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EXTRAORDINARY

Staatskoerant

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DEPARTEMENT VAN GESONDHEID.

DEPARTMENT OF HEALTH.

Onderstaande Wetsontwerp word ter algemene inligting gepubliseer.

The following Bill is published for general information.

WETSONTWERP

Om voorsiening te maak vir die aanstelling van 'n Nasionale Behuisings- en Plannekommissie om uit Staatsgelde lenings vir die aanbou van wonings voor te skiet en om self die aanbou van skemas te onderneem vir die instelling van 'n Nasionale Behuisingskantoor en om bevoegdhede aan administrateurs en plaaslike outoriteite te verleen ten opsigte van die aanbou van wonings en die instelling van provinsiale behuisingsrade en behuisingsfondse; om voorsiening te maak vir bydraes uit Staatsgelde tot lenings deur goedgekeurde bouverenigings teen verminderde sekuriteit om sekere wonings te bou, en om voorsiening te maak vir die beheer en aankoping van boumateriaal en grond en magte toe te sê aan die Kommissie en plaaslike outoriteite om lenings en skemas te administreer en sekere pligte voor te skryf in verband met die gebruik van woonruimte.

(Deur die MINISTER VAN GESONDHEID ingedien te word.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

HOOFSTUK I.

AANSTELLING VAN NASIONALE BEHUISINGS- EN PLANNEKOMMISSIE EN SKEPPING VAN NASIONALE BEHUISINGSKANTOOR.

Woordbepaling.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „administrateur” die administrateur van enige provinsie handelende op advies van sy Uitvoerende 10 Komitee en op aanbeveling van die Kommissie, en wanneer gebruik in verband met 'n plaaslike outoriteit, beteken dit die administrateur van die provinsie waarin die regsgebied van die plaaslike outoriteit geleë is; (i)
- (ii) „bou” ook verander, vergroot, verbou, en herstel, en 15 ook bou soos hierin omskryf, onverskillig of voor of na die inwerkingtreding van hierdie Wet daarmee begin is, en aanbou het 'n dienoooreenkomstige betekenis; (vii)
- (iii) „boulening”, 'n lening wat 'n bouvereniging in samenwerking met die Kommissie ingevolge hierdie Wet aan 20 iemand verstrek of sal verstrek om hom in staat te stel om 'n woning te bou; (iv)
- (iv) „bouvereniging”, 'n permanente bouvereniging wat kragtens die Bouverenigingswet, 1934 (Wet No. 62 van 1934), geregistreer of voorlopig geregistreer is en 25 vir die toepassing van hierdie Wet deur die Kommissie na beraadslaging met Tesourie, goedgekeur is; (v)
- (v) „grond”, behalwe in Hoofstuk IV ook 'n reg ten opsigte van grond, uitgesonder 'n reg wat toegeken of verkry is of toegeval het kragtens 'n wetsbepaling betreffende 30 die prospekteer vir, of myn van edele of onedele metale, minerale of edelgesteentes; (ix)
- (vi) „hulp-behuisingskema”, 'n skema ten opsigte waarvan die Staat 'n renteverlies moet dra, of vir die administrasie en instandhouding waarvan die Staat 'n subsidie 35 moet betaal of 'n deel van die lopende verlies aan die plaaslike outoriteit moet vergoed; (iii)
- (vii) „Kommissie”, die kragtens artikel twee van hierdie Wet ingestelde Nasionale Behuisings- en Plannekommissie en vir die doeleindes van paragrawe (c), (d), 40 (e), (f), (j), (k), (m), (n), (o) en (g) van artikel vier, en paragraaf (a) van artikel vyf behels die begrip ook 'n behuisingsraad wat kragtens artikel twee-en-veertig ingestel kan word deur 'n Provinsiale Raad; (vi)
- (viii) „Minister”, die Minister van Volksgesondheid of 'n 45 ander Staatsminister aan wie die Goewerneur-generaal die uitvoering van hierdie Wet opgedra het; of 'n ander Staatsminister wat optree in stede van so 'n voormelde Staatsminister; (xi)
- (ix) „plaaslike outoriteit”, 'n munisipale raad, stadsraad, 50 dorpsraad, stadsbestuur, plaaslike bestuur, dorpsbeheerraad of komitee, of afdelingsraad, Gesondheidsraad vir Buite-Stedelike Gebiede, of 'n gesag waaraan

BILL

To provide for the appointment of a National Housing and Planning Commission for the purpose of advancing loans from public funds for the construction of dwellings and itself undertaking the carrying out of schemes, for the establishment of a National Housing Office and to confer powers upon the administrators and local authorities in respect of the construction of dwellings and the establishment of provincial housing boards and housing funds; to provide for contributions from public funds to loans by approved building societies on reduced security for the construction of certain dwellings, and to provide for the control and purchase of building material and land and to grant powers to the Commission and local authorities to administer loans and schemes and to prescribe certain duties in relation to the use of dwelling accommodation.

(To be introduced by the MINISTER OF HEALTH.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

5. APPOINTMENT OF NATIONAL HOUSING AND PLANNING COMMISSION AND CREATION OF NATIONAL HOUSING OFFICE.

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "administrator" means the administrator of a province acting on the advice of his executive committee and upon the recommendation of the Commission and when used in relation to any local authority, means the administrator of the province in which such local authority's area of jurisdiction is situate; (i)
- (ii) "approved scheme" means a scheme approved by the administrator or in the case of a scheme in respect of which the Commission has made or is to make any advance, by the Commission; (xii)
- (iii) "assisted housing scheme" means a scheme in respect of which the State is required to bear a loss on interest or for the administration and maintenance of which the State is required to pay a subsidy or to re-imburse a portion of the current loss to the local authority; (vi)
- (iv) "building loan" means a loan which a building society, in collaboration with the Commission, has granted or will grant to any person under this Act to enable him to construct a dwelling; (iii)
- (v) "building society" means a permanent building society which is registered or provisionally registered under the Building Societies Act, 1934 (Act No. 62 of 1934), and, for the purposes of this Act, has been approved by the Commission after consultation with the Treasury; (iv)
- (vi) "Commission" means the National Housing and Planning Commission established under section two of this Act and for the purposes of paragraphs (c), (d), (e), (f), (j), (k), (m), (n), (o) and (q) of section four and paragraph (a) of section five includes a housing board which in terms of section forty-two may be established by a Provincial Council; (vii)
- (vii) "construct" includes alter, enlarge, adapt and repair as well as construct as herein defined, whether or not it was commenced before the commencement of this Act and "construction" has a corresponding meaning; (ii)
- (viii) "dwelling" means a building which after construction, adaptation or enlargement does not contain more than five living-rooms together with a kitchen and the usual appurtenances, outbuildings, fences and permanent provision for lighting, water supply, drainage and sewerage, whether such building is to be constructed as a detached or semi-detached building or is to be

by wet bevoegdheid verleen word ter beveiliging van die gesondheid van die inwoners van 'n gebied, en in elke gebied waar daar nie 'n plaaslike outoriteit is, word die administrateur geag die plaaslike outoriteit te wees in daardie gebiede soos dit deur die Goewerneur-generaal in 'n proklamasie omskryf kan word; (x)

- (x) „regulasie”, 'n kragtens hierdie Wet uitgevaardigde regulasie; (xiii)
- (xi) „skema”, 'n plan vir die aanbou van verskeie goed- 10
gekeurde wonings of die plan nou wel die verkryging van grond vir hierdie wonings of aanleg, herbeplanning, onderverdeling en ontwikkeling van die grond vir boudoeleindes insluit al dan nie, en dit sluit in alle geboue wat na die oordeel van die Minister nodig is vir 15
die behoorlike bestuur van sodanige wonings of vir die lewer van dienste aan sodanige wonings of geboue en vir die gesondheid en welvaart van die inwoners en grond wat afgebaken, afgesonder of verkry is as oop terreine vir speel en ontspanning, onverskillig of dit 'n skema 20
is vir die bou van wonings vir 'n bepaalde kategorie persone of begin is voor of na inwerkingtreding van hierdie Wet of 'n plan vir die verkryging of afsondering van grond vir bewoning onder voorwaardes deur die Minister goedgekeur, deur persone vir wie geskikte 25
huisvesting nie beskikbaar is nie of sodanige bewoning deur sulke persone die oprig van wonings of ander strukture vir bewoning meebring al dan nie; (xiv)
- (xii) „goedgekeurde skema” is 'n skema wat deur die Administrateur goedgekeur is, of in die geval van 'n 30
skema waarvoor die Kommissie 'n voorskot verstrekt het of gaan verstrekt deur die Kommissie goedgekeur is; (ii)
- (xiii) „Tesourie”, die Minister van Finansies of 'n amptenaar in sy Departement aan wie hy sy werksaamhede in- 35
gevolge hierdie Wet oorgedra het; (xv)
- (xiv) „verband” of „verbandakte” benewens die gewone betekenis ook die oordrag van enige huurkontrak hetsy geregistreer of nie wat die huurder of sy regsopvolgers die reg gee om enige grond geleë binne die munisi- 40
paliteit van Kimberley en behorende aan die De Beers Consolidated Mines, Limited of sy regsopvolgers, te okkupeer; (xii)
- (xv) „woning”, 'n gebou wat na oprigting, verbouing of vergroting nie meer dan vyf woonvertrekke bevat 45
benewens 'n kombuis, en die gebruikelike toebehore, buitegeboue, omheining en die permanente voorsiening van lig, water, dreinerings en riolering, hetsy of so 'n gebou opgerig is of moet word as 'n vrystaande of skakelhuis of as deel van 'n blok van geboue, en 50
„woning” sluit verder in enige gebou wat nodig is in verband met 'n tehuis of ander inrigting bestem vir die huisvesting van jeugdiges, wat kragtens die een of ander wet daarheen gekommitteerd is en deur 'n Staatsminister erken is as geskik vir sodanige huis- 55
vesting by wyse van 'n sertifikaat deur hom onderteken kragtens die wet wat betrekking het op jeug-misdadigers of op die beskerming en welvaart van kinders, en ook enige gebou ten opsigte waarvan 'n administrateur, of in die geval van 'n gebou vir die oprig waarvan die 60
Kommissie 'n voorskot verstrekt het of gaan verstrekt, die Kommissie gesertifiseer het dat dit bedoel is vir gebruik as 'n tehuis of ander inrigting, onder behoorlike bestuur en beheer met die doel om sonder winsbejag 'n gemeenskaplike woonplek te verskaf aan 65
persone wat andersins nie in staat sou wees om geskikte huisvesting binne hulle vermoë te bekom nie: Met dien verstande egter dat vir die doeleindes van hierdie woordbepaling „wins” nie geag word bedrae in te sluit wat met goedkeuring van die Kommissie of die 70
administrateur na gelang van omstandighede gemaak kan word uit die gebruik van die woning en opsy gesit kan word vir—
- (a) die terugbetaling van 'n lening toegestaan kragtens artikel *negentien*, of van enige ander bedrae wat 75
bestee is aan die oprig van die woning;
- (b) die betaling van rente op die behuisinglening;
en
- (c) die betaling van rente op enige ander sodanige bedrag teen 'n rentekoers deur die Kommissie of die 80
administrateur voorgeskryf, al na gelang van die

contained in a block of buildings, and "dwelling" further includes any building which is necessary in connection with a hostel or other institution intended for the accommodation of young persons who have been committed thereto under any law and which has been recognized as being suitable for such accommodation by a Minister of State by a certificate signed by him in terms of the law relating to juvenile delinquents or the protection and welfare of children, and also any building in respect of which an administrator, or in the case of a building for the construction whereof, the Commission has made or is to make any advance, the Commission has certified that it is intended to be used as a hostel or other institution under proper management and control for the purpose of providing, without profit, a residence in common for persons who would otherwise be unable, within their means, to obtain suitable accommodation: Provided that for the purposes of this definition "profit" shall not be deemed to include sums which, with the approval of the Commission or the administrator, as the case may be, may be derived from the use of the dwelling and may be set apart for—

- (a) the repayment of any loan granted under section *nineteen* or any other sums expended upon the construction of the dwelling;
- (b) the payment of interest on the housing loan; and
- (c) the payment of interest on any other such sum at a rate to be prescribed by the Commission or the administrator, as the case may be, not exceeding that payable on such sum; (xv)
- (ix) "land" except in Chapter IV, includes a right in respect of land, other than a right which was granted or acquired or accrued by virtue of a statutory provision relating to the prospecting for or the mining of precious or base metals or precious stones; (v)
- (x) "local authority" means a municipal council, borough council, town council, village council, town board, local board, village management board or committee or divisional council, Peri-Urban Areas Health Board, or any authority which by law is endowed with powers for the safeguarding of the health of the inhabitants of any area and in any area where there is no local authority, the administrator shall be deemed to be the local authority in any such area as may be defined by proclamation by the Governor-General; (ix)
- (xi) "Minister" means the Minister of Health or any other Minister of State to whom the Governor-General may assign the administration of this Act; or any other Minister of State acting in the place of such aforementioned Minister of State; (viii)
- (xii) "mortgage" or "mortgage bond" in addition to its ordinary meaning, includes the cession of any lease, whether registered or not, entitling the lessee or his successor in title to occupy any land situate within the Municipality of Kimberley or belonging to the De Beers Consolidated Mines, Limited or its successors in title; (xiv)
- (xiii) "regulation" means a regulation made under this Act; (x)
- (xiv) "scheme" means a proposal for the construction of several approved dwellings whether or not the proposal includes the acquisition of land for such dwellings or the laying out, replanning, subdivision and development of the land for building purposes and includes all buildings which in the opinion of the Minister are necessary for the proper management of such dwellings or buildings or for the provision of services to such dwellings or buildings and for the health and welfare of their inmates and land set apart, reserved or acquired as open spaces for the purposes of recreation and play and whether or not it is a scheme for the construction of dwellings for a particular class of persons or was a scheme which was begun before the commencement of this Act or a proposal for the acquisition or setting apart of land for occupation, subject to conditions approved by the Minister, by persons for whom no suitable accommodation is available and whether or not such occupation by the said persons entails the construction of dwellings or other structures, for habitation by such persons; (xi)

geval nie te bowe gaande die koers wat werklik betaalbaar is op daardie bedrag. (viii)

**Aanstelling van
Nasionale
Behuisings- en
Plannekommissie.**

2. (1) Daar word hierby 'n Kommissie onder die naam van die Nasionale Behuisings- en Plannekommissie (hierin later die Kommissie genoem) ingestel met regspersoonlikheid, bevoeg 5 om in sy eie naam te dagvaar of om gedagvaar te word, en behoudens die bepalings van hierdie Wet alle sodanige handeling te verrig as wat 'n regspersoon kragtens wet kan verrig.

(2) Enige verwysing in ander wette of wetsbepalinge na die sentrale woningraad sal geag word 'n verwysing te wees na die 10 Kommissie.

(3) Die Kommissie sal bestaan uit minstens sewe en hoogstens elf lede aangestel deur die Minister vir sodanige tydperke as wat hy mag goedkeur, en by aanstelling benoem hy een lid as voor- 15 sitter en een lid as onder-voorsitter van die Kommissie, en met voorbehoud egter dat van die lede van die Kommissie moet—

(a) een 'n argitek of ingenieur of bestekopnemer met kennis van of ervaring in munisipale aangeleenthede wees;

(b) een 'n mediese beampte wees in besit van die 20 kwalifikasies voorgeskryf deur sub-artikel (2) van artikel *twaalf* van die Volksgezondheidswet, 1919;

(c) een 'n advokaat of prokureur wees;

(d) een 'n vrou wees;

(e) drie persone wees met 'n algemene kennis van of 25 ervaring in verband met plaaslike bestuur, en een van hierdie getal moet 'n besondere kennis hê van plattelandse behuisingsaangeleenthede.

(4) Persone wat lede is van die Kommissie ten tye van die inwerkingtreding van hierdie Wet bly dien as sulks totdat hulle 30 huidige ampstermyne verstryk het.

(5) Alle uitgawe deur die Kommissie aangegaan sal bestry word uit gelde vir die doel beskikbaar gestel deur die Parlement.

(6) Die Minister kan by wyse van regulasie voorskryf die prosedure van die Kommissie, die kworum vir enige vergadering 35 daarvan, die omstandighede waaronder 'n lid sy plek op die Kommissie moet ontruim, die besoldiging en reis- en verblyfstoeleae betaalbaar, na raadpleging met die Minister van Finansies, aan lede van die Kommissie en 'n komitee aangestel kragtens paragraaf (s) van artikel *vier*, en vir die reëling van alle 40 ander aangeleenthede wat hy nodig ag vir die behoorlike verrigting deur die Kommissie van sy funksies.

(7) Aan 'n lid (insluitende die voorsitter) van die Kommissie of komitee wat 'n lid van die Staatsdiens is, mag ten opsigte 45 van die dienste wat deur hom as lid van die Kommissie of komitee verrig word, geen besoldiging behalwe sy salaris as lid van die Staatsdiens betaal word nie, en daar mag ook nie aan so 'n lid enige reis- en verblyfstoeleae teen 'n hoër skaal as die wat op hom as lid van die Staatsdiens van toepassing is, betaal word nie. 50

**Stigting van
Nasionale
Behuisings-
kantoor.**

3. (1) Daar word 'n kantoor gestig bekend as die Nasionale Behuisingskantoor met hoofkwartiere in Pretoria en sodanige takkantore as wat nodig mag wees vir die doeltreffende ver- 55 rigting van die werk.

(2) Die pligte van die kantoor sal wees om uitvoering te gee 55 aan die bepalings van hierdie Wet, en om alle administratiewe en professionele werk met inbegrip van die uitbetaling van geld in verband met die werksaamhede van die Kommissie te verrig, en die besluite van die Kommissie uit te voer.

(3) Die bestuur van die kantoor berus by 'n amptenaar, 60 genoem die Sekretaris van die Nasionale Behuisingskantoor (hierin later die sekretaris genoem) wat met inagneming van die wette van die Staatsdiens deur die Minister aangestel word.

**Bevoegdhede
van Kommissie.**

4. Die Kommissie is bevoeg om met goedkeuring van die Minister die volgende magte uit te oefen, en waar hy uitgawes 65 moet aangaan of gelde moet toewys dit te doen uit fondse wat vir die doel bewillig word deur die Parlement—

(a) gelde toe te wys aan die verskillende provinsiale behuisingsfondse vir die oprig van wonings deur plaas- 70 like besture met goedkeuring van die administrateur;

(b) gelde met goedkeuring van die administrateur voor te skiet aan plaaslike outoriteite vir die oprig van wonings onder hulp-behuisingskemas, en om die voorwaardes vir sodanige lenings vas te stel;

(c) wonings te bou en skemas voor te berei en uit te voer, 75 en materiaal en toerusting wat vir die doel nodig is aan te skaf en indien daartoe gelas deur die Minister self al die funksies te verrig wat gewoonlik deur 'n bou-

(xv) "Treasury" means the Minister of Finance or any officer in his Department to whom he has delegated his functions under this Act. (xiii)

2. (1) There is hereby established a Commission to be known as the National Housing and Planning Commission (hereinafter referred to as the Commission) which shall be a body corporate, capable of suing and being sued in its corporate name and, subject to the provisions of this Act, of performing all such acts as a body corporate may by law perform. Appointment of a National Housing and Planning Commission.
- 10 (2) Any preference in any other law or statutory provision to the central housing board, shall be construed as a reference to the Commission.
- (3) The Commission shall consist of at least seven and not more than eleven members appointed by the Minister for such periods as may be approved of by him, and upon such appointment he shall nominate one member as chairman and one member as vice-chairman of the Commission, provided however that of the members of the Commission—
- 20 (a) one shall be an architect or an engineer or a quantity surveyor with knowledge of or experience in municipal affairs;
- (b) one shall be a medical officer in possession of the qualifications prescribed by sub-section (2) of section twelve of the Public Health Act, 1919;
- 25 (c) one shall be an advocate or an attorney;
- (d) one shall be a woman;
- (e) three shall be persons with general knowledge of or experience in local government, one of whom shall have a special knowledge of rural housing conditions.
- 30 (4) Persons who are members of the Commission upon the coming into operation of this Act shall continue to serve as such until their present period of office has expired.
- (5) All expenditure incurred by the Commission shall be defrayed out of funds appropriated by Parliament for the purpose.
- 35 (6) The Minister may by regulation prescribe the procedure of the Commission, the quorum for any meeting thereof, the circumstances under which a member thereof shall vacate his seat, the remuneration and travelling and subsistence allowances, after consultation with the Minister of Finance, payable to members of the Commission and of a committee appointed in terms of paragraph (s) of section four and for regulating such other matters as he may deem necessary for the purpose of enabling the Commission to perform its functions.
- 45 (7) A member (including the chairman) of the Commission who is a member of the public service, shall not be paid, in respect of services rendered by him as a member of the Commission, any remuneration in addition to his salary as a member of the public service and he shall also not be paid any travelling and subsistence allowances at a higher rate than that applicable to him as a member of the public service.
- 50
3. (1) There is hereby established an office to be known as the National Housing Office with headquarters at Pretoria and such branch offices as may be necessary for the proper carrying out of the work. Establishment of National Housing Office.
- 55 (2) The duties of such office shall be to give effect to the provisions of this Act and to perform all administrative and professional work including the expenditure of money in connection with the functions of the Commission and to give effect to the resolutions of the Commission.
- 60 (3) The management of the office shall be the responsibility of an officer, to be known as the Secretary of the National Housing Office (hereinafter referred to as the secretary) who shall, subject to the laws governing the public service, be appointed by the Minister.
- 65
4. The Commission shall be competent, with the approval of the Minister, to exercise the following powers and where it must incur expenditure or allocate moneys, it shall do so out of funds appropriated by Parliament for the purpose— Powers of Commission.
- 70 (a) to allocate moneys to the various provincial housing funds for the construction of dwellings by local authorities with the approval of the administrator;
- (b) to advance moneys, with the approval of the administrator, to local authorities for the construction of dwellings under assisted housing schemes and to determine the conditions of such loans;
- 75 (c) to construct dwellings and to prepare and carry out schemes and to acquire material and equipment necessary for the purpose and, if directed thereto by the Minister, itself to perform all the functions which
- 80

- kontrakteur onderneem word, en om verder sodanige verbintenisse in verband met sy pligte aan te gaan as wat nodig mag wees om uitvoering te gee aan die doelstellings van hierdie Wet;
- (d) behoudens die voorskrifte bevat in die regulasies uitgevaardig kragtens artikel *veertig* en op sodanige voorwaardes as wat hy in iedere geval mag voorskryf 'n lening toe te staan teen eerste verband of ander goedgekeurde sekuriteit aan— 5
- (i) 'n goedgekeurde persoon om hom in staat te stel om 'n woning vir die huisvesting van homself en sy gesin op te rig, of dit te vergroot of te herstel indien sodanige woning opgerig was met 'n lening deur die Kommissie toegestaan; 10
- (ii) 'n goedgekeurde maatskappy of liggaam vir die oprig van 'n woning of die deurvoer van 'n skema; 15
- (e) onderworpe aan die regulasies deur die Minister afgekondig te reël vir die aankoop, herverkoop en toekenning van materiaal benodig in verband met die oprig van behuisingskemas kragtens hierdie Wet; of om sodanige materiaal self aan te koop, te herverkoop en toe te ken; 20
- (f) met enige dorperaad saam te werk in verband met enige aangeleentheid wat binne die bevoegdheid van sodanige raad ressorteer, en van tyd tot tyd volgens goeddunke aan die Minister of administrateur aanbevelings te maak ten einde verdragings by die oprig van enige behuisingskema uit te skakel; 25
- (g) in die algemeen ondersoek in te stel met betrekking tot sake rakende stedelike of plattelandse behuising, en om die Minister of enige administrateur van advies te bedien en behulpsaam te wees; 30
- (h) in samewerking met 'n goedgekeurde bouvereniging ooreenkomstig die bepalinge van Hoofstuk II van hierdie Wet boulenings toestaan aan persone vir die oprig van wonings; 35
- (i) inkomste-perke van individue vasstel—
- (i) waaraan applikante om behuisingslenings of boulenings moet voldoen en kan voorts die gebiede bepaal waarin daardie perke geldend sal wees asook die kategorie of kategorieë van persone wat onder elk sodanige perk sal kwalifiseer vir hulp met volle mag om te kan diskrimineer tussen die verskillende kategorieë; 40
- (ii) waaraan die huurders van wonings moet voldoen met volle mag om die gebiede te bepaal waarin elk sodanige perk van toepassing sal wees en die kategorieë van persone waarop die toepassing sal geld met volle mag om te kan diskrimineer tussen die verskillende kategorieë; 45
- (j) die rente wat agterstallig is op 'n lening toegestaan kragtens paragraaf (d) te kapitaliseer en 'n registrateur van aktes te versoek om sodanige kapitalisasie van rente te noteer teen die transportaktes ongeag die bestaan van 'n latere verband sonder die betaling van enige seëlregte of registrasiegelde en ooreenkomstig die regulasies afgekondig kragtens artikel *veertig* van hierdie Wet; 50
- (k) die agterstallige paaielemente op enige lening deur hom toegestaan te konsolideer; 60
- (l) die leningstermyn van enige lening deur die Kommissie gemaak hetsy aan 'n individu, maatskappy of liggaam of aan 'n plaaslike outoriteit te wysig of uit te brei;
- (m) wanneer hy dit dienstig ag die vervanging van die een verbandgewer met 'n ander onder sodanige voorwaardes as wat hy wenslik ag goed te keur, en die bepalinge van hierdie Wet sal dan van toepassing wees op die persoon wat die lening oorneem net asof die lening oorspronklik aan hom verstreke was; of hy kan toelaat dat 'n koper op 'n publieke veiling of by openbare tender ooreenkomstig artikel *een-en-twintig* die bedrag wat verskuldig is aan die Kommissie oorneem teen eerste verband op sodanige voorwaardes as wat hy mag voorskryf; 70
- (n) nadat 'n behuisingslening verseker deur 'n verband uitbetaal is of nadat 'n verband wat die koopprys van 'n huis verseker geregistreer is, kan die Kommissie weer geld aan die verbandgewer voorskiet, om die woning te verbou, verander, herstel of vergroot, en sodanige lening sal geag word deur daardie verband verseker te wees mits sodanige behuisingslening nie 80

are ordinarily undertaken by a building contractor and further to enter into such contracts as may be necessary to give effect to the objects of this Act;

- 5 (d) subject to the directions contained in the regulations made under section *forty* and on such conditions as it may in any case prescribe, grant a loan upon first mortgage or other approved security to—
- 10 (i) an approved person to enable him to construct a dwelling for the accommodation of himself or his family, or to enlarge or repair a dwelling if such dwelling was constructed with a loan granted by the Commission;
- (ii) an approved company or body for the construction of a dwelling or the carrying out of a scheme;
- 15 (e) subject to regulations promulgated by the Minister, to arrange for the purchase, resale and allocation of material necessary in connection with the carrying out of housing schemes under this Act, or itself to purchase, resell and allocate such material;
- 20 (f) to co-operate with any townships board in regard to any matter falling within the purview of that board, and from time to time to make such recommendations as it may deem fit to the Minister or any administrator with a view to the elimination of delays in the carrying out of housing schemes;
- 25 (g) generally to institute investigation into matters relating to urban and rural housing and to advise and assist the Minister or any administrator;
- (h) in collaboration with an approved building society to grant, in accordance with the provisions of Chapter II of this Act, building loans to persons for the construction of dwellings;
- 30 (i) to determine the income limits of individuals—
- 35 (i) with which applicants for housing loans or building loans must comply and may further determine the areas within which those limits shall be applicable as well as the class or classes of persons who under each such limit will qualify for assistance with full power to discriminate between the various classes;
- 40 (ii) with which the lessees of dwellings shall comply, with full power to determine the areas within which every such limit shall be applicable and the class of persons to which it shall be applicable and with full power to discriminate between the various classes;
- 45 (j) to capitalize the interest in areas on a loan granted in terms of paragraph (d) and to request a registrar of deeds to note such capitalization of interest against the transfer deeds, irrespective of the existence of a later bond, without payment of any stamp duty or registration fees and in accordance with regulations promulgated in terms of section *forty* of this Act;
- 50 (k) to consolidate the arrear instalments on any loan granted by it;
- 55 (l) to amend or extend the loan period of any loan made by the Commission either to an individual, a company, body or a local authority;
- 60 (m) wherever it considers it expedient to do so, to approve of the substitution of one mortgagor for another under such conditions as it may consider advisable and the provisions of this Act shall then be applicable to the person taking over the loan in the same manner as if the loan had originally been made to him, or it may permit a purchaser at a public auction or by public tender in terms of section *twenty-one* to take over the amount due to the Commission upon first mortgage on such conditions as it may prescribe;
- 65 (n) after a housing loan, secured by a mortgage bond, has been paid out or after a mortgage bond by which the purchase price of a house is secured, has been registered, the Commission may again advance money to the mortgagor to adopt, alter, repair or enlarge the dwelling and such loan shall be deemed to be secured by that mortgage bond, if such housing loan does not
- 70

- meer beloop as die verskil tussen die bedrag op daardie datum verskuldig onder die verband en die bedrag waarvoor die verband aanvanklik geregistreer was;
- (o) wonings waarvan die Kommissie die eienaar is instandhou, verhuur of verkoop op sodanige voorwaardes as wat hy wenslik ag; of 'n nutsmaatskappy stig om hierdie werk namens hom te doen; of 'n reëling te tref met 'n plaaslike outoriteit, maatskappy of ander liggaam om namens hom hierdie werksaamhede waar te neem; of om met goedkeuring van die administrateur 'n skema opgerig binne die regsgebied van 'n plaaslike outoriteit aan daardie outoriteit oor te dra tesame met die kapitaal wat daarin belê is;
- (p) die huur van wonings deur hom opgerig, ondanks andersluidende bepalings van die Financiewet, 1911, aanwend tot delging van kapitaalkoste teen so 'n skaal as wat die Tesourie mag bepaal, en ter betaling van belastingen en ander gelde wat ten opsigte van die aldus verhuurde wonings gedurende daardie boekjaar deur genoemde Kommissie betaalbaar is, en ter bestryding van alle uitgawes in verband met die instandhouding van, toesig oor en administrasie van sulke wonings gedurende daardie boekjaar, en vir solank as wat daar nog geen Nasionale Behuisingsfonds ooreenkomstig artikel vyftien gestig is, word by die einde van elke boekjaar enige oorskot van die inkomste bo die uitgawe vasgestel en daarna in die Gekonsolideerde Inkomstefonds op krediet van die inkomsterekening gestort en enige tekort word aan die einde van die boekjaar na die volgende boekjaar oorgebring as 'n las teen daardie jaar se ontvangstes. Hure sluit nie gelde in wat ontvang word ten opsigte van die verkoop van wonings nie;
- (q) enige sekuriteit wat aan hom verbind is onder hierdie Wet inkoop as dit in sy belang is, en die aldus ingekoopte sekuriteit verhuur of verkoop teen 'n prys en op sodanige voorwaardes as wat hy wenslik ag, en hy kan toelaat dat die koopprys of 'n deel daarvan verseker word deur 'n verband; en wanneer sekuriteit aldus gestel is word die koopprys of deel daarvan wat aldus verseker is geag 'n lening te wees kragtens hierdie Wet;
- (r) 'n Nasionale Behuisingsfonds vir die Unie stig ooreenkomstig die voorwaardes uiteengesit in artikel vyftien;
- (s) komitees aan te stel uit verteenwoordigers van verenigings of persone om hom by die uitoefening van sy pligte behulpsaam te wees;
- (t) subsidies betaal aan voorgeskrewe kategorieë persone vir die bou van wonings onder sodanige voorwaardes as wat die Minister na raadpleging met die Tesourie van tyd tot tyd mag voorskryf, ongeag of sodanige wonings ten volle of slegs ten dele opgerig word met behulp van behuisingsfondse al dan nie.

Opnames en
Verslae deur
Kommissie.

5. Die Kommissie moet—

- (a) (i) op versoek van die Minister, 'n administrateur, of die betrokke plaaslike outoriteit ondersoek instel na en verslag uitbring oor die noodsaaklikheid om wonings te voorsien in die regsgebied van die plaaslike outoriteit;
- (ii) plaaslike outoriteite in die algemeen hulp en advies verleen by die voorbereiding van voorstelle vir die bou van wonings en skemas;
- en moet met die oog op sodanige ondersoek rekening hou met die noodsaaklikheid vir die koördinering van werk in verband met die oprig van wonings of die uitvoer van skemas met die oog op die mees ekonomiese en voordelige gebruik van arbeid en materiaal, en moet in verband met enige advies aan 'n plaaslike outoriteit onder sub-paragraaf (ii) die betrokke voorstelle aan die administrateur van die provinsie waarin die plaaslike outoriteit geleë is deurstuur tesame met die Kommissie se opmerkings oor die verdienstelikheid, koste en voorgenome manier waarop die voorstelle deurgevoer moet word;
- (b) op versoek van die Minister opnames te maak van alle akkommodasie wat as woonruimte gebruik word of geskik is om as sulks gebruik te word in enige gebied deur die Minister voorgeskryf en ooreenkomstig die voorskrifte bevat in die regulasies afgekondig kragtens sub-artikel (1) van artikel veertig, en indien die Minister dit wenslik ag kan hy—

exceed the difference between the amount due on that date under the mortgage bond and the amount at which the mortgage bond was originally registered;

- (o) to maintain, let or sell dwellings of which the Commission is the owner upon such conditions as it may consider advisable; or to establish a utility company to carry out this work on its behalf; or to arrange with a local authority, company or other body to carry out this work on its behalf; or with the approval of the administrator, to transfer a scheme, constructed within the area of jurisdiction of a local authority, to such authority together with the capital spent thereon;
- (p) to apply the rent of dwellings constructed by it, notwithstanding anything to the contrary contained in the Finance Act, 1911, towards the redemption of capital charges on such a scale as the Treasury may determine and for the payment of rates and other charges which have been paid for by the Commission in respect of such leased dwellings during that financial year and in defraying all expenditure in connection with the maintenance, supervision and administration of such dwellings during that financial year and, for so long as there is no National Housing Fund established in terms of section *fifteen*, there shall be determined at the end of every financial year the surplus (if any) of revenue over expenditure and any such surplus shall be paid into the Consolidated Revenue Fund to the credit of the revenue account and any deficit shall, at the end of the financial year, be carried to the following financial year as a debit against the receipts for that year. Rentals shall not include moneys received in respect of the sale of dwellings;
- (q) to buy in any security which has been given to it under this Act if it is in its interest to do so, and to let or sell any such security at a price and on such conditions as it may consider advisable, and it may permit that the purchase price or a portion thereof be secured by a mortgage bond; and wherever security is so fixed, the purchase price or part thereof which is so secured shall be deemed to be a loan in terms of this Act;
- (r) to establish a National Housing Fund for the Union in accordance with the conditions set out in section *fifteen*;
- (s) to appoint committees from representatives of societies of persons to assist it in the exercise of its duties;
- (t) to pay subsidies to prescribed classes of persons for the construction of dwellings subject to such conditions as the Minister, after consultation with the Treasury, may from time to time prescribe whether or not such dwellings are constructed wholly or only partially with the assistance of housing funds.

5. The Commission shall—

- (a) (i) at the request of the Minister, an administrator or the local authority concerned carry out investigations into and report upon the necessity of providing dwellings in the area of jurisdiction of the local authority;
 - (ii) in general aid and furnish local authorities with advice in the preparation of proposals for the construction of dwellings and the carrying out of schemes;
- and shall, in relation to any such investigation, take into account the necessity of co-ordinating the work in connection with the construction of dwellings or the carrying out of schemes with a view to the most economical and advantageous use of labour and materials, and shall in relation to any advice given to a local authority in terms of this paragraph, transmit the relative proposals to the administrator of the province in which the local authority is situated together with the observations of the Commission upon the merits, costs and the suggested methods of carrying out the proposals;
- (b) at the request of the Minister make surveys of all accommodation which is being used as dwelling accommodation or is suitable to be used as such in any area prescribed by the Minister and in accordance with the directions contained in the regulations promulgated in terms of sub-section (1) of section *forty*, and if the Minister considers it desirable he may—

Surveys and reports by Commission.

- (i) die eienaar van akkommodasie wat nie bewoon is, of wat geskik is om as woonruimte te dien gelas om die ruimte te verhuur aan 'n persoon of tipe van persoon deur hom aangewys; of
- (ii) indien die eienaar in gebreke bly om aan die bevel te voldoen die Kommissie te gelas om daardie akkommodasie in beslag te neem en self te verhuur ooreenkomstig die voorskrifte van die regulasies. Indien die Minister dit goed ag kan hy die plaaslike bestuur in die gebied waarin die akkommodasie geleë is magtig om ooreenkomstig die bepalinge van hierdie artikel en die regulasies die opname te maak en die eienaars onder sub-paragraaf (i) te gelas en indien die eienaars weier of nie aan die versoek voldoen nie, die akkommodasie in beslag te neem en self te verhuur;
- (c) indien enige persoon nalaat om inligting te verstrek ooreenkomstig die regulasies of verkeerde inligting verstrek, of die Kommissie of die plaaslike outoriteit verhinder om uitvoering te gee aan enige opdrag kragtens paragraaf (b) sal hy skuldig wees aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of aan gevangenisstraf nie te bowe gaande ses maande, of aan beide 'n boete sowel as gevangenisstraf;
- (d) eenmaal elke jaar aan die Minister verslag doen oor sy werksaamhede gedurende die vorige jaar, en die Minister moet sodanige verslag ter Tafel lê in albei Huise van die Parlement binne veertien dae na ontvangs daarvan indien die Parlement dan in sitting is, of as die Parlement dan nie sit nie, binne veertien dae na die aanvang van die eersvolgende sitting.

HOOFSTUK II.

BOULENINGS IN SAMEWERKING MET GOEDGEKEURDE BOUVERENIGINGS.

Omvang van boulenings.

6. (1) Die Kommissie kan ooreenkomstig die mag aan hom verleen deur paragraaf (h) van artikel vier op aanbeveling van 'n goedgekeurde bouvereniging, hierna genoem die vereniging en op ontvangs van 'n aansoek in die voorgeskrewe vorm deur die betrokke vereniging en in samewerking met laasgenoemde 'n boulening toestaan wat die leningsperke wat in die Bouverenigingswet, 1934, gestel is oorskry en waartoe die Kommissie hoogstens een-derde van die kapitaal benodig voorskiet mits sodanige boulening nie minder as sestig persent en nie meer as negentig persent bedra van—

(a) of—

(i) die koopprys van die grond met verbeterings daarop ten tye van aankoping tesame met die beraamde koste van oprigting van die woning op daardie grond; of

(ii) die voorlopige skatting van die waarde van die grond en verbeterings en wonings wat daarop opgerig moet word,

watter een van die twee ook al die mindere is; en

(b) die maksimum bedrag wat 'n persoon kan leen sal nie groter wees dan 'n vasgestelde persentasie van sy inkomste soos deur die Kommissie van tyd tot tyd bepaal deur die maandelikse paaielemente van kapitaal en rente wat hy moet betaal in afflossing van die boulening te vergelyk met sy maandelikse inkomste ten tye van sy aansoek.

(2) (a) Die bepalinge van sub-paragraaf (i) van paragraaf (d) van sub-artikel (1) van artikel twee-en-twintig en artikel vyf-en-twintig van die Bouverenigingswet, 1934 (Wet No. 62 van 1934), is nie van toepassing nie in verband met 'n voorskot wat die Kommissie volgens paragraaf (h) van artikel vier aan 'n bouvereniging verstrek nie;

(b) die bepalinge van sub-artikels (3) en (4) van artikel vier-en-twintig van bovermelde Wet No. 62 van 1934, is in verband met 'n boulening nie van toepassing nie.

Voorwaardes waaronder boulenings toegestaan word.

7. Die Kommissie sal slegs 'n bedrag aan die vereniging voorskiet vir die oprigting van 'n woning kragtens artikel ses indien—

(a) die Kommissie tevrede is dat die vereniging oor die nodige personeel beskik om die lening behoorlik te administreer en toesig te hou oor die oprigting van die woning;

- (i) direct the owner of accommodation which is not occupied or which is suitable to serve as dwelling accommodation to let the accommodation to a person or type of person indicated by him; or
- (ii) if the owner fails to comply with the order, authorize the Commission to appropriate and itself to let that accommodation in accordance with the directions contained in the regulations.
- If the Minister considers it advisable, he may authorize the local authority in whose area the accommodation is situated to make the survey in accordance with the provisions of the section and the regulations and to direct the owners as provided for in sub-paragraph (i) and if the owners refuse or do not comply with the request, to appropriate and itself to let the accommodation;
- (c) if any person neglects to furnish information in accordance with the regulations or furnishes wrong information, or obstructs the Commission or the local authority in the execution of any order in terms of paragraph (b), he shall be guilty of an offence and upon conviction liable to a penalty not exceeding fifty pounds or to imprisonment not exceeding six months, or to both such fine and imprisonment;
- (d) the Commission shall once in every year report to the Minister upon its activities during the previous year and the Minister shall lay such report on the Table of both Houses of Parliament within fourteen days of receipt thereof if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

CHAPTER II.

BUILDING LOANS IN COLLABORATION WITH APPROVED BUILDING SOCIETIES.

6. (1) The Commission may, in accordance with the power granted to it in terms of paragraph (h) of section *four*, upon the recommendation of an approved building society, hereinafter referred to as the society, and upon receipt of an application in the prescribed form from the society concerned and in collaboration with such last mentioned society, grant a building loan, in excess of the loans limits fixed by the Building Societies Act, 1934, to which the Commission shall advance not more than one-third of the capital required if such building loan amounts to not less than sixty per cent. and to not more than ninety per cent. of—

Scope of building loans.

- (a) either—
- (i) the purchase price of the land with improvements thereon at the time of purchase together with the estimated cost of the construction of the dwelling on that land; or
- (ii) the provisional estimate of the value of the land and improvements and dwellings which are to be constructed thereon, whichever of the two is the lesser; and
- (b) the maximum amount which a person may borrow shall not exceed such fixed percentage of his income as may from time to time be determined by the Commission by comparing the monthly instalments of capital and interest which he will have to pay in redemption of the building loan with his monthly income at the time of his application.
- (2) (a) the provisions of sub-paragraph (i) of paragraph (d) of sub-section (1) of section *twenty-two* and section *twenty-five* of the Building Societies Act, 1934 (Act No. 62 of 1934), shall not be applicable in relation to an advance made by the Commission in terms of paragraph (h) of section *four* to a building society;
- (b) the provisions of sub-sections (3) and (4) of section *twenty-four* of the above-mentioned Act No. 62 of 1934 shall not be applicable in relation to a building loan.

7. The Commission shall only advance an amount to the society for the construction of a dwelling in terms of section *six* if—
- (a) the Commission is satisfied that the society has at its disposal the necessary staff to administer the loan and to supervise the construction of the dwelling properly;

Conditions under which building loans shall be granted.

- (b) die Kommissie die waarde van die grond en die voorgestelde woning goedgekeur het;
- (c) die applikant 'n individu is en die Kommissie tevrede is dat hy die woning vir sy eie huisvesting nodig het en aan die inkomste-vereistes voorgeskryf deur die regulasies afgekondig kragtens artikel *veertig* voldoen; 5
- (d) die applikant nie bates besit wat vir die doeleindes van die oprigting van die woning aangewend kon word en waarvan die waarde veertig persent of meer van die totale waarde van die woning bedra nie; 10
- (e) die boulening nie die maksimum oorskry wat die Kommissie neergelê het as die maksimum vir enige boulening vir 'n woning in die gebied waarin die voorgestelde woning opgerig gaan word;
- (f) die sekuriteit bestaan uit 'n eerste verband oor die grond waarop die voorgestelde woning opgerig gaan word, en hierdie grond stedelik onroerende eiendom is soos omskryf in die Bouverenigingswet; 15
- (g) die betrokke woning opgerig sal word ooreenkomstig die planne en spesifikasies deur die Kommissie goedgekeur; en 20
- (h) die tydperk van die lening nie langer is dan die tydperk wat deur die Kommissie neergelê is vir boulenings.

**Rente op
boulening.**

8. (1) Wanneer die Kommissie 'n boulening goedkeur moet hy op aanvraag sy aandeel in die totale bedrag van die boulening aan die vereniging oorbetal en hierdie bedrag dra rente vanaf datum van oorbetalings teen die koers wat die Tesourie mag bepaal. 25

(2) Die rente betaalbaar ten opsigte van enige sodanige boulening sal teen die koers wees wat die Kommissie van tyd tot tyd mag goedkeur: Met dien verstande dat die Kommissie die insluiting in die verband van 'n „beskermende” klousule kan goedkeur waarkragtens 'n verhoging van die rentekoers met hoogstens een persent in geheel met goedkeuring van die Kommissie toegelaat kan word na verloop van nie minder as vyf jaar vanaf die datum van registrasie en met die verdere voorbehoud dat geen sodanige verhoging toegestaan sal word tensy— 30

- (a) die vereniging nie minder as drie maande kennis aan die skuldenaar gegee het van sy voorneme om die rentekoers te verhoog; en 40
- (b) die vereniging se normale rentekoers waarteen dit geld uitleen minstens in gelyke mate vermeerder is.

**Volmag om
sekuriteit te
verkoop.**

9. (1) Die vereniging moet van die lener 'n onherroeplike volmag in sy guns kry in 'n vorm deur die Kommissie goedgekeur alvorens enige gedeelte van die boulening uitbetaal word. Hierdie volmag moet die vereniging volle bevoegdheid verleen om oor enige eiendom wat verbind is te beskik en/of om dit op naam van die vereniging te transporteer in geval die lener in gebreke bly om enige van die voorwaardes van die verband na te kom. 50

(2) Die vereniging mag nie sy bevoegdhede ingevolge sodanige volmag uitoefen vir die doel om enige eiendom ten opsigte waarvan die geheel of enige gedeelte van die boulening nog verskuldig is te verkoop of andersins te vervreem, of om dit verder te beswaar alvorens die toestemming van die Kommissie vooraf verkry is nie, en by ontvangs van 'n aansoek om toestemming om die eiendom te verkoop ter delging van die vereniging se eis kan die Kommissie, as hy verkies, handel ooreenkomstig die bevoegdhede aan hom verleen kragtens artikel *twaalf*. 55

(3) Ondanks die feit dat sodanige volmag voor registrasie van die verband verly is, en voordat die lener in gebreke is, is die volmag geldig en van krag en die gemene reg betreffende parate executie is nie daarop van toepassing nie. 60

**Terugbetaling
van boulening.**

10. (1) 'n Vereniging wat in samewerking met die Kommissie 'n boulening toestaan kragtens artikel *ses* mag nie tot registrasie van die verbandakte wat die lening verseker oorgaan alvorens die lener nie voldoen het aan sodanige voorwaardes as wat by regulasie kragtens artikel *veertig* voorgeskryf kan word nie. 65

(2) Die vereniging moet aan die Kommissie ten opsigte van sy aandeel in elke boulening rente teen die vasgestelde koers halfjaarliks agteruit op die dertigste dag van Junie en die een-en-dertigste dag van Desember van elke jaar betaal, en bereken op die maandelikse bedrag wat die vereniging aan die Kommissie op elke sodanige boulening skuld. 70

(3) Enige bedrag deur die Kommissie aan 'n vereniging voorskiet ten behoeve van elke applikant kragtens artikel *ses* moet deur die vereniging aan die Kommissie terugbetaal word binne 75

- (b) the Commission has approved of the value of the land and the proposed dwelling;
- (c) the applicant is an individual and the Commission is satisfied that he requires the dwelling for his own accommodation and complies with the income requirements prescribed by the regulations promulgated in terms of section *forty*;
- (d) the applicant does not possess assets which could be used for the purpose of the construction of the dwelling and the value whereof amounts to forty per cent. or more of the total value of the dwelling;
- (e) the building loan does not exceed the maximum fixed by the Commission as the maximum for any building loan for a dwelling in the area in which the proposed dwelling is to be constructed;
- (f) the security consists of a first mortgage bond over the land on which the proposed dwelling is to be constructed and this land is urban immovable property as defined in the Building Societies Act, 1934;
- (g) the dwelling in question is to be constructed in accordance with the plans and specifications approved by the Commission; and
- (h) the period of the loan is not longer than the period fixed by the Commission for building loans.

25 8. (1) Whenever the Commission approves a building loan, it shall on request pay to the society its share of the total amount of the building loan and this amount shall bear interest from the date of payment at such rate of interest as may be determined by the Treasury. Interest on building loan.

30 (2) The interest payable in respect of any such building loan shall be at such rate as the Commission may from time to time approve: Provided that the Commission may approve of the inclusion of a "protective" clause in the mortgage bond by which an increase in the interest rate of one per cent. on the whole, with the approval of the Commission, may be permitted after the lapse of not less than five years from the date of registration and provided that no such increase shall be permitted unless—

- (a) the society shall have given not less than three months notice to the debtor of its intention to increase the interest rate; and
- (b) the normal interest rate of the society at which it lends money is increased at least in like measure.

45 9. (1) The society shall obtain from the borrower an irrevocable power of attorney in its favour in a form approved by the Commission before any portion of the building loan is paid out. This power of attorney shall grant the society full power to dispose of any property which is bonded and/or to transfer it into the name of the society in the event of the borrower failing to comply with any of the conditions of the mortgage bond. Power of Attorney to sell securities.

50 (2) The society shall not exercise its powers pursuant to such a power of attorney for the purpose of selling or otherwise alienating any property in respect of which the whole or any portion of the building loan is still due or further to encumber it before the consent of the Commission has previously been obtained, and upon receipt of an application for consent to sell the property in redemption of the society's claim, the Commission may, if it so elects, act in accordance with the powers confirmed upon it in terms of section *twelve*.

60 (3) Notwithstanding the fact that such power of attorney was executed before the registration of the mortgage bond, and before the borrower was in default, the power of attorney shall be valid and effective and the common law relating to *parate executie* shall not be applicable thereto.

65 10. (1) A society which in collaboration with the Commission grants a building loan in terms of section *six* shall not proceed with the registration of the mortgage bond, securing the loan, until the borrower has complied with any such conditions as may be prescribed by regulation in terms of section *forty*. Repayment of building loan.

70 (2) The society shall pay to the Commission in respect of its share in each building loan interest at the fixed rate half yearly in arrear on the thirtieth day of June and the thirty-first day of December of each year and calculated on the monthly sum which is due by the society to the Commission on each such building loan.

75 (3) Any amount advanced by the Commission to a society in respect of each applicant in terms of section *six* shall be repaid by the society to the Commission within the period fixed

die tydperk neergelê by die toestaan van die boulening: Met dien verstande dat as die lener die volle bedrag op die boulening verskuldig aan die vereniging terugbetaal voor die verstryking van die leningstermyn die vereniging dadelik die bedrag wat nog aan die Kommissie verskuldig is moet terugbetaal.

(4) Sodra enige lener aan die vereniging 'n bedrag terugbetaal het wat gelykstaan met die bedrag wat die vereniging uit sy eie fondse bygedra het tot die boulening moet die bedrag wat aan laasgenoemde deur die Kommissie voorgeskiet is deur hom aan die Kommissie in sodanige halfjaarlikse paaielemente van kapitaal en rente op die datums in sub-artikel (2) genoem terugbetaal word, sodat die volle bedrag aan die Kommissie verskuldig binne die tydperk waarvoor die boulening toegestaan is, betaald sal word: Met dien verstande dat die vereniging na goeddunke die hele bedrag wat aan die Kommissie verskuldig is, kan terugbetaal, te eniger tyd nadat die lener die verskuldigde bedrag op die boulening verminder het na hoogstens vyf-en-sewentig persent van die waarde van die eiendom soos bepaal ooreenkomstig die regulasies, of die redelike waarde van die eiendom op daardie tydstip, watter een ook al die laagste is.

(5) Indien enige lener se paaielemente van rente of kapitaal ter afbetaling van sy lening agterstallig is moet die vereniging die geval by die Kommissie aanmeld en kan die Kommissie aan die betrokke vereniging vergunning verleen om die terugbetaling van enige bedrae aan die Kommissie op daardie lening op te skort op sodanige voorwaardes as wat die Kommissie in ieder geval mag stel.

(6) 'n Vereniging kan nie ten opsigte van enige boulening waarop daar nog geld verskuldig is aan die Kommissie, bedrae wat terugbetaal is weer voorskiet of verdere lenings aan die lener toestaan sonder die skriftelike toestemming van die Kommissie nie.

(7) Die vereniging kan met goedkeuring van die Kommissie iemand anders as verbandgewer in die plek stel van die lener, mits sodanige persoon voldoen aan die kwalifikasies wat gestel word vir 'n lener.

(8) Ondanks die tydperk van terugbetaling neergelê deur die Kommissie kragtens paragraaf (b) van artikel sewe van hierdie Wet kan die vereniging met goedkeuring van die Kommissie die tydperk van terugbetaling van 'n boulening verleng. Hierdie bepaling sal ook van toepassing wees om 'n lening wat deur iemand anders oorgeneem is van die oorspronklike lener.

Verliese gely
i.v.m. bou-
lenings.

11. (1) Indien die vereniging sonder sy eie toedoen 'n verlies ly op 'n boulening wat kragtens artikel ses toegestaan is, sal daardie verlies as volg gedra word—

(a) tot 'n bedrag nie te bowegaande die Kommissie se aandeel in die lening, sal die verlies ten volle deur die Kommissie gedra word gedurende die eerste twee jaar gereken vanaf die datum waarop die Kommissie die boulening goedgekeur het;

(b) na verloop van die twee jaar sal die verlies gedeel word tussen die vereniging en die Kommissie en die vereniging se aandeel in die verlies sal minstens gelyk wees aan die verhouding wat die terugbetaalde bedrag dra tot die kapitaal wat die Kommissie aanvanklik bygedra het tot die lening, en die maksimum verlies wat die Kommissie te eniger tyd voor aanspreeklik gehou kan word sal nie die bedrag wat aan die Kommissie verskuldig is min die reeds terugbetaalde kapitaal op die volle boulening op datum van verkoping oortref nie.

(2) Vir die doeleindes van sub-artikel (1) beteken verlies die verskil tussen die debiet met inbegrip van die bedrae verhaalbaar ingevolge die verband teen die lener in die vereniging se boeke op die datum van die oordrag van die eiendom uit naam van die lener en die netto-prys wat genoemde eiendom op 'n verkoping oplewer, hetsy sodanige verkoping by publieke veiling, geregtelike verkoping of anders geskied, nadat verkoopskommissie, vendubelasting en adverteerkskoste afgetrek is, of in die geval van die insolvensie van die skuldenaar of sy afgestorwe boedel die verskil tussen die debiet in die vereniging se boeke op die datum hierbo genoem en die diwidend wat op 'n eis in 'n insolvente boedel toegeken is.

Oorname van
boulening deur
Kommissie.

12. (1) Indien die Kommissie oortuig is dat dit in belang van die Staat is, kan die Kommissie enige tyd gedurende bestaan van die boulening aan die vereniging enige bedrag wat aan hom kragtens enige verband verskuldig is, betaal min die bedrag van kapitaal en rente aan die Kommissie verskuldig ten opsigte van 'n voorskot aan die vereniging kragtens sodanige verband en by

upon the granting of the building loan: Provided that if the borrower repays the full amount due on the building loan to the society before the expiry of the loan period the society shall immediately repay the amount which is still due to the Commission.

(4) When any borrower has repaid to the society an amount which is equal to the amount which the society has contributed out of its own funds to the building loan, the amount which was advanced to the latter by the Commission shall be repaid to the Commission in such half yearly instalments of principal and interest on the dates mentioned in sub-section (2) so that the full amount due to the Commission will be paid within the period for which the building loan was granted: Provided that the society in its discretion may repay the whole amount which is due to the Commission at any time after the borrower has reduced the amount due on the building loan to not exceeding seventy-five per cent. of the value of the property as determined in accordance with the regulations on the reasonable value of the property at that time whichever is the lesser.

(5) Should any borrower be in arrear with the payment of his instalments of interest or capital under his loan, the society shall report the case to the Commission and the Commission may grant permission to the society concerned to suspend the repayment of any amounts to the Commission on that loan on such conditions as the Commission may in any case determine.

(6) A society shall not, in respect of any building loan, on which moneys are still due to the Commission, advance amounts which have been repaid on further loans granted to the borrower without the written permission of the Commission.

(7) The society may with the approval of the Commission substitute another person for the borrower as mortgagor, if such person complies with the qualifications required of a borrower.

(8) Notwithstanding the period fixed by the Commission in terms of paragraph (b) of section seven of this Act for repayment, the society may with the approval of the Commission extend the period of repayment of a building loan. This provision shall also apply to a loan which has been taken over by someone else from the original borrower.

11. (1) If a society through no default of its own incurs a loss on a building loan granted in terms of section six, that loss shall be borne as follows—

Losses suffered in connection with building loans.

(a) to an amount not exceeding the share of the Commission in the loan, the whole loss shall be borne by the Commission during the first two years calculated from the date on which the Commission approved of the building loan;

(b) after the lapse of two years the loss shall be divided between the society and the Commission and the society's share in the loss shall be at least equal to the ratio which the repaid amount bears to the capital which the Commission originally contributed to the loan, and the maximum loss which the Commission may at any time be held liable for shall not exceed the amount which is due to the Commission less the capital already repaid on the total building loan on the date of sale.

(2) For the purpose of sub-section (1) loss means the difference between the debit, including the amounts recoverable in terms of the mortgage bond, against the borrower in the books of account of the society on the date of the transfer of the property out of the name of the borrower and the net price which the said property realizes on a sale, whether such sale be by public auction, judicial sale or otherwise, after sales commission, auction tax and advertising expenses have been deducted, or in the case of the insolvency of the debtor or his deceased estate, the difference between the debit in the books of account of the society on the date mentioned above and the dividend which is awarded on a claim in an insolvent estate.

12. (1) If the Commission is satisfied that it is in the interest of the State, it may at any time during the existence of the building loan pay to the society any amount which is due to such society in terms of any mortgage bond less the amount of any capital or interest due to the Commission in respect of an advance made to the society in terms of such bond and upon pay-

Taking over of building loan by Commission.

betaling van sodanige bedrag moet die vereniging sy verband aan die Kommissie of aan enige ander vereniging deur die Kommissie benoem, sedeer.

(2) Indien die vereniging se verband aan die Kommissie gesedeer word soos in sub-artikel (1) beoog, of indien die Kommissie sou besluit om kragtens sub-artikel (2) van artikel *nege* die verband oor te neem, sal die bedrag daaronder verskuldig daarna geag word 'n behuisingslening te wees kragtens hierdie Wet net asof die lening in die eerste instansie deur die Kommissie self regstreeks voorgeskiet was ooreenkomstig 10 paragraaf (*d*) van artikel *vier*, en die verbandskuldenaar sal daarna geregtig wees op dieselfde voordele as wat op skuldenare onder behuisingslenings van toepassing is, en hy sal origns onderhewig wees aan dieselfde prosedure as wat vir laasgenoemde skuldenare voorgeskryf word. Enige sessie van 'n 15 verband of die registrasie van 'n nuwe verband in die plek van die vereniging se verband sal vry wees van seëlregte en registrasie-gelde.

Bouverenigings-
wet van
toepassing.

13. (1) Behalwe soos bepaal in sub-artikel (2) van artikel *ses* of behalwe waar enige bepaling in die Bouverenigingswet, No. 62 20 van 1934, in stryd is met enige bepaling vervat in hierdie Hoofstuk, is genoemde Wet van toepassing op die boulening wat ingevolge artikel *ses* van hierdie Wet toegestaan is.

(2) Gelde voorgeskiet aan 'n vereniging ooreenkomstig hierdie Wet word nie geag deposito's of lenings te wees vir die 25 doeleindes van die Bouverenigingswet nie.

Regulasies i.v.m.
boulenings.

14. Vir die meer doeltreffende uitvoering van die bepalings van hierdie Hoofstuk kan die Minister ooreenkomstig die bevoegdhede aan hom verleen kragtens artikel *veertig* regulasies 30 uitvaardig om daarvoor voorsiening te maak.

HOOFSTUK III.

BEHUISINGSFONDSE EN BEHUISINGSLENINGS AAN PLAASLIKE OUTORITEITE, MAATSKAPPE, LIGGAME EN PERSONE.

Skepping van
Behuisingslenings-
fonds.

15. (1) 'n Behuisingsfonds kan ingestel word—

(a) vir die Unie deur die Kommissie kragtens paragraaf 35 (*p*) van artikel *vier*; en

(b) ten opsigte van 'n provinsie deur die administrateur van daardie provinsie,

en die Kommissie of die betrokke administrateur kan, na gelang van die geval, onderworpe aan die bepalings van hierdie Wet 40 uit sodanige fonds aan 'n plaaslike outoriteit geld (hieronder na verwys as 'n voorskot) voorskiet ten einde die plaaslike outoriteit in staat te stel om enige van die bevoegdhede kragtens artikels *agtien* en *negentien* aan hom verleen uit te oefen: Met dien verstande dat sodanige voorskot nie deur die Kommissie gemaak 45 sal word nie, behalwe met die goedkeuring van die betrokke administrateur, watter goedkeuring skriftelik onder handtekening van die administrateur aan die Kommissie meegedeel sal word, terwyl die voorskot verder ooreenkomstig die voorwaardes wat in sodanige goedkeuring uiteengesit is moet geskied. 50 Indien die administrateur se goedkeuring nie binne tien dae nadat aansoek om sy goedkeuring gedoen is verleen word nie kan die aangeleentheid na die Minister verwys word vir beslissing, en indien die Minister so besluit kan 'n voorskot aan die plaaslike outoriteit gegee word sonder goedkeuring van die 55 administrateur.

(2) (a) Die kapitaal van 'n behuisingsfonds van 'n provinsie bestaan uit—

(i) die gelde wat reeds deur die Minister aan sodanige fonds toegewys en oorbetal is op datum van die 60 inwerkingtreding van hierdie Wet;

(ii) gelde aan die fonds toegewys deur die Kommissie kragtens paragraaf (*a*) van artikel *vier* uit gelde wat van tyd tot tyd deur die Parlement bewillig word vir behuisings; 65

(iii) gelde belê in hulp-behuisingskemas en watter skemas op aanbeveling van die Kommissie na 'n ekonomiese grondslag omgeswaai word en waarvan die kapitaal dan nog verskuldig aan die Tesourie deur laasgenoemde oorgedra kan word 70 aan die betrokke behuisingsfonds;

(iv) sodanige ander bedrae as wat met goedkeuring van die Tesourie op aanbeveling van die Kommissie oorgeplaas word na 'n behuisingsleningsfonds;

(b) die kapitaal van 'n Nasionale Behuisingsfonds kan, 75 indien sodanige fonds gestig word, bestaan uit—

ment of such amount the society shall cede its bond to the Commission or any other society nominated by the Commission.

- (2) If the mortgage bond of the society is ceded to the Commission as contemplated in sub-section (1), or if the Commission should decide in terms of sub-section (2) of section *nine* to take over the bond the amount due thereunder shall thereafter be deemed to be a housing loan in terms of this Act just as if the loan had in the first instance been advanced directly by the Commission itself in accordance with paragraph (d) of section *four*, and the mortgagor shall thereafter be entitled to the same privileges as are applicable to debtors under housing loans and he shall in addition be subject to the same procedure as is prescribed for such last-mentioned debtors. Any cession of a mortgage bond or the registration of a new bond in substitution for the bond of the society shall be free of stamp duty and registration fees.

13. (1) Save as provided in sub-section (2) of section *six* or save where any provision in the Building Societies Act, No. 62 of 1934, is in conflict with any provision contained in this Chapter, the said Act shall be applicable to a building loan granted under section *six* of this Act. Building Societies Act to be applicable.

(2) Moneys advanced to a society in accordance with this Act, shall not be deemed to be deposits or loans for the purposes of the Building Societies Act.

14. For the better carrying out of the provisions of this Chapter, the Minister may in accordance with the powers conferred on him in terms of section *forty* make regulations for this purpose. Regulations in connection with building loans.

CHAPTER III.

30 HOUSING FUNDS AND HOUSING LOANS TO LOCAL AUTHORITIES, COMPANIES, BODIES AND PERSONS.

15. (1) A housing fund may be established—

- (a) in respect of the Union, by the Commission in terms of paragraph (p) of section *four*; and Creation of Housing Loans Fund.
- (b) in respect of a province, by the administrator of that province,
- and the Commission or the administrator concerned, as the case may be, may, subject to the provisions of this Act, advance out of such fund moneys (hereinafter referred to as an advance) to a local authority for the purpose of enabling that local authority to exercise any of the powers conferred on it in terms of section *eighteen*: Provided that no such advance shall be made by the Commission except with the approval of the administrator concerned, which approval shall be communicated to the Commission in writing under the signature of that administrator, and the advance shall further be made subject to the conditions contained in such approval. If the approval of the administrator is not granted within ten days after application for such approval, the matter may be submitted to the Minister for decision, and if the Minister so decides, an advance may be made to the local authority without the approval of the administrator.

- (2) (a) The capital of a housing fund of a province shall consist of—

- (i) the moneys already allocated to such fund by the Minister and paid over on the date of the commencement of the Act;
- (ii) moneys allocated to the fund by the Commission in terms of paragraph (a) of section *four* out of moneys appropriated from time to time by Parliament for housing;
- (iii) moneys spent in assisted housing schemes and which schemes upon the recommendation of the Commission are being converted to an economic basis, the capital thereof which is still due to the Treasury, may be transferred by the latter to the housing fund concerned;
- (iv) such other amounts as are transferred to a housing fund with the approval of the Treasury and upon the recommendation of the Commission;
- (b) the capital of a National Housing Fund may, if such fund is established, consist of—

- (i) enige bedrae wat reeds deur die Kommissie bestee is kragtens die Behuising (Noodmagte) Wet aan die uitvoer van sy eie behuisingskemas, regstreekse lenings aan individue en boulenings voorgeskiet aan goedgekeurde bouverenigings op datum van die inwerkingtreding van hierdie Wet; 5
- (ii) alle gelde deur die Kommissie kragtens paragrawe (b), (c), (d), (e) en (h) van artikel vier bestee uit fondse deur die Parlement bewillig vir behuising; 10
- (c) die gelde reeds uitgereik aan 'n provinsiale behuisingsfonds en alle toekomstige uitreikings deur die sekretaris van gelde kragtens sub-paragraaf (ii) van paragraaf (a), en gelde oorgedra kragtens sub-paragraaf (iii) van dieselfde paragraaf dra rente teen die rentevoet deur Tesourie voorgeskryf; 15
- (d) rente teen 'n rentevoet deur Tesourie goedgekeur word bereken op gelde oorgedra aan die Nasionale Behuisingsfonds ooreenkomstig sub-paragraaf (i) van paragraaf (b) vanaf die datum deur Tesourie vasgestel, en in die geval van gelde waarna verwys word in sub-paragraaf (ii) van paragraaf (b) vanaf die datum van uitreiking. 20
- (3) Die Tesourie kan die besonderhede vir die beheer en terugbetaling van so 'n behuisingsfonds bepaal en ook die metode waarvolgens die rekeninge van die fonds gehou moet word. 25
- (4) Enige verlies van kapitaal of rente wat sodanige behuisingsfonds ly as gevolg van transaksies wat daaruit gefinansier word moet in die geval van die Nasionale Behuisingsfonds van die Kommissie deur die Gekonsolideerde Inkomstefonds gedra word, en enige verlies as gevolg van transaksies gefinansier uit die fonds gestig deur 'n administrateur sal deur die provinsiale inkomstefonds van die betrokke provinsie gedra word: Met dien verstande dat enige verlies wat aldus teen 'n provinsiale inkomstefonds in rekening gebring is, nie geag sal word normale of terugkerende uitgawe te wees vir die vaststelling van die subsidie betaalbaar aan so 'n provinsie ooreenkomstig enige Wet waardeur die Finansiële Verhoudingswet, 1913, gewysig of verleng word. 40

Plaaslike outoriteite se aanspreeklikheid om voorskotte terug te betaal.

- 16. (1) 'n Voorskot moet deur 'n plaaslike outoriteit terugbetaal word in sodanige paaieimente van kapitaal, tesame met rente op enige deel daarvan wat nie terugbetaal is, op die datums wat voorgeskryf is deur die Kommissie of die administrateur na gelang die voorskot deur die Kommissie of die administrateur verstrekkend was maar in geen geval mag die tydperk van terugbetaling van die totale voorskot met rente daarop..... 45
- (2) Die sekuriteit vir die terugbetaling van 'n voorskot met rente daarop bestaan uit die inkomste en bates van die plaaslike outoriteit. 50
- (3) Die rentevoet wat 'n plaaslike outoriteit op 'n voorskot ingevolge artikel vyftien moet betaal, kan die rentevoet soos bepaal kragtens paragraaf (d) sub-artikel (2) van daardie artikel nie oorskry nie.
- (4) Die Kommissie of die administrateur, watter een ookal die voorskot gemaak het, kan na goeë dunnke weier om betaling voor vervaldatum te ontvang van 'n paaieiment wat op 'n voorskot sal verval, behalwe op voorwaardes deur hom voorgeskryf vir die aanwending van die bedrag wat die Kommissie of die administrateur meen deur die plaaslike outoriteit bespaar word by wyse van rente op daardie paaieiment ten opsigte van die tydperk vanaf die datum van betaling tot die datum waarop daardie paaieiment sou verval— 60
- (a) in die geval van 'n voorskot vir die oprig van wonings kragtens artikel agtien tot die vermindering van die hure van wonings verhuur, of tot 'n vermindering van rente op die verskuldigde koopprys van wonings verkoop; of 65
- (b) in die geval van 'n voorskot vir behuisingslenings kragtens artikel negentien, tot die vermindering van rente op daardie behuisingslenings. 70

Verliese op behuisingskemas.

- 17. (1) Die Minister kan met goedkeuring van die Minister van Finansies met 'n plaaslike outoriteit 'n ooreenkoms aangaan waaronder 'n verlies, wat deur die plaaslike outoriteit gely word by die uitvoer of instandhouding van 'n skema kragtens hierdie Wet of die regulasie kragtens sub-artikel (1) van artikel veertig uitgevaardig, tussen die Regering en die plaaslike outoriteit verdeel sal word ooreenkomstig die grondslag neergelê in daardie ooreenkoms. 75

- (i) any amounts which have already been spent by the Commission in terms of the Housing (Emergency Powers) Act in the carrying out of its own housing schemes, direct loans to individuals and building loans which have been advanced to approved building societies on the date of the commencement of this Act;
- (ii) all moneys spent by the Commission in terms of paragraphs (b), (c), (d), (e) and (h) of section four from funds appropriated by Parliament for housing;
- (c) the moneys already issued to a provincial housing fund and all future issues by the secretary of moneys in terms of sub-paragraph (ii) of paragraph (a), and moneys transferred in terms of sub-paragraph (iii) of the same paragraph shall bear interest at the rate prescribed by the Treasury;
- (d) interest at an interest rate approved by the Treasury shall be calculated on moneys transferred to the National Housing Fund in accordance with sub-paragraph (i) of paragraph (b) from the date fixed by the Treasury, and in respect of moneys referred to in sub-paragraph (ii) of paragraph (b) from the date of issue.
- (3) The Treasury may determine the details for the control and repayment of such a housing fund as well as the manner in which the accounts of the fund should be kept.
- (4) Any loss of capital or interest which such housing fund may suffer as a result of transactions financed therefrom, shall in the case of the National Housing Fund of the Commission be borne by the Consolidated Revenue Fund, and any loss suffered as a result of transactions financed from the fund established by an administrator, shall be borne by the provincial revenue fund of the province concerned: Provided that any loss which is thus brought to account in a provincial revenue fund shall not be regarded as normal or recurrent expenditure for the determination of the subsidy payable to such province in accordance with any Act by which the Financial Relations Act, 1913, is amended or extended.
16. (1) An advance shall be repayable by a local authority in such instalments of capital, together with interest on any portion thereof which has not been repaid, on the dates prescribed by the Commission or the administrator, depending on whether the advance was made by the Commission or the administrator, but in no case may the period of repayment of the total advance with interest thereon
- (2) The security for the repayment of an advance with interest thereon shall be the revenue and assets of the local authority.
- (3) The interest rate payable by any local authority on an advance in terms of section *fifteen*, shall not exceed the interest rate as determined in terms of paragraph (d) of sub-section (2) of that section.
- (4) It shall be in the discretion of the Commission or the administrator, as the case may be, making the advance, to refuse to accept payment of any instalment of an advance before the date on which that instalment falls due except on such conditions as may be prescribed by either the Commission or the administrator as to the application of the amount which in the opinion of the Commission or the administrator is saved by the local authority on interest on that instalment in respect of the period from the date of payment to the date on which that instalment falls due—
- (a) in the case of an advance for the construction of dwellings in terms of section *eighteen* to the reduction of rentals of dwellings let, or the reduction of interest on the outstanding purchase price of dwellings sold; or
- (b) in the case of an advance for housing loans in terms of section *nineteen*, to the reduction of interest on those housing loans.
17. (1) The Minister may, with the approval of the Minister of Finance, enter into an agreement with a local authority in terms of which any loss incurred by the local authority carrying out or maintaining any scheme under this Act or the regulations made under sub-section (1) of section *forty*, is to be apportioned between the Government and the local authority on a basis specified in that agreement.

Liability of
local authorities
to repay advances.

Losses on
housing schemes.

(2) 'n Plaaslike outoriteit wat 'n skema uitgevoer het onder 'n ooreenkoms soos in sub-artikel (1) voorsien moet op versoek van die sekretaris, of 'n amptenaar behoorlik deur hom daartoe gelas alle boeke en stukke wat betrekking mag hê op sodanige skema beskikbaar stel vir ondersoek, en moet alle inligting wat verlang word in verband met sodanige skema verstrek ongeag of dit 'n skema is wat voor of na die inwerkingtreding van hierdie Wet voltooi is. Hierdie bepaling sal ook van toepassing wees op skemas ten opsigte waarvan die Staat 'n renteverlies dra, en of die skema opgerig is deur 'n plaaslike outoriteit of deur 'n goed- 10
gekeurde maatskappy of ander liggaam.

(3) Indien daarom versoek deur die Kommissie of die sekretaris moet 'n plaaslike outoriteit, maatskappy of liggaam wat 'n hulp-behuisingskema opgerig het, minstens een keer per jaar 'n opname in goedgekeurde vorm soos deur die Kommissie 15
of sekretaris bepaal laat maak van die inkomstes van al die bewoners in sodanige skema en die resultaat van die opname rapporteer aan die Kommissie of sekretaris al na gelang van die geval.

(4) Indien 'n plaaslike outoriteit, maatskappy of liggaam 20
versuim om te voldoen aan 'n versoek kragtens sub-artikels (2) en (3) sal dit geag word 'n verbreking van ooreenkoms te wees en sal—

(a) die Kommissie in die geval van 'n skema gefinansieer teen 'n renteverlies geregtig wees om met goedkeuring 25
van die Tesourie die rentevoet op die lening so te verhoog dat die verlies aan rente uitgewis word; of

(b) in die geval van skemas opgerig kragtens 'n ooreenkoms in terme van sub-artikel (1) kan die sekretaris alle bydrae tot 'n verlies op die skema staak totdat die 30
plaaslike outoriteit voldoen het aan die versoek.

(5) Indien by voorlegging van die verslag oor die opname van inkomstes dit blyk dat daar bewoners in 'n skema woon met inkomstes bo die perk wat neergelê is vir daardie skema kan die Kommissie— 35

(a) eis dat sodanige bewoners dadelik die woonruimte deur hulle beset ontruim; of

(b) dat hulle 'n verhoogde huur, wat bereken is om alle verliese op die betrokke woning uit te wis, betaal; of

(c) dat die plaaslike outoriteit, maatskappy of liggaam met 40
die betrokke huurder of woning handel soos voorgeskryf deur die Kommissie.

Versuim die plaaslike outoriteit, maatskappy of liggaam om aan 'n opdrag kragtens paragrawe (a), (b) en (c) te voldoen kan enigeen van die sanksies voorgeskryf in sub-artikel (4) toegepas 45
word.

Bevoegdheid van outoriteite om wonings op te rig en te administreer.

18. (1) Ongeag andersluidende bepalinge in enige wet wat die bevoegdheid van plaaslike outoriteite bepaal of beperk, kan enige plaaslike outoriteit—

(a) onderworpe aan die bepalinge van hierdie Wet geld 50
leen om—

(i) goedgekeurde wonings op te rig;

(ii) geld voor te skiet vir die oprigting van goed- 55
gekeurde wonings;

(iii) goedgekeurde skemas uit te voer;

(iv) geld voor te skiet om goedgekeurde skemas uit te 70
voer;

en sodanige plaaslike outoriteit kan geld leen vir enige van die doeleindes hierbo genoem van die Kommissie of die administrateur op voorwaardes deur hierdie Wet voorgeskryf, of van enige ander bron op sodanige voorwaardes as wat die administrateur kan voorskryf; en

(b) enige wonings deur hom opgerig, hetsy ooreenkomstig die magte verleen onder hierdie Wet of kragtens enige 65
ander wet, verkoop of verhuur op sodanige voorwaardes wat voorgeskryf kan word deur—

(i) die Kommissie ten opsigte van wonings opgerig deur middel van 'n voorskot deur die Kommissie verstrek; of 70

(ii) die betrokke administrateur in die geval van ander wonings.

(2) Met goedkeuring van die administrateur kan 'n plaaslike outoriteit, buite sy regsgebied, grond koop of andersins verkry ooreenkomstig die bepalinge van Hoofstuk IV en goed- 75
gekeurde wonings oprig of goedgekeurde skemas uitvoer.

(3) (a) 'n Plaaslike outoriteit kan met goedkeuring van die administrateur reël met 'n ander plaaslike outoriteit vir 'n ooreenkoms waarkragtens die eersgenoemde plaaslike outoriteit in die regsgebied van laasgenoemde 80

(2) A local authority which has carried out a scheme under an agreement as provided for in sub-section (1), shall at the request of the secretary, or of an officer duly authorized thereto by him, make available for examination all books and documents which
5 may have reference to such scheme and shall furnish all such information as may be required in connection with such scheme whether or not it be a scheme which was completed before or after the commencement of this Act. This provision shall also apply to schemes whereon the State bears a loss of interest and
10 whether the scheme was carried out by a local authority or by an approved company or other body.

(3) If requested thereto by the Commission or the secretary, a local authority, company or body which has carried out an assisted housing scheme, shall, at least once a year, prepare a
15 survey in a manner approved by the Commission or the secretary of the income of all the occupants included in such scheme and shall report the result of the survey to the Commission or secretary as the case may be.

(4) If a local authority, company or body should fail to
20 comply with a request in terms of sub-sections (2) and (3) it shall be regarded as a breach of the agreement and—

(a) in the case of a scheme financed at a loss of interest, the Commission shall be entitled, with the approval of the Treasury to increase the interest rate on the loan so that
25 the loss on interest is extinguished; or

(b) in the case of schemes carried out under an agreement in terms of sub-section (1), the secretary may stop all contributions to a loss on the scheme until the local authority has complied with the request.

(5) If upon submission of the report on the survey of incomes it appears that there are occupants included in a scheme with incomes above the limit fixed for that scheme, the Commission may—
30

(a) require that such occupants shall immediately vacate the dwelling accommodation occupied by them; or
35

(b) require that they shall pay an increased rent so calculated as to extinguish all losses on the dwelling concerned; or

(c) require that the local authority, company or body shall deal with the lessee or dwelling concerned as prescribed by the Commission.
40

Should the local authority, company or body fail to comply with any requirements in terms of paragraphs (a), (b) and (c), the sanctions prescribed in sub-section (4) may be applied.

45 18. Notwithstanding anything to the contrary contained in any law prescribing or limiting the powers of local authorities, any local authority may— Power of local authorities to erect and administer dwellings.

(a) subject to the provisions of the Act, borrow money—

(i) to erect approved dwellings;
50 (ii) to make advances for the construction of approved dwellings;
(iii) to carry out approved schemes;
(iv) to make advances for the carrying out of approved schemes;
55

and such local authority may borrow money for any of the purposes mentioned above from the Commission or the administrator subject to conditions prescribed by this Act or from any other source subject to such conditions as the administrator may prescribe;

60 (b) sell or let any dwellings constructed by it, whether in accordance with powers conferred by this Act or in terms of any other law, subject to such conditions as may be prescribed by—

(i) the Commission in respect of dwellings constructed by means of an advance made by the Commission;
65 (ii) the administrator concerned in the case of other dwellings.

(2) With the approval of the administrator a local authority
70 may purchase or otherwise acquire, in accordance with the provisions of Chapter IV, land outside its area of jurisdiction for the purpose of constructing approved dwellings or carrying out approved schemes.

(3) (a) A local authority may with the approval of the administrator make arrangements with any other local authority for an agreement whereby such first-
75 mentioned local authority shall exercise in the area of

sodanige magte en funksies as wat in die ooreenkoms uiteengesit is, of al die magte en funksies opgedra en toevertrou aan laasgenoemde plaaslike outoriteit kragtens hierdie Wet uitoefen of verrig: Met dien verstande dat indien die goedkeuring van die administrateur nie gegee is binne dertig dae nadat daarom skriftelik aansoek gedoen is deur die plaaslike outoriteit, die Minister die reëling kan goedkeur;

- (b) nadat die administrateur se goedkeuring verkry is, of by gebreke van sy goedkeuring die Minister die reëling goedgekeur het, kan die eersgenoemde plaaslike outoriteit al die magte uitoefen of die funksies aan hom toevertrou verrig, en die bepalings van hierdie Wet sal dan van toepassing wees op hom.

(4) Met goedkeuring van die administrateur 'n bestaande behuisingskema binne die grense van sy regsgebied en wat opgerig is met behuisingsfondse oorneem tesame met die kapitaal daarin belê, en die kapitaal verskuldig sal geag word 'n voorskot aan die plaaslike outoriteit te wees kragtens sub-artikel (1) van artikel vyftien.

Bevoegdheid van outoriteit om behuisingslenings toe te staan.

19. (1) Ongeag andersluidende bepalings bevat in enige wet wat die bevoegdhede van plaaslike outoriteite bepaal of beperk, kan enige plaaslike outoriteit uit voorskotte deur hom ontvang of uit gelde deur hom kragtens hierdie Wet geleen, aan enige maatskappy, liggaam of persoon geld uitleen (hierin later na verwys as 'n behuisingslening) ten einde sodanige maatskappy, liggaam of persoon in staat te stel om—

- (a) goedgekeurde wonings binne die regsgebied van die plaaslike outoriteit op te rig; of

- (b) daarin 'n goedgekeurde skema uit te voer:

Met dien verstande dat 'n plaaslike outoriteit nie 'n lening vir die oprig van wonings mag toestaan—

- (i) aan enige maatskappy of liggaam tensy die statute of akte van oprigting daarvan dit verbied om 'n diwidend te verklaar of andersins winste tussen of tot voordeel van sy lede te verdeel teen 'n hoër persentasie dan wat die Kommissie voorgeskryf het in die geval van 'n lening wat toegestaan sal word uit 'n voorskot deur die Kommissie verleen of deur die administrateur in enige ander geval; of

- (ii) aan enige persoon tensy hy die plaaslike outoriteit tevrede stel dat hy nie die eienaar is van enige ander woning wat vir sy bewoning geskik is en dat hy van voornemens is om die woning waarvoor hy 'n behuisingslening aangevra het, self te bewoon.

(2) Die verhouding en die bedrag daarvan wat 'n behuisingslening kan inneem met betrekking tot die beraamde koste van 'n goedgekeurde woning of goedgekeurde skema sal wees soos voorgeskryf deur die Kommissie, as die lening toegestaan is uit 'n voorskot deur die Kommissie verstrekk, of deur die administrateur in enige ander geval.

Pre-emptiewe reg op wonings opgerig.

20. Dit sal 'n voorwaarde wees van elke behuisingslening of dit toegestaan is deur die Kommissie of deur 'n plaaslike outoriteit, aan 'n individuele persoon vir die oprig van 'n woning dat nieteenstaande die hele bedrag van die lening, tesame met alle rente daarop, terugbetaal is en die verband wat as sekuriteit dien gerojêer is as gevolg van sodanige terugbetaling, daardie persoon nie die woning kan verkoop binne 'n tydperk van vyf jaar of sodanige ander tydperk as wat die Kommissie kan vasstel vanaf die datum van registrasie van sodanige verband tensy hy eers voldoen het aan sodanige vereistes as wat by wyse van regulasie voorgeskryf is kragtens artikel veertig.

Terugbetaling van behuisingslenings.

21. (1) 'n Behuisingslening moet aan die Kommissie of die plaaslike outoriteit, al na gelang van die geval, terugbetaal word in sodanige paaiemente van kapitaal tesame met rente op enige uitstaande bedrag; op sodanige datums as wat die Kommissie of die administrateur kan voorskryf: Met dien verstande dat in die geval van lenings deur die administrateur toegestaan hy in enige besondere geval op versoek van die plaaslike outoriteit en op aanbeveling van die Kommissie die leningsperiode kan uitbrei met sodanige verdere tydperk as wat die Kommissie aanbeveel.

(2) Op aansoek van 'n plaaslike outoriteit kan die administrateur goedkeur dat 'n behuisingslening toegestaan kragtens artikel negentien oorgemaak word tesame met die sekuriteit aan 'n ander persoon, liggaam of maatskappy deur hom goedgekeur, en al die bepalings van hierdie Wet sal op sodanige persoon, liggaam of maatskappy van toepassing wees.

- jurisdiction of the latter such powers and functions as are set out in the agreement or all the powers and functions conferred upon or entrusted to the last mentioned local authority in terms of this Act: Provided that if the approval of the administrator is not given within thirty days after written application therefor by the local authority, the Minister may approve such arrangement;
- (b) after the approval of the administrator has been obtained, or in default of such approval, the Minister has approved of the arrangement, the first-mentioned local authority may exercise all the powers or perform all the functions entrusted to it and the provisions of this Act shall then be applicable to it.
- (4) With the approval of the administrator a local authority may take over an existing housing scheme within the boundaries of its area of jurisdiction and which has been constructed with housing funds together with the capital spent thereon, and the capital outstanding shall be regarded as an advance to the local authority in terms of sub-section (1) of section *fifteen*.
19. (1) Anything to the contrary notwithstanding in any law prescribing or limiting the powers of local authorities any local authority may, out of advances made to it or moneys borrowed by it under this Act, lend money (hereinafter referred to as a housing loan) to any company, body or person for the purpose of enabling such company, body or person to—
- (a) construct approved dwellings within the area of jurisdiction of the local authority; or
- (b) carry out an approved scheme therei...
- Provided that a local authority shall not grant a loan for the construction of dwellings—
- (i) to any company or body unless the articles of association or constitution thereof forbid it to declare a dividend or otherwise divide profits amongst or for the benefit of its members at a percentage higher than that prescribed by the Commission in the case of a loan which is to be granted out of an advance made by the Commission or in any other case by the administrator; or
- (ii) to any person unless he has satisfied the local authority that he is not the owner of any other dwelling which is suitable for his occupation and that he intends to occupy personally the dwelling for which he has applied for a housing loan.
- (2) The proportion and the amount thereof that a housing loan shall bear to the estimated cost of an approved dwelling or approved scheme shall be as prescribed by the Commission if the loan is to be granted out of an advance made by the Commission, or, in any other case, by the administrator.
20. It shall be a condition of every housing loan whether made by the Commission or a local authority to an individual person for the construction of a dwelling that notwithstanding the total amount of the loan, together with all interest thereon, is repaid and the mortgage bond which serves as security is cancelled by reason of such repayment such individual shall not sell the dwelling within a period of five years or such other period as the Commission may determine from the date of the registration of such mortgage bond unless he shall first have complied with such requirements as prescribed by regulation in terms of section *forty*.
- (1) A housing loan shall be repaid to the Commission or the local authority, as the case may be, in such instalments of principal together with interest on any amount remaining unpaid from such dates as may be prescribed by the Commission or the administrator: Provided that in the case of loans granted by the administrator he may in any particular case upon the request of the local authority and upon the recommendation of the Commission, extend the loan period by such further period as the Commission recommends.
- (2) At the request of the local authority the administrator may approve of a housing loan, granted in terms of section *nineteen*, together with the security being transferred to another person, body or company approved of by him and all the provisions of this Act shall apply to such person, body or company.

Power of local authority to grant housing loans.

Pre-emptive right on dwellings constructed.

Repayment of building loans.

(3) 'n Behuisingslening moet verseker word deur 'n eerste verband op die grond waarop die woning gebou sal word of reeds gebou is, of op grond wat verkry is vir 'n goedgekeurde skema tesame met al die geboue en verbeterings daarop, al na gelang van die geval, en op sodanige verdere sekuriteit of enige ander sekuriteit as wat die Kommissie of administrateur in ieder geval kan voorskryf. 5

(4) Nadat 'n behuisingslening verseker deur 'n verband uitbetaal is, of nadat 'n verband wat die koopprys van 'n huis verseker geregistreer is, kan 'n plaaslike outoriteit weer geld aan die verbandgewer voorskiet om die woning te verbou, verander, herstel, of vergroot en sodanige lening sal geag word deur daardie verband verseker te wees mits sodanige behuisingslening nie meer beloop as die verskil tussen die bedrag op daardie datum verskuldig onder die verband en die bedrag waarvoor die verband aanvanklik geregistreer was. 15

(5) Die rentevoet wat 'n plaaslike outoriteit op 'n behuisingslening moet betaal sal nie die rentevoet voorgeskryf in paragraaf (d) van sub-artikel (2) van artikel vyftien oorskry nie, en sodanige lenings of die paaielemente daarop dra rente vanaf die datum van uitbetaling. 20

(6) Vir doeleindes van hierdie artikel word die tydperk van terugbetaling bereken vanaf die datum waarop die laaste paaielement van die kapitaal van die lening deur die plaaslike outoriteit uitbetaal is aan of namens die lener. 25

Uitbetaling van behuisingslening.

22. (1) Geen voorskot word deur die Kommissie of 'n administrateur al na gelang van die geval aan 'n plaaslike outoriteit verstrek en geen behuisingslening word deur 'n plaaslike outoriteit toegestaan behalwe op skriftelike aansoek vergesel van sodanige besonderhede as wat die Kommissie of die administrateur kan voorskryf. 30

(2) 'n Voorskot of behuisingslening kan in paaielemente uitbetaal word maar in so 'n geval moet die gesamentlike paaielemente op enige gegewe datum nie die gesamentlike waarde aan werk verrig aan 'n woning of skema op daardie datum oortref nie. Waar enige deel van 'n voorskot of behuisingslening gebruik moet word vir die aankoop van 'n bouterrein vir 'n goedgekeurde woning of goedgekeurde skema, kan die bedrag van die koopprys ingesluit word by die bedrag van enige paaielement. 'n Persoon deur die Kommissie of die administrateur al na gelang van die geval, aangewys moet die waarde aan werk verrig sertifiseer. 40

(3) Voordat 'n skema deur die Kommissie of die administrateur al na gelang van die geval goedgekeur word kan hy die plaaslike outoriteit in die gebied waarin die skema uitgevoer gaan word gelas om redelike voorsiening te maak vir die behuising van die armste gedeelte van die bevolking. 45

Versuim by plaaslike outoriteite om voorwaardes van voorskot na te kom.

23. Indien 'n plaaslike outoriteit waaraan 'n voorskot of 'n paaielement daaruit deur die Kommissie of die administrateur al na gelang van die geval uitbetaal is— 50

(a) versuim om die bedrag verskuldig aan rente op 'n voorskot of op enige paaielement te betaal, of in gebreke bly om die bedrag van enige paaielement op die kapitaal verskuldig op vervaldatum terug te betaal; of

(b) nie die hele bedrag van 'n voorskot aangewend het vir die bepaalde doel waarvoor dit verstrek is nie; of 55

(c) versuim om redelike vordering te maak met 'n goedgekeurde woning of goedgekeurde skema binne die tydperk vasgestel vir die voltooiing daarvan; of

(d) versuim om te voldoen aan enige voorwaarde waarop die voorskot of enige paaielement daarvan gemaak was; kan die Kommissie of die administrateur na goeddunke al na gelang van die geval stappe neem om die bedrag alreeds uitgeleë tesame met rente daarop terug te vorder— 60

(i) deur middel van stappe in 'n bevoegde hof; of 65

(ii) deur te verklaar dat enige inkomste van die plaaslike outoriteit aangewend sal word in betaling van die aldus verskuldigde bedrag en deur 'n ontvanger aan te stel wat hierby gemagtig word om soveel van sodanige inkomste in te vorder as wat nodig mag wees om die verskuldigde bedrag te dek, en dit aan die Kommissie of die administrateur te betaal; of 70

(iii) deur 'n spesiale heffing te lê op al die belasbare eiendom binne die regsgebied van die plaaslike bestuur, of deur al drie of enige twee van hierdie metodes van terugvordering gelyktydig toe te pas, en die Kommissie of die administrateur se sertifikaat sal bewys wees van die bedrag verskuldig deur die plaaslike outoriteit onderworpe aan die reg van appél na die Minister wie se beslissing finaal sal wees. 75

(3) A housing loan shall be secured by a first mortgage over the land on which the dwelling is to be or has already been constructed or (as the case may be) over land acquired for an approved scheme together with all the buildings and improvements thereon and on such further security or any other security as the Commission or the administrator may, in any case, prescribe.

(4) After a housing loan secured by a mortgage bond has been paid out or after a mortgage bond which secures the purchase price of a house has been registered, a local authority may again advance money to the mortgagor for the purpose of reconstructing, altering, repairing or enlarging the dwelling and such loan shall be regarded as being secured by that mortgage bond if such housing loan does not exceed the difference between the amount outstanding under the bond at that date and the amount for which the mortgage bond was originally registered.

(5) The rate of interest payable by a local authority on a housing loan shall not exceed the rate of interest prescribed under paragraph (d) of sub-section (2) of section fifteen and such loans or instalments thereof shall bear interest from the date of issue.

(6) For the purpose of this section the period of repayment shall be calculated from the date on which the last instalment of the principal is paid over by the local authority to or on behalf of the borrower.

22. (1) No advance shall be made by the Commission or an administrator, as the case may be, to a local authority and no housing loan shall be granted by a local authority except upon written application accompanied by such particulars as may be prescribed by the Commission or the administrator.

Payment of housing loans.

(2) An advance or housing loan may be paid out in instalments but in such a case the combined instalments at any given date shall not exceed the value of the work completed on a dwelling. Where any portion of an advance or a housing loan is required to be used for the purchase of a building plot for an approved dwelling or an approved scheme the amount of the purchase price may be included in the amount of any instalment. A person appointed by the Commission or the administrator, as the case may be, shall certify the value of the work completed.

(3) Before a scheme is approved by the Commission or the administrator, as the case may be, the Commission or the administrator may direct the local authority in the area wherein the scheme is to be carried out to make reasonable provision for the housing of the poorest section of the community.

23. (1) If a local authority to which an advance or an instalment thereof has been made by the Commission or the administrator, as the case may be—

Failure by local authority to comply with conditions of advance.

- (a) fails to pay the amount due in respect of interest on the advance or on any instalment or fails to repay the amount of any instalment of the principal outstanding on the due date; or
- (b) has not applied the whole amount of any advance to the specific purpose for which it was made; or
- (c) fails to make reasonable progress with an approved dwelling or an approved scheme within the period determined for its completion; or
- (d) fails to comply with any condition on which the advance or any instalment thereof was made;

it shall be in the discretion of the Commission or the administrator, as the case may be, to proceed for the recovery of the amount already lent together with interest due thereon—

- (i) by action in a competent court; or
- (ii) by declaring that any revenues of the local authority shall be applied to the payment of the amount so due and by appointing a receiver who is hereby authorized to collect so much of such revenues as will discharge such amount and pay over the same to the Commission or the administrator; or
- (iii) by levying a special rate on all rateable property within the area of jurisdiction of the local authority,

or by all three or any two of such methods of recovery simultaneously and the certificate of the Commission or the administrator shall be evidence of the amount due by the local authority subject to an appeal to the Minister whose decision shall be final.

Versuim deur maatskappy, liggaam of persoon om voorwaardes van behuisings-lening na te kom.

24. (1) Indien 'n persoon aan wie of 'n maatskappy of ander liggaam waaraan 'n behuisingslening toegestaan is deur die Kommissie of 'n plaaslike outoriteit—

- (a) versuim om enige bedrag verskuldig ten opsigte van rente op die lening of op 'n paalement daarvan te betaal of in gebreke bly om die bedrag van enige paalement aan kapitaal op vervaldag te betaal; of 5
- (b) nie die hele bedrag van 'n paalement van die lening aangewend het vir die spesifieke doel waarvoor dit bestem was; of 10
- (c) in gebreke bly om redelike vordering te maak met 'n goedgekeurde woning of goedgekeurde skema binne die tydperk wat vasgestel is vir die voltooiing daarvan; of
- (d) in gebreke bly om aan enige voorwaarde waarop die lening of enige paalement daarvan toegestaan was, te voldoen; of 15
- (e) insolvent verklaar word of gelikwdeer word; kan die Kommissie of die plaaslike outoriteit stappe neem om die bedrag wat reeds uitbetaal is tesame met rente daarop terug te vorder by wyse van regsproses, of nadat ses weke kennisgewing gegee is by wyse van gefrankeerde en aangetekende brief te rig aan sodanige persoon op sy laas bekende woonplek, kantoor of besigheidsplek of in die geval van 'n maatskappy of ander liggaam aan sy kantoor, kan die Kommissie of die plaaslike outoriteit al na gelang van die geval deur middel van 'n amptenaar skriftelik daartoe gemagtig en sonder dat vonnis of 'n bevel van die hof daartoe verkry is die eiendom binnegaan en die grond en verbeterings wat as sekuriteit vir die lening dien in beslag neem, en kan nadat kennis van voorneme om te verkoop twee maal per week vir drie agtereenvolgende weke gepubliseer is in 'n koerant wat in daardie omgewing sirkuleer die genoemde grond en verbeterings verkoop by wyse van openbare veiling of openbare tender, en dit oordra in naam van die koper met onaanvegbare eiendomsreg daarop, nieteenstaande daardie grond en geboue sedert dit verbind was kragtens paragraaf (d) van artikel vier in die geval van 'n voorskot gemaak direk aan die skuldenaar deur die Kommissie, of kragtens artikel negentien in die geval van 'n voorskot toegestaan deur 'n plaaslike outoriteit, ook belas is ten gunste van 'n ander persoon: Met die voorbehoud egter dat indien die grond en verbeterings op sodanige wyse belas is die Kommissie of die plaaslike bestuur die verbandhouer drie weke voor die datum wat vir die verkoping vasgestel is skriftelik kennis sal gee van sy voorneme deur middel van 'n gefrankeerde en aangetekende brief gerig aan sy laas bekende woonplek, kantoor of besigheidsplek. 20 25 30 35 40 45

(2) As sodanige woning nie voltooi is kan die Kommissie of die plaaslike outoriteit al na gelang van die geval volgens eie oordeel dit voltooi voor verkoping. Die opbrengs van die verkoping sal aangewend word in afbetaling van alle bedrae verskuldig aan die Kommissie of die plaaslike outoriteit met inbegrip van die koste om die woning te voltooi en te verkoop, en die balans, as daar iets oor is, sal betaal word aan die persoon aan wie, of die maatskappy of liggaam waaraan die behuisingslening toegestaan was of aan enige ander persoon wat sy of hulle wettige verteenwoordiger is of geregtig is om sodanige balans te ontvang. 50 55

(3) Die Kommissie ooreenkomstig paragraaf (g) van artikel vier, of die plaaslike outoriteit kan op die veiling—

- (a) self die woning inkoop en transport daarvan neem en daarmee handel asof dit 'n woning is wat deur die Kommissie of die plaaslike outoriteit al na gelang van die geval self opgerig is kragtens hierdie Wet, en geen hereregte, seëlregte of registrasiegelde sal betaalbaar wees op sodanige transport aan die Kommissie of die plaaslike outoriteit; 60 65
- (b) toestem dat die koper die belange en aanspreeklikhede van die eienaar oorneem.

(4) Die betrokke registrateur van aktes word hiermee gemagtig om die nodige aantekeninge in sy register te maak en die dokumente te teken wat nodig is om uitvoering te gee aan hierdie artikel. 70

(5) Indien die woning of perseel deur 'n ander persoon of persone as die eienaar daarvan bewoon word, wanneer die eienaar in kennis gestel word van die voorneme om die eiendom in beslag te neem ooreenkomstig sub-artikel (1) dan moet die Kommissie of die plaaslike outoriteit ook sodanige bewoner of bewoners per aangetekende en gefrankeerde brief in kennis stel van sy voorneme, en wanneer daardie kennisgewing verstryk moet die bewoner of bewoners die besit van die eiendom oorhandig aan die gemagtigde beampte van die Kommissie of plaas- 75 80

24. (1) If a person to whom or a company or other body to which a housing loan has been granted by the Commission or a local authority—

Failure by company, body or person to comply with conditions of housing loan.

- 5 (a) fails to pay any amount due in respect of interest on the loan or any instalment thereof or fails to repay the amount of any instalment of principal on the due date; or
- (b) has not applied the whole of any instalment of the loan to the specific purpose for which it was granted; or
- 10 (c) fails to make reasonable progress with an approved dwelling or approved scheme within the period fixed for its completion; or
- (d) fails to comply with any condition on which the loan or any instalment thereof was granted; or
- 15 (e) becomes insolvent, or is placed in liquidation,

the Commission or the local authority may, either proceed to recover the amount already paid over together with interest thereon, by legal process or, after giving six weeks' notice by prepaid registered letter addressed to such person at his last
20 known place of abode, office or business, or in the case of a company or other body at its office, the Commission or the local authority, as the case may be, may, by an officer authorized in writing and without obtaining any judgment or order of the court, enter upon and take possession of the land and improve-
25 ments on which the loan was secured; and may, after notice of intention to sell, published in a newspaper circulating in its area twice a week for three weeks, sell by public auction or by public tender, the said land and improvements and transfer it to the purchaser and give a good and valid title thereto, notwith-
30 standing that such land and buildings, since it was given as security in terms of paragraph (d) of section four in the case of an advance made directly to the debtor by the Commission, or under section nineteen in the case of an advance granted by a local authority, has also been hypothecated in favour of some
35 other person: Provided that if the land and improvements are so hypothecated the Commission or the local authority shall give to the mortgagee at his last known abode or office or place, of business three weeks before the date fixed for the sale written notice by prepaid registered post of such its intention.

- 40 (2) If any such dwelling is not completed the Commission or the local authority, as the case may be, may in its discretion complete such dwelling before such sale. The proceeds of such sale shall be applied in payment of all sums due to the Commission or the local authority including the cost of completing any
45 dwelling and of the sale; and the balance (if any) shall be paid to the person to whom or the company or the body to which the housing loan was made or to any other person who is the legal representative of such person, company or body or is otherwise entitled to receive such balance.

- 50 (3) The Commission, in accordance with paragraph (q) of section four, or the local authority may at an auction—

- 55 (a) itself purchase and take transfer of any dwelling and treat it as if it were a dwelling which had been constructed by the Commission or the local authority, as the case may be, in terms of this Act, and no transfer duty, stamp duty or registration charges shall be payable on such transfer to the Commission or the local authority;
- 60 (b) consent to the purchaser taking over the interests and responsibilities of the owner.

(4) The registrar of deeds concerned is hereby authorized to make the necessary entries in his register and sign any documents necessary to give effect to this section.

- 65 (5) If the dwelling is or premises are occupied by a person or persons other than the owner thereof whenever the owner is notified in accordance with sub-section (1) of the intention to take possession of the property, the Commission or the local authority shall also notify such occupier or occupiers by
70 registered and prepaid letter of its intention and whenever that notice expires the occupier or occupiers shall surrender the possession of the property to the authorized officer of the

like outoriteit, en die bestaan van huurkontrak tussen die bewoner en die eienaar kan nie hierdie verpligting in enige opsig aantast of wysig nie.

HOOFTUK IV.

VERKRYGING EN ONTEIENING VAN GROND VIR BEHUISING. 5

Goewerneur-
generaal kan
grond skenk.

25. (1) Nieteenstaande andersluidende bepalings in enige ander wet kan die Goewerneur-generaal van tyd tot tyd aan die Kommissie of plaaslike outoriteite of aan enige maatskappy of ander liggaam omskryf in artikel *negentien* enige Kroongrond skenk op sodanige voorwaardes as wat hy mag bepaal met die 10 doel om daarop 'n goedgekeurde skema uit te voer: Met die voorbehoud dat as en wanneer wonings wat 'n deel uitmaak van die skema verkoop word die waarde (soos bepaal deur 'n bevoegde persoon deur die Minister van Lande aangestel) van die grond waarop sodanige wonings opgerig is aan die Minister 15 oorbetaal sal word tot voordeel van die Gekonsolideerde Inkomsterekening, en in die geval van plaaslike outoriteite met die verdere voorbehoud dat gedurende die tydperk wat hure oploop ten opsigte van wonings opgerig op sodanige grond in die geval van 'n plaaslike outoriteit, maatskappy of vereniging 20 rente teen die koers voorgeskryf deur paragraaf (d) van sub-artikel (2) van artikel *vyftien* op die kapitale waarde van die grond waarop elke sodanige woning opgerig is in voorkeur bo alle ander eise kwartaarlik betaald moet word uit die lopende hure aan die Minister vir die voordeel van die Gekonsolideerde 25 Inkomsterekening. Die Minister kan enige gedeelte of gedeeltes van sodanige grond afsonder vir parke, ontspanningsgronde of vir ander openbare doeleindes.

(2) 'n Beskrywing van die grond wat onder hierdie artikel toegeken is, die naam van die begiftigde, die voorwaardes van 30 die toekenning asook die datum daarvan sal daarna in die *Staatskoerant* so gou as moontlik bekend gemaak word.

(3) Die Goewerneur-generaal kan by proklamasie enige beperking op die gebruik of bewoning van grond waarop wonings gebou is of gaan word of 'n skema uitgevoer is of gaan 35 word, ophef of wysig.

Verkryging en
onteiening van
grond vir
behuising.

26. (1) Nieteenstaande andersluidende bepalings in enige ander wet kan die Kommissie of enige plaaslike outoriteit met die skriftelike goedkeuring van die Minister grond of enige 40 regte op grond geleë in die geval van 'n plaaslike outoriteit binne of buite sy eie regsgebied aankoop of onteien wat hy nodig het vir die oprig daarop van 'n goedgekeurde woning of om daarop 'n goedgekeurde skema uit te voer.

(2) Wanneer die Minister soos hierbo bepaal die onteiening van grond of regte op grond goedgekeur het mag die vergoeding 45 wat daarvoor betaald moet word, in die geval van grond binne die regsgebied van 'n plaaslike outoriteit geleë, behoudens die by sub-artikel bepaalde, nie meer bedra dan die mindere van òf—

(a) die hoogste bedrag wat by onteiening deur die plaaslike outoriteit wat in daardie gebied seggenskap het sou kon 50 toegeken word ten opsigte van die grond ooreenkomstig die bepalings van Hoofstuk III van die Slumswet, 1934 (Wet No. 53 van 1934), met uitsondering van artikels *sewentien* en *agtien*, die tweede voorbehoudsbepaling van sub-artikel (1) in paragrafe (e), (f) en (g) van sub- 55 artikel (3) van artikel *twintig*, paragraaf (e) van sub-artikel (4) van artikel *ses-en-twintig*, en paragraaf (a) van sub-artikel (1) van artikel *sewe-en-twintig*, terwyl die prosedure in die betrokke Hoofstuk voorgeskryf verder *mutatis mutandis* gevolg moet word, en indien 60 daar op grond wat die Kommissie of die plaaslike outoriteit van voornemens is om by wyse van onteiening te verkry tydens die aanvang van die onteieningsproses 'n besigheid of beroep uitgeoefen word, en 'n klandisiewaarde verbonde is aan sodanige besig- 65 heid of beroep wat in waarde sal afneem of verlore sal gaan as gevolg van onteiening kan die arbiters in die onteieningsproses in hulle toekenning van vergoeding wat die Kommissie of die plaaslike outoriteit aan die betrokke eienaar moet betaal benewens die waarde van 70 die grond vasgestel soos hierby beskryf, 'n bedrag insluit gelyk aan die verlies wat die betrokke eienaar waarskynlik sal ly as gevolg van die afname of verlies van die klandisiewaarde maar hierdie bykomstige bedrag mag nie meer beloop dan die netto-wins wat die 75 betrokke besigheid of beroep opgelewer het gedurende 'n tydperk van een jaar onmiddellik voor die aanvang van die onteieningsproses; òf

Commission or local authority and the existence of a contract of lease between the occupier and the owner shall not affect or vary this obligation.

CHAPTER IV.

5 ACQUISITION AND EXPROPRIATION OF LAND FOR HOUSING.

25. (1) Notwithstanding anything to the contrary in any law contained the Governor-General may, from time to time, grant to the Commission, local authority or to any company or body described in section *nineteen* any Crown land on such conditions as he may determine for the purpose of carrying out thereon an approved scheme: Provided that if and when the dwellings forming part of the scheme are sold the value (which value shall be ascertained by a competent person to be appointed by the Minister of Lands) of the land on which such dwellings have been constructed shall be paid to the Minister for the credit of the Consolidated Revenue Account and provided further that in the case of a local authority, during the period in which rentals have accrued in respect of dwellings constructed on such land by a local authority, company or society, interest at the rate prescribed under paragraph (d) of sub-section (2) of section *fifteen* on the capital value of the land on which such dwellings have been constructed, shall form a first charge against such accrued rentals and shall be paid to the Minister quarterly for credit to the Consolidated Revenue Account. The Minister may set apart any portion or portions of such land for parks, recreation grounds or other public requirements.

Governor-General may donate land.

- (2) A description of the land granted under this section, the name of the grantee, the conditions of the grant and the date thereof shall be notified in the *Gazette* as soon as possible after the grant is made.

(3) The Governor-General may, by proclamation, remove or alter, any restriction on the use or occupation of land on which dwellings have or are to be constructed or a scheme has been or is to be carried out.

26. (1) Notwithstanding anything to the contrary in any law contained, the Commission or any local authority may, with the approval in writing of the Minister, purchase or expropriate any land or any interest in land situate, in the case of a local authority, within or without its area of jurisdiction, which it requires for the purpose of constructing thereon an approved dwelling or of carrying out thereon an approved scheme.

Acquisition and expropriation of land for housing.

- (2) Whenever the Minister has, as above provided, approved of the expropriation of land or any interest in land, the compensation to be paid therefor may, in the case of land situate within the area of jurisdiction of the local authority, subject to the provisions of sub-section not exceed the lesser of either—

- (a) the maximum amount which could, on expropriation by the local authority having jurisdiction in that area be awarded in terms of the provisions of Chapter III of the Slums Act, 1934 (Act No. 53 of 1934) (other than sections *seventeen* and *eighteen*; the second proviso to sub-section (1) and paragraphs (e), (f) and (g) of sub-section (3) of section *twenty*; paragraph (e) of sub-section (4) of section *twenty-six*, and paragraph (a) of sub-section (1) of section *twenty-seven*) while the procedure prescribed in the Chapter in question shall further be applied *mutatis mutandis* and if upon any land which the Commission or the local authority intends to acquire by expropriation, any business or occupation is carried on at the time of the commencement of the expropriation proceedings, and a goodwill attaches to that business or occupation which will be diminished in value or lost as result of the expropriation, the arbitrators in the expropriation proceedings may include in their award of the compensation which the Commission or the local authority shall pay to the owner in question in addition to the value of the land determined as herein described an amount equal to the loss which the said owner is likely to sustain by reason of the diminution or loss in the value of the said goodwill, but that additional amount shall not exceed the net profit derived from the said business or occupation during the period of one year immediately preceeding the commencement of the expropriation proceedings; or

(b) 'n bedrag wat—

- (i) gelykstaan met die bedrag waarteen die eienaar van die grond dit verkry het, tesame met 'n som bereken volgens die skaal van ses persent per jaar op genoemde bedrag vir die tydperk vanaf die datum van verkryging deur die eienaar tot op die datum van onteiening; of 5
- (ii) indien die eienaar die grond anders verkry het dan vir 'n bedrag geld, gelykstaan met die bedrag waarteen dit verkry is deur die laaste eienaar wat dit vir 'n bedrag geld verkry het, tesame met 'n som bereken volgens die skaal van ses persent per jaar op die bedrag waarteen dit aldus verkry is vir die tydperk vanaf die datum van verkryging deur bedoelde laaste eienaar, tot op die datum van onteiening; of 15
- (iii) indien die grond slegs 'n gedeelte is van die grond wat die eienaar of bedoelde laaste eienaar, al na gelang van die geval, verkry het, gelykstaan met 'n bedrag wat in dieselfde verhouding staan tot die bedrag waarteen die hele stuk grond verkry is, as die waarin die waarde van die onteiene grond, soos ooreenkomstig regulasies bepaal, staan tot die waarde van die geheel daarvan, soos aldus bepaal, tesame met 'n som *mutatis mutandis* bereken soos in sub-paragraaf (i) of (ii), na gelang van die geval, bepaal; of 25
- (iv) indien die bedrag waarteen grond soos in sub-paragraaf (i) of (ii) bepaal, verkry is, nie maklik vasgestel kan word nie, gelykstaan met die waarde van die grond ten tyde van sy verkryging deur die eienaar, soos ooreenkomstig regulasies bepaal, tesame met 'n som *mutatis mutandis* bereken soos in sub-paragraaf (i) bepaal; of 30
- (v) indien verbeterings op die grond aangebring is tussen die datum van verkryging daarvan en die datum van die onteiening, gelykstaan met die bedrag wat kragtens die voorafgaande bepalinge van hierdie paragraaf betaalbaar is, tesame met die totaal van die koste van die verbeterings en 'n som bereken volgens die skaal van ses persent per jaar op die koste van elke verbetering, vanaf die datum van sy voltooiing tot op die datum van onteiening; of 40
- (vi) indien 'n klandisiewaarde wat verbonde is aan 'n besigheid of beroep wat op die datum van onteiening op die grond gedryf of beoefen word, as gevolg van onteiening verloor sal word of sal verminder, gelykstaan met die bedrag wat kragtens die voorafgaande bepalinge van hierdie paragraaf betaalbaar is, tesame met die bedrag van die verlies of vermindering, die netto-wins gedurende die tydperk van een jaar onmiddellik voor die datum van onteiening uit die besigheid of beroep verkry, nie te bowe gaande nie. 55

(3) In die geval van aldus onteiene grond wat nie binne die regsgebied van 'n plaaslike outoriteit geleë is nie, mag die vergoeding wat daarvoor betaal moet word, behoudens die by sub-artikel (3) bepaalde, nie meer bedra nie dan 'n ooreenkomstig die bepalinge van paragraaf (b) van sub-artikel (2) berekende bedrag. 60

(4) Indien die Minister van mening is dat die eienaar van aldus onteiene grond, daardie grond vir spekulatiewe doeleindes, teen meer dan normale prys verkry het, kan hy skriftelik onder sy handtekening gelas dat die vergoeding wat kragtens bepalinge van paragraaf (b) van sub-artikel (2) of van sub-artikel (3) daarvoor betaalbaar sou wees, bereken moet word *mutatis mutandis* ooreenkomstig genoemde bepalinge, op die basis van 'n mindere bedrag waarteen 'n ander aangegewe persoon binne 'n tydperk van hoogstens drie jaar voor die onteiening, of die regsvoorganger van bedoelde eienaar, die grond verkry het. 70

(5) By die toepassing van hierdie artikel word enige hereregte met inbegrip van ekstra-heffing daarop of transport- of opmetingskoste waarvoor die betrokke eienaar in verband met sy verkryging van die grond aanspreeklik geword het, ingereken by die bedrag van die prys waarteen die grond verkry is. 75

(6) Die Minister kan indien hy dit wenslik ag die Kommissie skriftelik magtig om enige mag, bevoegdheid of plig aan hom opgedra kragtens hierdie artikel uit te oefen, en enigiets wat die Kommissie binne die bestek van sodanige magtiging doen is geldig en bindend net asof dit deur die Minister self gedoen is. 80

(b) an amount which—

- (i) is equal to the amount at which the land was acquired by the owner thereof, together with a sum calculated at the rate of six per cent. per annum on the said amount for the period as from the date of acquisition by the owner up to the date of expropriation; or
- (ii) if the owner has acquired the land otherwise than for an amount in money, is equal to the amount at which it was acquired by the last owner who acquired it for an amount in money, together with a sum calculated at the rate of six per cent. per annum on the amount at which it was so acquired, for the period as from the date of acquisition by such last owner up to the date of expropriation; or
- (iii) if the land is a portion only of land acquired by the owner or such last owner, as the case may be, is equal to an amount which bears to the amount at which the whole of the land was acquired, the same ratio as the value of the land expropriated, as determined in accordance with regulations, bears to the value of the whole thereof, as so determined, together with a sum calculated *mutatis mutandis* as provided in sub-paragraph (i) or (ii), as the case may be; or
- (iv) if the amount at which the land was acquired as provided in sub-paragraph (i) or (ii), cannot be readily ascertained, is equal to the value of the land, at the time of its acquisition by the owner, as determined in accordance with regulations, together with a sum calculated *mutatis mutandis* as provided in sub-paragraph (i); or
- (v) if improvements have been effected on the land between the date of its acquisition and the date of the expropriation, is equal to the amount payable under the preceding provisions of this paragraph, together with the aggregate of the cost of the improvements and a sum calculated at the rate of six per cent. per annum on the cost of each improvement, as from the date of its completion up to the date of the expropriation; or
- (vi) if as a result of the expropriation any goodwill attaching to any business or occupation carried on on the land at the date of the expropriation, will be lost or diminished in value, is equal to the amount payable under the preceding provisions of this paragraph, together with the amount of the loss or diminution in value, not exceeding the net profit derived from the business or occupation during the period of one year immediately preceding the date of expropriation.

(3) In the case of land so expropriated, which is not situated within the area of jurisdiction of a local authority, the compensation to be paid therefor, shall, subject to the provisions of sub-section (4), not exceed an amount calculated in accordance with the provisions of paragraph (b) of sub-section (2).

(4) If the Minister is of opinion that the owner of any land so expropriated, acquired that land at more than a normal price for speculative purposes, he may, by writing under his hand direct that the compensation which would be payable therefor under the provisions of paragraph (b) of sub-section (2) or of sub-section (3), shall be calculated *mutatis mutandis* in accordance with the said provisions, on the basis of a lesser amount at which the land was acquired by another specified person within a period not exceeding three years before the expropriation, or by the predecessor in title of such owner.

(5) For the purpose of this section the amount or price at which land was acquired includes any transfer duty, surcharge thereon, or costs of transfer or survey for which the owner concerned became liable in connection with his acquisition of the land.

(6) The Minister may, if he considers it expedient to do so, authorize the Commission in writing to exercise any powers, rights or duties conferred on him in terms of this section, and anything done by the Commission within the scope of such authority shall be valid and binding as if it had been done by the Minister personally.

Prosedure by
onteiening.

27. (1) Na ontvangs van die skriftelike goedkeuring van die Minister om enige grond te onteien, moet die Kommissie of die plaaslike outoriteit, al na gelang van die geval, 'n kennisgewing dien of laat dien op die eienaar (insluitende in die geval van die onteiening van 'n reg ten opsigte van die grond, die eienaar van daardie reg) in die vorm bepaal in sub-artikel (2) van hierdie artikel waarin 'n volledige beskrywing van die grond of die reg tot daardie grond wat onteien word duidelik uiteengesit is, en waarin die eienaar gevra word om die bedrag te noem wat hy eis ten opsigte van die grond of vir 'n reg op die betrokke grond: Met dien verstande dat dit nie vir die Kommissie of die plaaslike outoriteit nodig sal wees om enige kennisgewing te dien op enige persoon wat nie volgens die kennis van die Kommissie of plaaslike outoriteit, al na gelang van die geval, 'n eienaar is van enige reg ten opsigte van die grond wat onteien word. 15

(2) Die kennisgewing waarna verwys word in sub-artikel (1) moet op die eienaar gedien word—

- (a) deur aflewering aan die eienaar persoonlik; of
- (b) deur die kennisgewing te laat by enige volwasse inwoner van die eienaar se tuiste; of 20
- (c) deur die versending daarvan in 'n gefrankeerde en aangeleëde kovert gerig aan sy laas bekende adres; of
- (d) as dit nie gedien kan word soos neergeleë in paragraaf (a), (b) of (c) nie, dan by wyse van 'n kennisgewing gepubliseer in albei amptelike tale in drie agtereenvolgende gewone uitgawes van die *Staatskoerant*, en een keer per week gedurende drie agtereenvolgende weke in 'n koerant wat in die distrik sirkuleer waarin die grond geleë is. 25

(3) Vir doeleindes in sub-artikel (1) sal dit nie nodig wees om die eienaar by name te noem in enige kennisgewing nie, maar as dit hom nie noem nie moet hy beskryf word as die eienaar van die betrokke grond. 30

(4) Indien kennisgewing kragtens sub-artikel (1) gedien is ooreenkomstig die bepalings van sub-artikels (2) en (3) sal dit geag word behoorlik gedien te wees, en die datum van die diening van die kennisgewing onder paragraaf (d) van sub-artikel (2) sal die datum van die eerste publikasie daarvan wees, en sal geag word die datum van onteiening te wees. 35

(5) 'n Kennisgewing tot onteiening moet gedien word binne dertig dae na ontvangs van die goedkeuring deur die Minister, en indien dit nie gedien word binne hierdie tydperk sal die Minister se goedkeuring *ipso facto* verval, tensy hy skriftelik ingestem het tot verlenging van hierdie tydperk. 40

Eiendomsreg
en besit na
onteiening.

28. Op die datum van die onteiening gaan die eiendomsreg in die grond wat in die kennisgewing beskryf is oor op naam van die Kommissie of die plaaslike outoriteit, al na gelang van die geval, vry van alle laste en die Kommissie of die plaaslike outoriteit kan na verloop van 'n tydperk van nie minder as dertig dae vanaf genoemde datum besit neem van die grond en dit gebruik. 45 50

Pligte van
registrateur by
onteiening.

29. (1) Wanneer enige grond met inbegrip van 'n geregistreerde reg op grond, onteien is kragtens artikel *sewe-en-twintig* moet die Kommissie of die plaaslike outoriteit, al na gelang van die geval, dadelik— 55

- (a) aan die betrokke registrateur van aktes die kennisgewing waardeur onteiening plaasgevind het stuur asook 'n afskrif van die proklamasie ten opsigte van die opheffing van enige beperkings kragtens sub-artikel (3) van artikel *vyf-en-twintig*; en 60
- (b) aan elke houer van 'n verband geregistreer oor sodanige grond en waarvan die naam en adres aan hom bekend is 'n afskrif stuur van die kennisgewing tot onteiening. 65

(2) Na ontvangs van die in paragraaf (a) genoemde afskrifte moet die registrateur van aktes— 65

- (a) daarop die tyd en datum van ontvangs aanteken; en
- (b) die onteiening van die grond en die opheffing van enige beperkings in die toepaslike registers aanteken; en
- (c) nie daarna enige handeling in verband met daardie grond registreer, totdat transport op naam van die Kommissie of plaaslike outoriteit geregistreer is, of totdat dit op gesag van die Kommissie of plaaslike outoriteit, al na gelang van die geval, getransporteer is op naam van 'n maatskappy, liggaam of persoon deur die Kommissie of plaaslike outoriteit aangedui. 70 75

(3) 'n Verbandhouer aan wie 'n afskrif van die onteieningskennisgewing gestuur is moet binne veertien dae na datum daarvan aan die Kommissie of die plaaslike outoriteit, al na gelang van die geval—

27. (1) Upon receipt of the written consent of the Minister to expropriate any land, the Commission or the local authority, as the case may be, shall serve or cause to be served on the owner (including, in the case of the expropriation of any right in respect of the land, the owner of the right) a notice in the manner prescribed in sub-section (2) of this section setting forth clearly and fully a description of the land or the right to such land which is being expropriated, and inviting the owner to state the amount claimed by him for the land, or right in respect of such land: Provided that it shall not be necessary for the Commission or local authority to serve any notice on any person who is not to the knowledge of the Commission or the local authority, as the case may be, the owner of any right in respect of the land to be expropriated.

Procedure upon expropriation.

15 (2) The notice referred to in sub-section (1) shall be served on the owner—

- (a) by delivery to the owner personally; or
- (b) by leaving the notice with some adult inmate of his place of residence; or
- 20 (c) by dispatching the notice in a prepaid and registered envelope to his last known address; or
- (d) if service cannot be effected under paragraph (a), (b) or (c), by publication in both official languages in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the district in which the land is situate.

25 (3) It shall not be necessary for the purposes referred to in sub-section (1) to name the owner, but the notice, if it does not name him, shall describe him as the owner in respect of the land in question.

30 (4) A notice under sub-section (1), which has been served as provided in sub-sections (2) and (3) shall be deemed to have been sufficiently served, and the date of service of a notice under paragraph (d) of sub-section (2) shall be the date of the first publication thereof and shall be deemed to be the date of expropriation.

35 (5) A notice of expropriation shall be served within thirty days of the receipt of the consent by the Minister and if not served within this period the consent of the Minister shall, *ipso facto*, lapse unless he has agreed in writing to an extension of this period.

28. Upon the date of expropriation the ownership in the land described in the notice shall pass to the Commission or the local authority, as the case may be, realized from all hypotheses and the Commission or the local authority may, after expiry of a period of not less than thirty days from the said date, take possession of and use the land.

Ownership and possession after expropriation.

29. (1) Whenever any land, including any registered right in respect of land, has been expropriated under section twenty-seven, the Commission or the local authority, as the case may be, shall forthwith—

Duties of registrar on expropriation.

50 (a) transmit to the registrar of deeds concerned, the notice by which the expropriation has taken place and a copy of the proclamation in respect of the removal of any restrictions in terms of sub-section (3) of section twenty-five; and

55 (b) transmit to every holder of a bond registered over such land whose name and address are known to it, a copy of the notice of expropriation.

60 (2) Upon receipt of the copies referred to in paragraph (a) of sub-section (1), the registrar of deeds—

(a) shall record thereon the hour and date of receipt; and

(b) shall note in the appropriate records that the land has been expropriated and the removal of any restrictions; and

65 (c) shall not thereafter register any transaction in respect of the land until transfer is passed to the Commission or the local authority or until it has been transferred, with the authority of the Commission or the local authority, as the case may be, to a company, body or person indicated by the Commission or local authority.

70 (3) A mortgagee to whom a copy of the notice of expropriation has been transmitted shall within fourteen days of the date thereof, transmit to the Commission or the local authority, as the case may be—

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- (a) 'n skriftelike verklaring stuur waarin die bedrag deur hom ontvang in aflossing van die skuld verseker deur die verband en die besonderhede van die bedrag dan nog verskuldig vermeld word; en
 - (b) die verband waarvan hy die houer is, en enige dokument of akte wat betrekking het tot die grond en in sy besit of onder sy beheer is, stuur.
- (4) (a) Elke eienaar op wie kennisgewing gedien is kragtens artikel *sewe-en-twintig* moet binne dertig dae na datum van oteiening of sodanige verdere tydperk as wat die Kommissie of die plaaslike outoriteit bepaal, al na gelang van die geval, aan die Kommissie of die plaaslike outoriteit aflewer of reël vir die aflewering van—
- (i) 'n skriftelike staat waarin vermeld word die bedrag van vergoeding (indien enige) deur hom geëis;
 - (ii) sy transportaktes van die grond as dit in sy besit of onder sy beheer is;
 - (iii) 'n lys geteken deur hom van genoemde aktes as hulle nie in sy besit of onder sy beheer is nie met vermelding van die registrasienommers en datums tesame met die naam en adres van die persoon in wie se besit of onder wie se beheer hulle is, asook die registrasienommers en datums van verbande (indien enige) oor sodanige grond en die name en adresse van die verbandhouders;
- (b) die Kommissie of plaaslike outoriteit kan enige persoon genoem in sub-paragraaf (iii) van paragraaf (a) skriftelik by wyse van kennisgewing versoek om die betrokke aktes te oorhandig of om te reël vir die handiging daarvan aan die Kommissie of plaaslike outoriteit, al na gelang van die geval, binne 'n tydperk genoem in die kennisgewing.

Aanstelling van arbiters en skeidsregters.

30. (1) Indien die eienaar en die Kommissie of die plaaslike outoriteit, al na gelang van die geval, nie binne 'n tydperk van sesig dae vanaf die datum van oteiening, of sodanige verdere periode as wat die Kommissie of die plaaslike outoriteit mag toelaat, tot 'n ooreenkoms geraak oor die bedrag aan vergoeding wat vir die grond (met inbegrip van enige reg op grond) betaal moet word, dan moet die bedrag vasgestel word ooreenkomstig die bepalings van artikel *ses-en-twintig* deur persone daarvoor aangewys soos bepaal in sub-artikel (3).

(2) By die vasstelling van die bedrag van vergoeding wat aan die eienaar van die grond betaal moet word, moet enige bedrag aan vergoeding betaal of verskuldig aan die eienaar van enige reg op grond in aanmerking geneem word.

(3) Indien die eienaar en die Kommissie of die plaaslike outoriteit, al na gelang van die geval, nie tot 'n ooreenkoms kan kom soos voorsien in sub-artikel (1) dan moet die vergoeding behoudens die bepalings van artikel *ses-en-twintig* vasgestel word deur twee arbiters waarvan die een aangestel moet word deur die Kommissie of die plaaslike outoriteit, al na gelang van die geval, en die ander een deur die eienaar of eienaars as daar meer as een is.

(4) Indien die arbiters nie kan ooreenkom nie dan stel die Minister 'n geskikte persoon aan as skeidsregter en sy beslissing sal finaal wees.

(5) Die koste, bereken op die koste-tabel vir magistratshoeve, verbonde aan die vasstelling van die vergoeding aangegaan kragtens sub-artikels (3) en (4) sal by ontstentenis aan 'n ooreenkoms tussen die partye betaal word soos beveel deur die arbiters, of as hulle nie ooreen kan kom nie, dan soos bepaal deur die skeidsregter wie se beslissing finaal sal wees.

Betaling van vergoeding.

31. Die vergoeding vir die oteierende grond of regte op grond sal betaal word aan die eienaar indien sy adres bekend is, en by gebreke daarvan aan die Meester ten behoeve van die Voogdyfonds: Met dien verstande dat indien die grond belas is kan die vergoeding gebruik word ter vereffening van die eise van die verbandhouders in wetlike orde van voorkeur, mits sodanige verbandhouders voldoen het aan die bepalings van artikel *nege-en-twintig*, en met die verdere voorbehoud, dat indien die betrokke grond voor oteiening verkoop was aan 'n persoon wat bewys gelewer het dat hy die koopprys ten volle of ten dele betaal het ondanks die feit dat hy nie transport geneem het nie, dan kan aan hom sodanige vergoeding as wat hy op geregtig is, betaal word.

Registrasie van oordrag van gronde vir behuising.

32. (1) Die Registrateur van Aktes sal, behoudens die bepalings van artikel *een-en-dertig* van die Registrasie van Aktes Wet,

- (a) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond, and particulars of the amount still owing thereunder; and
- (b) the bond of which he is the holder and any document or title relating to the land which may be in his possession or under his control.
- (4) (a) Every owner on whom notice has been served under section *twenty-seven* shall, within thirty days after the date of expropriation or such further period as the Commission or the local authority, as the case may be, may allow, deliver or cause to be delivered to the Commission or the local authority—
- (i) a statement in writing setting forth the amount of compensation (if any) claimed by him;
- (ii) his documents of title to the land, if they are in his possession or under his control;
- (iii) a list signed by him of the said documents, if they are not in his possession or under his control, setting forth the registration numbers and dates and the name and address of the person in whose possession or under whose control they are, together with the registration numbers and dates of bonds (if any) over the land and setting forth the names and addresses of the holders thereof;
- (b) the Commission or the local authority may by notice in writing call upon any person referred to in subparagraph (iii) of paragraph (a), to deliver the documents in question or cause them to be delivered to the Commission or to the local authority, as the case may be, within a period specified in the notice.

30. (1) If the owner and the Commission or the local authority, as the case may be, do not, within a period of sixty days from the date of expropriation, or such further period as the Commission or the local authority may allow, come to an agreement as to the amount of the compensation to be paid for the land (including any right in respect of land) the said amount shall be determined in accordance with the provisions of section *twenty-six* by persons designated for that purpose as provided for in sub-section (3).
- (2) In determining the amount of compensation to be paid to the owner of land, regard shall be had to any amount of compensation paid or to be paid to the owner of any right in respect of land.
- (3) If the owner and the Commission or the local authority, as the case may be, do not come to an agreement as provided for in sub-section (1), then the compensation shall, subject to the provisions of section *twenty-six*, be determined by two arbitrators of whom one shall be appointed by the Commission or the local authority, as the case may be, and the other by the owner or owners if there is more than one.
- (4) If the arbitrators are unable to agree, then the Minister shall appoint a suitable person as a referee whose decision shall be final.
- (5) The costs, calculated in accordance with the table of costs applicable to magistrates' courts, connected with the determination of the compensation arrived at in terms of sub-sections (3) and (4) shall in the absence of an agreement between the parties be paid as recommended by the arbitrators, or if they cannot agree, then as determined by the referee whose decision shall be final.

Appointment of arbitrators and referees.

31. The compensation for the land or right over land expropriated shall be paid to the owner if his address is known, or if unknown, to the Master for deposit in the Guardian's Fund: Provided that if the land is hypothecated, the compensation may be applied to the payment of the claim of the bondholders in their legal order of preference, if such bondholders have complied with the provisions of section *twenty-nine*, and moreover if the land in question was sold before expropriation to any person who has furnished proof that he has paid the purchase price in whole or in part notwithstanding the fact that he has not received transfer, such compensation as he is entitled to may then be paid to him.

Payment of compensation.

32. (1) The Registrar of Deeds shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 32 of 1937), register the transfer of land for housing.

Registration of transfer of land for housing.

1937 (Wet No. 47 van 1937), sonder die betaling van hereregte, seëlregte, of registrasiegelde—

- (a) die oordrag van enige grond gekoop of onteien deur die Kommissie of plaaslike outoriteit registreer al na gelang van die geval in naam van die Kommissie of plaaslike outoriteit, maar as die grond gekoop of onteien was ten einde enige maatskappy, persoon of ander liggaam in staat te stel om daarop 'n woning op te rig of 'n skema uit te voer en indien die Kommissie of die plaaslike outoriteit dit skriftelik versoek, moet die registrateur van aktes die oordrag regstreeks in naam van die maatskappy, persoon of ander liggaam registreer;
- (b) die opheffing van enige beperkings kragtens sub-artikel (3) van artikel vyf-en-twintig gelyktydig noteer;
- (c) enige verband of las wat op die eiendom mag wees endosseer tot die effek dat die betrokke eiendom van daardie verband of las onthef is.

(2) Die Kommissie of plaaslike outoriteit al na gelang van die geval sal die reg hê om die transportbesorger aan te stel vir die registrasie van die grond verkry of onteien en sal verantwoorde-lik wees vir die koste van oordrag.

(3) Ondanks andersluidende bepalings in enige wet of regulasie bevat kan die registrateur van aktes, nadat hy tevrede gestel is dat die transportaktes vernietig of verlê is, die oordrag daarsonder registreer, en hoef daar nie 'n bevel van 'n bevoegde hof hiervoor verkry te word nie.

(4) Indien die grond wat die onderwerp van die oordrag vorm verkry is by wyse van onteiening moet daar aan die registrateur gelyktydig met die indiening van die oordragstukke 'n sertifikaat voorgelê word geteken namens die Kommissie of plaaslike outoriteit waarin verklaar word—

- (a) dat die prosedure neergelê deur artikel ses-en-twintig nagekom is; en
- (b) dat alle bedrae wat deur die Kommissie, plaaslike outoriteit, maatskappy, liggaam of persoon verskuldig was op die transaksie betaal of gewaarborg is.

(5) Indien kaarte vir die registrasie van transport benodig word, is sodanige kaarte vry van seëlregte as die aangekoopte of onteiene grond deel is van grond wat onder een transportakte gehou word of as die kaarte vir 'n onderverdeling benodig word.

Ministeriële toestemming by herverkoop.

33. Geen grond wat vir enige doel aangekoop of onteien is kragtens hierdie Wet deur die Kommissie, plaaslike outoriteit, maatskappy, liggaam of persoon mag vervreem word vir enige doel behalwe met goedkeuring van die Minister en op sodanige voorwaardes as wat hy mag stel, met die voorbehoud dat in die geval van vervreemding deur 'n plaaslike outoriteit die goedkeuring in raadpleging met die administrateur sal geskied.

Vervreemding van munisipale grond.

34. 'n Plaaslike outoriteit kan, onderworpe aan die goedkeuring van die Minister en aan sodanige voorwaardes as wat hy mag bepaal, enige grond waarvan hy die eienaar is verkoop ondanks andersluidende bepalings in enige wet bevat, teen 'n nominale prys of op 'n manier anders dan per publieke veiling of openbare tender, ten einde die Kommissie of enige maatskappy, liggaam of persoon in staat te stel om daarop 'n woning op te rig of skema uit te voer.

Gebruik van munisipale grond.

35. Ondanks andersluidende bepalings in enige wet kan 'n plaaslike outoriteit met goedkeuring van die administrateur enige deel van enige dorpsgronde wat hy besit gebruik vir die oprig van goedgekeurde wonings of vir die uitvoer van goedgekeurde behuiskemas.

HOOFSTUK V.

ALGEMENE BEPALINGS.

Verordeninge kan tersyde gestel word.

36. 'n Bywet of verordening wat onverenigbaar is met die voorwaardes van goedkeuring deur die Kommissie of die administrateur al na gelang van die geval in verband met enige woning of skema sal in soverre dit onverenigbaar is, nie van toepassing wees op 'n goedgekeurde woning of skema nie. Die uitdrukking „verordening” in hierdie artikel beteken teweens 'n verordening of regulasie uitgevaardig deur 'n plaaslike outoriteit en van krag binne sy regsgebied.

Minister kan bouwerk beheer.

37. (1) Waar dit vir die Minister skyn dat die voorsiening van wonings binne die regsgebied van 'n plaaslike bestuur vertraag of moontlik vertraag sal word vanweë 'n tekort aan arbeid of materiaal veroorsaak deur die gebruik van arbeid of materiaal

47 of 1937), without payment of any transfer duty, stamp duty or registration charges—

- (a) register the transfer of any land purchased or expropriated by the Commission or a local authority, as the case may be, to the Commission or the local authority, but if the land has been purchased or expropriated for the purpose of enabling any company, person or other body to construct a dwelling or carry out any scheme thereon and the Commission or the local authority so requests in writing, the registrar of deeds shall register the transfer direct to such company, person or other body;
- (b) simultaneously note the removal of any restrictions in terms of sub-section (3) of section *twenty-five*;
- (c) if the land is subject to any bond, or hypothec make an endorsement to the effect that the land is released from the bond or hypothec.

(2) The Commission or local authority, as the case may be, shall be entitled to appoint the conveyancer for the registration of the land acquired or expropriated and shall bear the costs of transfer.

(3) Notwithstanding anything to the contrary contained in any law or regulation, the registrar of deeds may, on being satisfied that the title deeds have been destroyed or lost, register the transfer without the production of the title deeds and it shall not be necessary to obtain the authority of an order by a competent court.

(4) If the land, forming the subject of the transfer, was acquired by expropriation, there shall be submitted to the registrar at the time when the transfer documents are submitted, a certificate signed on behalf of the Commission or local authority in which it is declared—

- (a) that the procedure prescribed by section *twenty-six* has been complied with; and
- (b) that all sums due by the Commission, local authority, company, body or person have been paid or guaranteed.

(5) Any diagrams required for the purpose of the registration of the transfer shall be exempt for stamp duty if the land purchased or expropriated is portion of land held under one title deed, or if the diagrams are required by reason of a subdivision.

33. No land purchased or required for any purpose in terms of this Act by the Commission, local authority, company, body or person may be alienated for any purpose except with the approval of the Minister and upon such conditions as he may determine and in the case of alienation by a local authority such approval shall be given in consultation with the administrator.

Ministerial consent for re-sale.

34. A local authority may, subject to the approval of the Minister and on such conditions as he may determine sell any land of which it is the owner notwithstanding anything to the contrary contained in any other law at a nominal price or in a manner other than by public auction or public tender, for the purpose of enabling the Commission or any company, body or person to construct a dwelling or to carry out a scheme thereon.

Alienation of municipal land.

35. Notwithstanding anything to the contrary contained in any law, a local authority may with the approval of the administrator use any portion of the town lands vested in it for the construction of approved dwellings or for the carrying out of approved housing schemes.

Use of municipal land.

CHAPTER V.

GENERAL PROVISIONS.

36. A by-law which is inconsistent with the conditions of approval given by the Commission or the administrator, as the case may be, in respect of any dwelling or scheme shall, to the extent of such inconsistency, not apply to an approved dwelling or scheme. "By-law" in this section includes any by-law or regulation made by a local authority and in force in its area of jurisdiction.

By-laws inconsistent with conditions relating to dwellings or schemes.

37. (1) Where it appears to the Minister that the provision of dwellings within the area of jurisdiction of a local authority is or is likely to be delayed by a deficiency of labour or materials arising out of the employment of labour or materials in the

Minister may control works on building.

in die oorig van ander werke of geboue en dat die oorig van sodanige werke of geboue onder die omstandighede van die geval van geringer openbare belang is dan die voorsiening van woonruimte kan die Minister vir sodanige tyd en op sodanige voorwaardes as wat hy van tyd tot tyd voorskryf die oorig van sodanige werke of geboue belet. 5

(2) Indien 'n persoon in stryd hiermee handel of in gebreke bly om aan die voorwaardes van so 'n bevel uitgereik kragtens hierdie artikel, gehoor te gee, sal hy skuldig wees aan 'n oortreding en sal by veroordeling strafbaar wees met 'n boete nie te howe gaande vyftig pond vir elke dag wat die oortreding voortduur. 10

(3) In enige regsproses of stappe in verband met kontrakbreuk van 'n ooreenkoms om werke of geboue op te rig, sal dit afdoende verweer wees om te bewys dat die behoorlike nakoming van die ooreenkoms verhinder is as gevolg van 'n bevel uitgereik kragtens hierdie artikel. 15

Permitte nodig vir sloping van woonruimte.

38. (1) (a) Niemand mag sonder die skriftelike toestemming van die Minister of 'n lid van die Kommissie of amptenaar deur hom daartoe gemagtig enige woning of gedeelte daarvan wettiglik opgerig binne die regsgebied van 'n plaaslike bestuur sloop of vir enige ander doel gebruik of toelaat dat dit vir enige ander doel gebruik word indien dit geskik is vir menslike bewoning, of sedert die een-en-twintigste dag van Junie 1945 daarvoor gebruik was of vir die doel opgerig is, en geen goedkeuring van die administrateur of plaaslike outoriteit vir die sloping of omskepping van daardie woning sal geldig wees sonder die Minister se toestemming nie; 20 30

(b) elke aansoek om toestemming soos in paragraaf (a) beskryf moet in die eerste instansie gerig word aan die plaaslike outoriteit van die gebied waarin die woning geleë is, en die plaaslike outoriteit moet binne dertig dae na ontvangs daarvan dit tesame met sy opmerkings of aanbeveling deurstuur aan die sekretaris; 35

(c) die skriftelike toestemming kan, indien dit verleen word, sodanige voorbehoudsbepalings bevat as wat die Minister, lid van die Kommissie of amptenaar deur hom daartoe gemagtig, wenslik mag ag. 40

(2) Indien iemand 'n woning sloop of omskep in stryd met die bepaling van paragraaf (a) van sub-artikel (2) of versuim om te voldoen aan enige voorwaardes gestel kragtens paragraaf (c) van sub-artikel (2) sal hy skuldig wees aan 'n oortreding, en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd pond, of gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van twaalf maande ten opsigte van die vernietiging of gebruik van elke sodanige woning. 45

(3) Die Minister kan indien hy dit wenslik ag enige lid of lede van die Kommissie skriftelik magtig om enige funksie, bevoegdheid of plig wat in hom gevestig of opgedra is deur of kragtens hierdie artikel, dog onderworpe aan die voorbehoudsbepaling van sub-artikel (1) te verrig of uit te voer en enigiets deur die lid of lede van die Kommissie gedoen kragtens en binne die bestek van sodanige magtiging is geldig en bindend net asof dit deur die Minister self gedoen is. 50 55

Minister kan materiaal beheer.

39. (1) Die Minister kan deur kennisgewing in die *Staatskoerant* die uitvoer van materiaal gebruik in die oprigting van geboue en in daardie kennisgewing beskryf verbied behalwe op gesag van 'n permit deur hom uitgereik. 60

(2) Die Minister kan na raadpleging met die Minister van Ekonomiese Ontwikkeling die Kommissie magtig om by wyse van 'n skriftelike kennisgewing gerig aan enige persoon wat in besit is van boumateriaal of uitrusting van die aard wat van tyd tot tyd by wyse van regulasie aangekondig is, om— 65

(a) nie enige sodanige materiaal of uitrusting in die kennisgewing vermeld te verkoop of te gebruik vir enige doel anders dan wat in die kennisgewing genoem is;

(b) enige materiaal of uitrusting in die kennisgewing vermeld teen die heersende pryse op datum van die kennisgewing te verkoop aan 'n persoon deur die Kommissie benoem. 70

(3) Enige persoon wat die bepalinge van 'n kennisgewing kragtens sub-artikel (1) of (2) oortree of verontagsaam sal skuldig wees aan 'n oortreding en by veroordeling strafbaar met enigeen van die strawwe voorgeskryf deur artikel *agt-en-dertig*. 75

Uitvaardiging van regulasies.

40. Die Minister kan van tyd tot tyd regulasies uitvaardig vir die meer doeltreffende uitvoering van die oogmerke en doel-

construction of other works or buildings and that the construction of such other works and buildings is in the circumstances of the case of less public importance than the provision of dwelling accommodation, the Minister may, for such period
5 and subject to such conditions as he may from time to time prescribe, prohibit the erection of such works or buildings.

(2) If a person acts in contravention of or fails to comply with any of the conditions of such an order made under this section he shall be guilty of an offence and liable on conviction to a
10 fine not exceeding fifty pounds for every day during which the offence continues.

(3) In any action or proceedings for breach of a contract to construct any works or buildings, it shall be a good defence to prove that due fulfilment of the contract was prevented by reason
15 of an order having been made under this section.

38. (1) (a) No person shall, without the written permission of the Minister or of a member of the Commission or of an officer authorized thereto by the Minister demolish any building or portion thereof lawfully constructed within the area of jurisdiction of a local authority or use or permit to be used any such building or portion thereof for any other purpose which is capable of being used for human habitation, or since the twenty-first day of June, 1945, has been so used or constructed for that purpose and no approval by the administrator or local authority for the demolition or conversion of that dwelling shall be valid without the permission of the Minister; Permits necessary for demolishing dwelling accommodation.
- 20
- (b) every application for permission as described in paragraph (a) shall be addressed in the first instance to the local authority of the area in which the dwelling is situate and the local authority shall, within thirty days of receipt thereof transmit the application with its comments or recommendations to the secretary;
- 25
- (c) the written permission, if granted, may contain such conditions as the Minister, a member of the Commission or an officer authorized thereto by him, may deem advisable.
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- 35

(2) If any person demolishes or converts a dwelling in contravention of the provisions of paragraph (a) of sub-section (1) or fails to comply with any conditions imposed in terms of paragraph (c) of sub-section (1), he shall be guilty of an offence and on conviction liable to a penalty not exceeding five hundred pounds or to imprisonment, without the option of a fine, for a
40 period of twelve months in respect of the demolition or use of each such dwelling.

(3) The Minister may, if he deems it desirable, authorize in writing any member or members of the Commission to perform and carry out any function, power or duty vested or conferred
50 upon him under and by virtue of this section but subject to the conditions referred to in sub-section (1) and anything done by a member or members of the Commission within the scope of such authority shall be as valid and binding as if done by the Minister personally.

55 39. (1) The Minister may by notice in the *Gazette* prohibit the export, except on the authority of a permit issued by him, of materials used in the construction of buildings and specified in the notice. Minister may control material.

(2) With the approval of the Minister given, after consultation with the Minister of Economic Development, the Commission may by notice in writing direct any person who is in possession of any building materials or equipment prescribed from time to time by regulation—

- 60
- (a) not to sell or to use any such materials or equipment specified in the notice other than for a purpose stated in the notice;
- 65
- (b) to sell any such material or equipment specified in the notice at the ruling prices as at the date of the notice, to a person named by the Commission.

70 (3) Any person contravening or failing to observe the provisions of a notice in terms of sub-section (1) or (2) shall be guilty of an offence and liable on conviction to any one of the penalties prescribed by section *thirty-eight*.

40. The Minister may from time to time make regulations Making of regulations.
75 for the better carrying out of the objects and purposes of this

stellings van hierdie Wet. Sodanige regulasies kan van toepassing wees in die hele Unie of slegs in 'n bepaalde of omskrewe deel daarvan, en kan voorsiening maak vir die invoer op aanbeveling van die Kommissie na raadpleging met die betrokke plaaslike outoriteit van 'n stelsel of stelsels van differensiële hure ten opsigte van wonings opgerig kragtens 'n skema uitgevoer in terme van hierdie Wet, en vir die beplanning, herbeplanning en aanleg van 'n gebied ten einde 'n skema uit te voer en die pligte van landmeters-generaal en registrateurs van aktes in verband daarmee voor te skryf. Dit kan ook strafbepalings neerlê en boetes nie tien pond te bowe gaande voorskryf vir die oortreding van 'n regulasie of vir versuim om daaraan te voldoen.

Reg van toegang tot gronde en skemas.

41. (1) Enige lid van die Kommissie of enige beampte behoorlik daartoe gelas deur die sekretaris, enige lid of amptenaar van 'n plaaslike outoriteit in die algemeen of spesiaal daartoe gemagtig, en enige persoon op 'n dergelike wyse daartoe gemagtig deur die administrateur kan vir die behoorlike vervulling van sy pligte op enige redelike uur enige grond of gebou in verband waarmee daar enige deel van 'n voorskot of 'n behuisingslening toegestaan is of wat deur die Kommissie of plaaslike outoriteit aangekoop of onteien word kragtens hierdie Wet betree om inspeksie uit te voer of om enige werk te verrig of enigiets anders te doen waartoe hy ingevolge die regulasies verplig of gemagtig is.

(2) Enige persoon wat versuim om toegang te verleen of dit weier aan enige persoon in sub-artikel (1) genoem of hom in die uitvoer van sy pligte ooreenkomstig die regulasies hinder of dit belemmer, of wat enige bediende of werksman van die Kommissie of plaaslike outoriteit verhinder om enige sodanige grond of gebou te betree ten einde aan enige vereiste van die regulasies of plig wat hom opgelê is te voldoen sal skuldig wees aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

Behuisingsrade.

42. (1) Die Provinsiale Raad van Natal en enige ander provinsiale raad wat by besluit van albei huise van die Parlement daartoe gemagtig is, kan by ordonnansie 'n behuisingsraad instel, en aan daardie raad ten opsigte van die betrokke provinsie die magte en werksaamhede van die Kommissie ingevolge paragrawe (c), (d), (e), (f), (j), (k), (m), (n), (o) en (q) van artikel vier, en paragraaf (a) van artikel vyf, verleen en opgedra, wat in die ordonnansie vermeld mag word, of in 'n ordonnansie wat bedoelde ordonnansie wysig: Met dien verstande dat by die toepassing van hierdie sub-artikel—

(a) die verwysing in paragraaf (c) van artikel vier na die Minister, geag word 'n verwysing na die betrokke administrateur te wees;

(b) die verwysing in paragrawe (e) en (f) van artikel vier en in paragraaf (a) van artikel vyf na die Minister, geag word geskrap te wees.

(2) Ondanks die bepaling van sub-artikel (1) of van 'n ordonnansie uit hoofde daarvan uitgevaardig, word die Kommissie in die betrokke provinsie, nie van enigen van sy magte en werksaamhede ontdoen nie.

(3) 'n Administrateur kan, uit 'n behuisingsleningsfonds wat hy kragtens artikel vyftien gestig het, aan 'n behuisingsraad wat kragtens sub-artikel (1) vir die betrokke provinsie ingestel is, geld voorskiet asof die raad 'n plaaslike outoriteit is, en die toepaslike bepaling van hierdie Wet is *mutatis mutandis* ten opsigte van so 'n voorskot van toepassing.

(4) 'n Provinsiale raad kan behoudens die bepaling van sub-artikel (4) van artikel vyftien, by 'n in sub-artikel (1) bedoelde ordonnansie, voorsiening maak vir die opneem deur die betrokke behuisingsraad by wyse van lenings, of die voorskiet of bewilliging uit provinsiale inkomste aan bedoelde raad, van gelde wat hy nodig het vir of in verband met die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede.

(5) Iedere aldus ingestelde behuisingsraad moet op versoek van die Minister van tyd tot tyd die inligting verstrekkend wat vir die raad beskikbaar is, betreffende enige saak wat op behuisering in die betrokke provinsie betrekking het of daarmee in verband staan.

(6) Die bepaling van hierdie artikel word nie so uitgelê nie dat hul afbreuk doen aan enige bevoegdheid wat 'n provinsiale raad mag hê om 'n ordonnansie uit te vaardig wat nie met hierdie artikel onbestaanbaar is nie, met betrekking tot 'n aangeleentheid wat met die bou van wonings of die uitvoer van skemas in verband staan: Met dien verstande dat so 'n ordonnansie nie voorsiening maak nie vir die onteiening deur 'n behuisingsraad, sonder toestemming van die Minister, van grond of 'n reg ten opsigte van grond.

Act. Such regulations may apply throughout the Union or in any specified or defined portion thereof and may provide for the introduction, on the recommendation of the Commission after consultation with local authority concerned, of a system or systems of differential rentals in respect of dwellings constructed under any scheme carried out in terms of this Act and for the planning, replanning and laying out of an area for the purpose of carrying out a scheme and prescribing the duties of surveyors-general and registrars of deeds in connection therewith. Such regulations may also contain criminal sanctions and fines not exceeding ten pounds for any contravention thereof or failure to comply therewith.

41. (1) Any member of the Commission or any officer duly authorized thereto by the secretary, any member or officer of a local authority generally or specially authorized thereto and any person likewise authorized thereto by the administrator may, at any hour reasonable for the proper performance of his duty enter upon any land or building in respect of which any portion of an advance or a housing loan has been granted or which has been purchased or expropriated in terms of this Act by the Commission or the local authority to make any inspection or to perform any work or to do anything which he is required or authorized to do under the regulations.

Powers of entry on land and to schemes.

(2) Any person who fails to give or refuses to give access to any person mentioned under sub-section (1) or obstructs or hinders him in the execution of his duties under the regulations or who prevents any servant or workman of the Commission or the local authority from entering any such land or building for the purpose of complying with any requirements under the regulations or any duty imposed upon him shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

42. (1) The Provincial Council of Natal and any other provincial council authorized thereto by resolution of both Houses of Parliament, may by ordinance establish a housing board, and confer on and entrust to such board, in respect of the province concerned such powers and functions of the Commission under paragraphs (c), (d), (e), (f), (j), (k), (m), (n), (o) and (q) of section four and paragraph (a) of section five as may be specified in the ordinance or any ordinance amending such ordinance: Provided that for the purpose of this sub-section—

Housing boards.

(a) the reference in paragraph (c) of section four to the Minister, shall be deemed to be a reference to the administrator concerned; and

(b) the reference in paragraphs (e) and (f) of section four and in paragraph (a) of section five, to the Minister shall be deemed to be deleted.

(2) Notwithstanding the provision of sub-section (1) or of any ordinance made thereunder, the Commission shall not in the province concerned, be divested of any of its powers or functions.

(3) An administrator may, out of any housing loans fund established by him under section fifteen advance moneys to a housing board established under sub-section (1) for the province concerned, as if it were a local authority, and the relevant provisions of this Act shall *mutatis mutandis* apply in respect of any such advance.

(4) Subject to the provisions of sub-section (4) of section fifteen a provincial council may by any ordinance referred to in sub-section (1) make provision for the raising by the housing board concerned by way of loans, or the advance or grant out of provincial revenues to such board, of moneys required by it for or in connection with the exercise of its powers or the performance of its functions.

(5) Every housing board so established shall upon the request of the Minister furnish from time to time such information as may be available to it in regard to any matters relating or incidental to housing in the province concerned.

(6) The provisions of this section shall not be construed to derogate from any power which a provincial council may have, to make any ordinance not inconsistent with this section in relation to any matter connected with the construction of dwellings or the carrying out of schemes: Provided that no such ordinance shall provide for the expropriation by a housing board without the consent of the Minister, of any right in respect of land.

Dienste vir
kommissie-
skemas.

43. (1) Wanneer die Kommissie kragtens paragraaf (c) van artikel vier 'n woning opgerig of 'n skema uitgevoer het kan hy met goedkeuring van die Minister by wyse van skriftelike kennisgewing die plaaslike outoriteit gelas om die betrokke woning of skema te voorsien van sodanige dienste as wat in die kennisgewing vermeld word met die voorbehoud dat die kennisgewing slegs dienste kan insluit wat die betrokke plaaslike outoriteit gewoonlik aan sy inwoners lewer en wel in die vorm en teen die tarief wat hy dit aan hulle gewoonlik voorsien tensy andersins ooreengekom met die Kommissie, en indien die plaaslike outoriteit versuim om aan so 'n kennisgewing te voldoen sal hy skuldig wees aan 'n oortreding en by veroordeling strafbaar met 'n boete van hoogstens eenhonderd pond.

(2) Indien dit om een of ander rede wenslik blyk te wees kan die Kommissie voorgeskrewe dienste in die gebied waarin wonings deur die Kommissie gebou is self voorsien, indien die plaaslike bestuur in wie se regsgebied daardie gebied inbegrepe is, nie in staat is of onwillig is om sulke dienste daarin te voorsien en in enige aangrensende of naburige gebied indien die plaaslike bestuur in wie se regsgebied so 'n aangrensende of naburige gebied inbegrepe is, daarin toestem, en die Kommissie kan sodanige gelde hef op die verbruikers as wat die Minister mag goedkeur.

Inkorting van
belastingsreg.

44. Indien die Minister van oordeel is dat die inkorting van bestaande magte van 'n plaaslike outoriteit om belastings, met inbegrip van differensiële belastings, op te lê geregverdig is ten opsigte van grond of wonings wat die eiendom van die Kommissie is of van die Kommissie verkry is, of wat verkry of gehou is met geld wat deur die Kommissie of 'n administrateur voorgeskiet is, kan hy op aanbeveling van die Kommissie die heffing van sodanige belasting opskort of wysig soos hy mag goedvind, deur skriftelike kennisgewing onder sy handtekening gerig aan die betrokke plaaslike outoriteit, en publikasie daarvan in die *Staatskoerant*.

Toesig oor be-
huisingswerk-
saamhede van
plaaslike
outoriteite.

45. Die Minister kan in die regulasies deur hom uitgevaardig voorsiening maak vir toesig deur die Kommissie of 'n administrateur oor die werksaamhede van 'n plaaslike outoriteit, maatskappy of liggaam ingevolge hierdie Wet en vir die uitoefening of verrigting deur die Kommissie of die administrateur in plaas van 'n plaaslike outoriteit, van magte of werksaamhede wat deur of kragtens hierdie Wet of regulasies daaronder uitgevaardig aan die plaaslike outoriteit, maatskappy of liggaam verleen of opgedra is (met inbegrip van die uitvoer van 'n skema, met of sonder wysigings, wat die plaaslike outoriteit, maatskappy of liggaam nie uitgevoer het nie, of die voltooiing van 'n skema met of sonder wysigings, wat die plaaslike outoriteit nie ter bevrediging van die Kommissie of die administrateur uitvoer nie) die aanspreeklikheid van die plaaslike outoriteit vir die koste deur die Kommissie of die administrateur beloop by die uitoefening van bedoelde magte of die verrigting van bedoelde werksaamhede, en die verhaal van sulke koste op die plaaslike outoriteit, ditsy deur die heffing van 'n spesiale belasting op belasbare eiendom in sy magsgebied of op 'n ander wyse.

Bepalings van
hierdie Wet met
betrekking tot
ander wette.

46. (1) Behoudens die bepalinge van sub-artikel (2) hiervan, word die bepalinge van hierdie Wet geag die bepalinge van ander wette wat nie in stryd daarmee of onbestaanbaar is aan te vul, en nie te vervang nie, maar indien die bepalinge in enige ander wet in stryd is of onbestaanbaar is met 'n bepaling in hierdie Wet moet die bepalinge in hierdie Wet geld.

(2) Die bevoegdhede en pligte wat aan 'n plaaslike outoriteit verleen of opgedra word kragtens hierdie Wet moet uitgeoefen en vervul word nieteenstaande die plaaslike outoriteit versuim het om te voldoen aan die bepalinge van enige ander wet wat die prosedure en voorwaardes met betrekking tot die uitoefening van dergelike magte of die vervulling van dergelike pligte voor- skryf.

Wetsherroeping.

47. Die volgende wette word hiermee herroep, t.w., die Woningwet, 1920 (Wet No. 35 van 1920), Woningwet 1920 Wijzigingswet (No. 5 van 1925), Woningwysigingswet (No. 68 van 1934), Woningwysigingswet (No. 31 van 1936), Addisionele Woningwet (No. 41 van 1937), Wysigingswet op Woningwette (No. 38 van 1943) behalwe die aanhef daarvan en artikel nege, Woning-wysigingswet (No. 49 van 1944), en Wet op Behuising (Noodmagte) (No. 45 van 1945), behalwe sub-paragraaf (viii) van paragraaf (s) van sub-artikel (1) van artikel twee wat van krag bly totdat al die waarborge aan ambagsmanne verval het. Verder word die Woningwysigingswet, 1948 (No. 12 van 1948),

43. (1) Whenever the Commission has constructed a dwelling or carried out a scheme in terms of paragraph (c) of section four, it may, with the approval of the Minister, direct the local authority by notice in writing to provide the dwelling or scheme 5 concerned with such services as are specified in the notice, which notice shall only specify services which the local authority ordinarily provides for its inhabitants and then in the manner in and according to the tariff at which it ordinarily provides such services unless otherwise arranged with the Commission and, 10 if the local authority fails to comply with any such notice it shall be guilty of an offence and upon conviction liable to a fine not exceeding one hundred pounds.

Services for schemes of Commission.

(2) Where it appears desirable to the Commission, it may itself provide prescribed services in the area in which there are 15 dwellings constructed by the Commission if the local authority, in whose area of jurisdiction such first-mentioned area falls, is not able or willing to provide such services therein or in any adjacent or neighbouring area if the local authority in whose area of jurisdiction such adjacent or neighbouring area falls, 20 consents thereto, and the Commission may levy such fees on the consumers as the Minister may approve.

44. If the Minister is of the opinion that the restriction of existing rights of a local authority to levy rates including differential rates, is justified in respect of land and dwellings 25 which is the property of or has been acquired from the Commission or which was acquired or constructed from money advanced by the Commission or an administrator, he may in his discretion and upon the recommendation of the Commission suspend or amend the levy of such rates by addressing a notice 30 in writing and bearing his signature and publication thereof in the *Gazette*.

Restriction of right to rates.

45. The Minister may provide in the regulations made by him for the supervision by the Commission or an administrator of the activities of a local authority, company or body under this 35 Act and for the exercise or performance by the Commission or the administrator in lieu of any local authority, of any powers or functions conferred or entrusted to the local authority, company or body by or under this Act or the regulations made thereunder (including the carrying out of a scheme, with or 40 without modifications, which the local authority, company or body has not carried out, or the completion of a scheme, with or without modification which the local authority, company or body is not carrying out to the satisfaction of the Commission or the administrator), the liability of the local authority for any 45 expenses incurred by the Commission or the administrator in the exercise of such powers or the performance of such functions, and the recovery of any such expenses from the local authority, whether by the levy of a special rate upon rateable property in the area of jurisdiction or otherwise.

Supervision of activities of local authorities in relation to housing.

50 46. (1) Save as is provided in sub-section (2) hereof, the provisions of this Act shall be deemed to be in addition to and not in substitution for any provisions of any other law which are not in conflict or inconsistent with this Act and if the provisions of any other law are in conflict with or inconsistent with this 55 Act, the provisions of this Act shall prevail.

Provisions of this Act in relation to other laws.

(2) The powers conferred and the duties imposed by this Act on any local authority shall be exercised or carried out notwithstanding that the local authority has not complied with the provisions of any other law which prescribes procedure or 60 conditions relating to the exercise of similar powers or the performance of similar duties.

47. The following Laws are hereby repealed, namely, the Housing Act, 1920 (Act No. 35 of 1920), the Housing Act 1920 Amendment Act (No. 5 of 1925), the Housing Amendment Act 65 (No. 68 of 1934), the Housing Amendment Act (No. 31 of 1936), the Additional Housing Act (No. 41 of 1937), the Housing Act Amendment Act (No. 38 of 1943), except the long title thereto and section nine, the Housing Amendment Act (No. 49 of 1944), and Housing (Emergency Powers) Act (No. 45 of 1945), except 70 sub-paragraph (viii) of paragraph (s) of sub-section (1) of section two, which shall remain of force until the guarantees to tradesmen have lapsed. Further the Housing Amendment Act

Repeal of Laws.

herroep behalwe die aanhef en paragraaf (b) van artikel vyf, en ook die Woning-wysigingswet, 1949 (No. 57 van 1949), en artikel elf van die Finansiewet, 1946 (No. 57 van 1946). Al die regulasies afgekondig kragtens die Wet op Behuising (Noodmagte) vervel vanaf die datum van inwerkingtreding van hierdie Wet, behalwe Nos. 49 tot 57 bevat in Hoofstuk VIII daarvan. 5

Kort titel en datum van inwerkingtreding.

48. Hierdie Wet heet die Woningwet, 1952, en tree in werking op die datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word.

1948 (No. 12 of 1948), except the long title and paragraph (b) of section *five*, as well as the Housing Amendment Act, 1949 (No. 57 of 1949), and section *eleven* of the Finance Act, 1946 (No. 57 of 1946), are hereby repealed. All the regulations
5 published under the Housing (Emergency Powers) Act with the exception of Nos. 49 to 57 contained in Chapter VIII thereof shall lapse from the date of the commencement of this Act.

48. This Act shall be called the Housing Act, 1952, and shall come into operation on a date to be fixed by the Governor-
10 General by proclamation in the *Gazette*.

Short Title and
date of
commencement.