low-cost dwelling and the provision of shelter, accommodation and housing on an ad hoc or individual basis);
- (c) to advise and render physical and other assistance to any local, regional or rural authority and any private person as regards shelter, housing, accommodation and urban or rural planning, development and services and facilities of a technical nature connected with any form of shelter, accommodation and housing, urban or rural planning and development;

- (d) to promote the provisions of accommodation and housing on a provincial level, as well as individual home-ownership;
- (e) to make recommendations to the Executive Council as regards all matters connected with shelter, accommodation and housing;
- (f) to advise and render financial, physical and other assistance to the Government of the Province as regards housing, urban and rural planning, development and services and facilities of a technical nature connected with shelter, accommodation and housing, urban and rural planning or development.

(2) Notwithstanding the provisions of subsection (1), the responsible Member may, if he deems it necessary, direct the Board to implement and promote the provincial housing policy and any housing scheme and to perform such other functions and duties in addition to the functions and duties of the Corporation set out in subsection (1).

(3) In addition to the powers and duties conferred by subsections (1) and (2), the Corporation shall apply its resources equitably for both urban and rural development and shall exercise its powers, functions and duties with due regard to shelter, accommodation and housing needs and development in both urban and rural areas."

Insertion of section 19A of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

16. The following sections are hereby inserted immediately after section 19 of the Principal Act:

"Establishment
Housing
Tender Board.

19A. There is hereby established a Housing Tender of Board of the Corporation to publicly call for and receive tenders and conclude agreements on behalf the Corporation for such services as the Board may from time to time determine, including but not limited to -

- (1) the procurement of supplies or services for the Corporation, for use and utilization by the Corporation in the implementation of the housing policy determined by the Provincial Legislature and/or the Minister; or
- (2) the construction, hiring and testing and/or maintenance of anything or the acquisition or granting of any site or sites arranged on behalf of the Corporation in promoting the provincial housing policy and housing scheme; or
- (3) the disposal of movable property, used or utilised or which has been procured for use and utilization by the Corporation by the Corporation.

"Constitution
of Housing
Tender Board.

19B.(1) The Housing Tender Board shall consist of nine members appointed by the responsible Member of whom:-

- (a) one shall be the Chairperson of the Board of Directors of the Corporation;
- (b) one member of the Board of Directors of the Corporation nominated by the members of the Board of Directors;
- (c) General Manager of the Corporation;
- (d) one member nominated by the employees of the Corporation;
- (e) an officer in the Public Service referred to in section 3(1); and
- (f) four other persons designated by the responsible Member.

(2) The responsible Member shall designate one member of the Housing Tender Board as Chairperson and another as vice-chairperson, and such designation will be with regard to the promotion and protection of the interest of disadvantaged persons.

(3) At any meeting of the Housing Tender Board the quorum shall be not less than five members of the Housing Tender Board.

"Regulations
of the Housing
Tender Board.

19C. The Minister shall make such regulations that are necessary for the powers, administration, function, salary and any matters for the Housing Tender Board and to set the guidelines necessary to

promote the interests of disadvantaged persons and groups in the implementation of the provincial housing policy and housing scheme."

Amendment of section 20 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

17. Section 20(1) of the Principal Act is hereby amended -

(a) by the substitution for paragraph (f) of the following paragraph:

"(f) in pursuance of its object, to provide accommodation and housing, to sell or lease out any houses, buildings and land of the Corporation, and to manage, maintain and exercise final control over any form of dwelling owned and utilised by the Corporation for the purpose of providing shelter, accommodation or housing;"

(b) by the substitution for the expression "Department of State" wherever it occurs in paragraphs (i) and (j) of the expression "Provincial Department";

(c) by the substitution for the expression "Public Service Act, 1972 (Act 4 of 1972)" wherever it occurs in paragraph (k) of the expression "Public Service Act, 1994";

(d) by the substitution for the terms "Republic" and "Minister" wherever they occur in paragraph (1) of the terms "Province" and "responsible Member", respectively;

- (e) by the substitution for paragraph (o) of the following paragraph:

"(o) to take out an insurance policy with any insurer providing insurance cover for the members of the Board and the staff of the Corporation in respect of injury, disablement or death resulting from or caused by an accident occurring in the course of the exercise or performance of their powers, duties and functions in terms of or by virtue of the provisions of this Act;".

Amendment of section 21 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

18. Section 21 of the Principal Act is hereby amended -

- (a) by the substitution for paragraph (a) of the following paragraph:

"(a) the transfer to the Corporation of any immovable property acquired by it from the State or a statutory corporation, or the transfer by the Corporation of any immovable property to the State or a statutory corporation, may with the approval of the Registrar General of the Republic of South Africa or his duly appointed representative in the Province be effected by way of endorsement upon the title deed of such property, and any such endorsement shall for all purposes in law be sufficient proof that the right of ownership of the property in question is vested in the Corporation or the State or the statutory corporation in question (as the case may be);"

- (b) by the substitution for paragraph (b) of the following paragraph:

"(b) no stamp duty or transfer duty shall be payable in respect of any transfer of property to the Corporation and no stamp duty or charge or fee of office shall be payable in respect of any document executed on behalf of the Corporation or in respect of any note made at the request of the Corporation, on any document in the deeds registry of the Republic of South Africa and/or of the Province; and"; and

- (c) in paragraph (c), by the substitution for the expression "Department of State of the Republic" at the end of that paragraph of the expression "Provincial Department".

Substitution of section 23 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

19. The following section is hereby substituted for section 23 of the Principal Act:

"Financing of
the Corpora-
tion.

23.(1) The Corporation shall be financed and be provided with working capital, out of -

- (a) such moneys as may from time to time be appropriated to the Corporation by the Provincial Legislature, together with such moneys, which, prior to the

commencement of this Act, had been appropriated by the Provincial Legislature for the purposes of housing development, in so far as the lastmentioned moneys are unexpended on the date of such commencement;

- (b) loans granted to the Corporation by the Government of the Province on such terms and conditions as the responsible Member in consultation with the Member of the Executive Council for Finance and Provincial Expenditure may from time to time specify;
- (c) loans raised or overdrafts obtained from any bank or financial institution registered in the Republic of South Africa or elsewhere;
- (d) loans negotiated by the Corporation with other states, or with international bodies, agencies, institutions or financiers;
- (e) all fees, charges and moneys payable to the Corporation in respect of services, works or projects undertaken by it as an agent in terms of the provisions of section 20(1)(i);
- (f) the proceeds of any sale of any land or rights and interests therein, any other property, or any houses and buildings,

in terms of section 20(1)(e), (d) and (f), and the rentals paid in respect of any land, houses, buildings and other property leased out by it in terms of section 20(1)(c), (d) and (f);

(g) all interest derived from the investment of moneys by the Corporation in terms of the provisions of section 24(3);

(h) donations and bequests to the Corporation accepted by it:

Provided that the acquisition of capital or funds abroad for the Corporation in terms of paragraph (c) or (d) shall be subject to the prior consent of the Executive Council.

(2) The Corporation shall open and maintain with a registered commercial or other bank in the Republic of South Africa or with any other financial institution approved by the Member of the Executive Council for Finance and Provincial Expenditure, an account in which shall be deposited all moneys and income of the Corporation under this Act and from which all payments by the Corporation shall be effected."

Amendment of section 24 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

20. Section 24 of the Principal Act is hereby amended -

- (a) in subsection (2), by the substitution for the terms "President", "Republic" and "Parliament" wherever they appear in that subsection of the terms "Executive Council", "Province" and "Provincial Legislature" respectively;

- (b) in subsection (3), by the substitution for the expression "Minister of Finance" wherever it occurs in that subsection of the expression "Member of the Executive Council for Finance and Provincial Expenditure.".

Substitution of section 25 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

21. The following section is hereby substituted for section 25 of the Principal Act:

"Government of the Republic may guarantee repayment of loans raised by the Corporation.	25.(1) The Member of the Executive Council for Finance and Provincial Expenditure may, subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), on behalf of the Government of the Province and upon such terms and conditions as he or she deems fit, guarantee the repayment of any loans raised or negotiated by the Corporation in terms of the provisions of section 23(1)(c), as well as the interest and any other charges payable in connection with such loan.
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(2) An agreement entered into in pursuance of the provisions of subsection (3), may be signed on behalf of the Government of the Province by the Member of the Executive Council for Finance and Provincial Expenditure or any person authorised thereto in writing by him or her.".

Amendment of section 26 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

22. Section 26 of the Principal Act is hereby amended by the substitution for the term "remuneration" wherever it appears in the heading and subsection (1) of that section of the term "salary".

Substitution of section 27 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

23. The following section is hereby substituted for section 27 of the Principal Act:

"Financial
accountability
of Board and
provisions re-
lating to
annual report.

27.(1) The Board shall, in respect of every financial year, cause proper books and records of account to be kept in accordance with established accounting practice, principles and procedure, of -

- (a) all the moneys received by the Corporation within the contemplation of section 23(1);
- (b) all moneys deposited in and payments made from the account contemplated by section 23(2);
- (c) all moneys of the Corporation invested or deposited in terms of section 25;
- (d) all movable and immovable property and other assets held by the Corporation and every loan raised or overdraft obtained by or for the Corporation and the capital amount outstanding on each loan

or overdraft;

- (e) all costs incurred or moneys expended or owing by the Corporation in connection with the exercise and performance of its powers, functions and duties under this Act;
- (f) the interest paid and/or payable by the Corporation in respect of every loan or overdraft referred to in section 23(1)(d);
- (g) the interest received and/or accrued on moneys deposited or invested in terms of section 23(2) or,

and the Board shall, within three months as from the end of each financial year or such longer period as the responsible Member may in writing allow, submit the said books and records of account, together with the financial statements of the Corporation in respect of such year, comprising an income and expenditure statement and a balance sheet, to be audited in accordance with the provisions of section 28."

Amendment of section 28 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

24. Section 28 of the Principal Act is hereby amended -

- (a) by the substitution for subsections (1) and (2) of the following subsection:

"(1) The statements, records, books, accounts and documents of the Corporation (together with all vouchers, invoices and receipts) relating to the business and the financial affairs, position and transactions of the Corporation, shall be fully audited by the Auditor General or a practising public accountant and auditor appointed by him or her for that purpose, at the conclusion of which audit the auditor concerned shall furnish his or her report to the Board.

(2) In carrying out any audit in terms of subsection (1), the Auditor General or the public accountant or auditor referred to in subsection (1) may direct any person (including any local authority or Department of Province, any statutory or other corporation, board or body or any company, firm or association of persons) to furnish to him or her such information in the possession of such person or to make available for examination of all such statements, records, books, accounts and documents in the possession or under the control of such person, as in the opinion of the Auditor General or such public accountant or auditor relate to or are relevant in connection with any transactions of or with or any business, operation or undertaking of the Corporation and are likely to facilitate the carrying out of such audit.";

- (b) by the substitution of the expressions "four hundred rand" and "six months" wherever they occur in subsection (3) of the expressions "five thousand rand" and "twelve months" respectively;
- (c) by the addition immediately after subsection (2) of the

following subsection:

"(3) Notwithstanding the provisions of subsection (1), if the responsible Member is of the opinion that for any reason the Corporation's finances have become unsound he or she may appoint an independent auditor to conduct an interim audit and he or she shall call for and receive from the Chairperson a report as contemplated in section 27 for such period determined by the responsible Member and, such report to be submitted to the responsible Member within a period specified by the responsible Member and the provisions of subsection (2) shall mutatis mutandis apply."

Substitution of section 29 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

25. The following section is hereby substituted for section 29 of the Principal Act:

"Auditor General's re- report of chairperson of the Board and the financial statements of the Corpora- tion to be tabled in the	29. The responsible Member shall, within fourteen days after he or she has received the Auditor port, General's report as to the audit in terms of section 28 and the report and financial statements contemplated by section 27, lay such reports and statements on the table in the Provincial Legislature, if the Provincial Legislature is then in session, or, if it is not then in session, within fourteen days after the commencement of its next ensuing session."
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Provincial
Legislature.

Amendment of section 30 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

26. Section 30 of the Principal Act is hereby amended -

(a) in subsection (1), by the substitution for the word
"remuneration" wherever it occurs in paragraph (a) of the word
"salary";

(b) by the insertion immediately after subsection (1) of the
following subsection:

"(1A) Notwithstanding the provisions of subsection (1), the
responsible Member may, if he or she deems it
necessary, make such regulations that are necessary for
the proper functioning and administration of the
Corporation and implementation of the provincial's
housing policy.";

(c) by the substitution for subsections (2) and (3) of the
following subsections:

"(2) Regulations made in terms of subsections (1) and (1A)
shall be published for general information in the Provincial
Gazette and may in so far as it relates to the improvement of
the conditions and terms of service, salary and perquisites,
be made with retrospective effect, subject to the approval of

the Member of the Executive Council for Finance and Provincial Expenditure.

(3) Every regulation made in terms of subsections (1) and (1A) shall be laid on the table of the Provincial Legislature within fourteen days of its publication in the Provincial Gazette, if the Provincial Legislature is then in session, or, if it is not then in session, within fourteen days after the commencement of its next ensuing session."

Insertion of section 31A of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

27. The following section is hereby inserted immediately after section 31 of the Principal Act:

"Application of Act to the territory of North West.	31A. This Act and any amendment thereof shall apply to the whole territory of the North West Province as defined in Part 1 of Schedule 1 to the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993)."
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Substitution of section 32 of Act 24 of 1982 as of force in the North West Province on 27 April 1994.

28. The following section is hereby substituted for section 32 of the Principal Act:

"Short title.	32. This Act shall be called the North West Housing Corporation Act, 1982."
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Amendment of Act 24 of 1982 as of force in the North West Province on 27 April 1994 by generally substituting the terms "Republic", "Minister", "Minister of Finance", "Bophuthatswana", "Parliament" or "National Assembly", "chairman" and "vice-chairman", "he", "him", "his" and Gazette or Government Gazette" for the terms "Province", "responsible Member", "Member of the Executive Council for Finance and Provincial Expenditure", "North West", "Provincial Legislature", "chairperson" and "vice-chairperson", "he or "she", "him or her", "his or her" and "Provincial Gazette", respectively.

29. The Principal Act is hereby further amended, generally, by the substitution for the terms "Republic", "Minister", "Minister of Finance", "Bophuthatswana", "Parliament" or "National Assembly", "chairman" and "vice-chairman", "he", "him", "his" and "Gazette or Government Gazette" wherever they remain in the Principal Act after the amendments effected by the preceding sections of this Act of the terms "Province", "responsible Member", "Member of the Executive Council for Finance and Provincial Expenditure", "North West", "Provincial Legislature", "chairperson" and "vice-chairperson", "he or "she", "him or her", "his or her" and "Provincial Gazette", respectively.

Short title.

30. This Act shall be called the North West Housing Corporation Amendment Act, 1994.

