

Buitengewone



EXTRAORDINARY

VAN DIE UNIE VAN SUID-AFRIKA

Staatskroerant

Government Gazette

THE UNION OF SOUTH AFRICA

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

Vol. CLXXV.]

PRYS 6d.

KAAPSTAD, 1 MAART 1954.
CAPE TOWN, 1ST MARCH, 1954.

PRICE 6d. [No. 5232.

VOLKSRAAD.

Die volgende Wetsontwerp, ingedien in die Volksraad,
word gepubliseer ingevolge artikel 160 van die Reglement
van Orde.

J. M. HUGO,
Klerk van die Volksraad.

HOUSE OF ASSEMBLY.

The following Bill having been introduced into the House
of Assembly, is published in accordance with Standing
Order No. 160.

J. M. HUGO,
Clerk of the House of Assembly.

BLADSY

VW. 20—'54: Wysigingswetsontwerp op Huurkoop 2

A.B. 20—'54: Hire-Purchase Amendment Bill

PAGE

.. 3

WETSONTWERP

Tot wysiging van die Wet op Huurkoop, 1942.

(Ingedien deur die MINISTER VAN EKONOMIESE SAKE.)

DIT WORD BEPAAL deur Haar Majestetie die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 2 van Wet 36 van 1942.

Vervanging van artikel 7 van Wet 36 van 1942.

1. Artikel *twee* van die Wet op Huurkoop, 1942, word hiermee gewysig deur in paragraaf (a) van sub-artikel (1) die woord „vyfhonderd” deur die woord „tweeduusend” te vervang. 5

2. Artikel *sewe* van die Wet op Huurkoop, 1942 word hiermee deur die volgende artikel vervang:

,Sekere kontrakte is van 'n roerende saak is geldig nie tensy— 10
in sekere omstandig- (a) minstens die gedeelte van die koopprys wat die Minister van Ekonomiese Sake by kennisgewing in die *Staatskoerant* voorgeskryf het ten opsigte van die verkoop van onroerende goed van die klas of groep waartoe bedoelde 15

onroerende saak behoort, of indien geen gedeelte aldus deur die Minister voorgeskryf is nie, minstens een-tiende van die koopprys, by die sluiting van die kontrak in 'n kontantbedrag geld of in goedere betaal word; en 20
(b) die tydperk waarbinne die volle koopprys betaalbaar is, nie die tydperk oorskry nie wat genoemde Minister by kennisgewing in die *Staatskoerant* voorgeskryf het ten opsigte van die verkoop van onroerende goed van die klas of groep waartoe bedoelde onroerende saak behoort. 25

(2) Geen kontantbetaling, vir sover dit geskied uit geld wat direk of indirek geleent is van of deur bemiddeling van die verkoper of iemand wie se 30 besigheid of deel van wie se besigheid dit is om, volgens reëling met die verkoper, geld voor te skiet vir betalings ingevolge kontrakte met die verkoper, en geen betaling vir goedere, vir sover die bedrag daarvan meer is dan 'n redelike prys vir die goedere, 35 word geag 'n betaling vir die doeleindes van paragraaf (a) van sub-artikel (1) te wees nie.

(3) 'n Kennisgewing kragtens sub-artikel (1) uitgereik, tree in werking op 'n deur genoemde Minister in die kennisgewing vasgestelde datum, 40 welke datum nie vroeër is as drie maande vanaf die datum van die kennisgewing nie.

(4) 'n Kontrak wat toe dit gesluit is, geldig was en wat daarna so verander word dat dit ten gevolge van die bepalings van 'n kragtens sub-artikel (1) 45 uitgereikte kennisgewing ongeldig word, word vir alle doeleindes geag van die begin af ongeldig te gewees het.”.

Wysiging van artikel 18 van Wet 36 van 1942.

3. Artikel *agtien* van die Wet op Huurkoop, 1942, word hiermee gewysig deur na die woord „skuldbeslagorder” die 50 woorde „of bevel kragtens artikel vyf-en-sestig van die Magistraatshowewet, 1944 (Wet No. 32 van 1944)” in te voeg.

Geldige kontrakte word nie op grond van artikel 1 van hierdie Wet of 'n kennisgewing kragtens artikel 7 van Wet 36 van 1942 ongeldig nie.

Kort titel.

4. Geen kontrak wat toe dit gesluit is, geldig was, word bloot op grond van die bepalings van artikel *een* van hierdie Wet of 'n kragtens artikel *sewe* van die Wet op Huurkoop, 55 1942, uitgereikte kennisgewing ongeldig nie.

5. Hierdie Wet heet die Wysigingswet op Huurkoop, 1954.

BILL

To amend the Hire-Purchase Act, 1942.

(Introduced by the MINISTER OF ECONOMIC AFFAIRS.)

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

1. Section *two* of the Hire-Purchase Act, 1942, is hereby Amendment of section 2 of Act 36 of 1942. amended by the substitution in paragraph *(a)* of sub-section *(1)* for the words "five hundred" of the words "two thousand".
2. The following section is hereby substituted for section *seven* of the Hire-Purchase Act, 1942: Substitution of section 7 of Act 36 of 1942.

"Certain agreements invalid in certain circumstances. 15. (1) No agreement in respect of the sale of a movable shall be of any force or effect unless—

 - (a) at least such portion of the purchase price as the Minister of Economic Affairs has by notice in the *Gazette* prescribed in respect of the sale of movables of the class or group to which that movable belongs, or if no such portion has been so prescribed by the Minister, at least one-tenth of the purchase price, is paid in a cash amount in money or in goods at the time the agreement is entered into; and
 - (b) the period within which the full purchase price is payable does not exceed the period which the said Minister has by notice in the *Gazette* prescribed in respect of the sale of movables of the class or group to which that movable belongs.

20. (2) No payment in cash shall, to the extent to which it is made out of moneys borrowed directly or indirectly from or through the seller or any person whose business or part of whose business it is by arrangement with the seller to advance money for payments under agreements with the seller, and no payment in goods shall, to the extent to which the amount thereof exceeds a reasonable price for the goods, be deemed to be a payment for the purposes of paragraph *(a)* of sub-section *(1)*.

25. (3) A notice issued under sub-section *(1)* shall come into operation on a date fixed by the said Minister in such notice, which date shall not be earlier than three months from the date of the notice.

30. (4) An agreement which was valid when it was entered into and which is thereafter so altered that it becomes invalid by virtue of the provisions of a notice issued under sub-section *(1)*, shall for all purposes be deemed to have been invalid *ab initio*".

35. 3. Section *eighteen* of the Hire-Purchase Act, 1942, is hereby Amendment of section 18 of Act 36 of 1942. amended by the insertion after the word "order" of the words "or order under section *sixty-five* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)".

40. 4. No agreement which was valid when it was entered into shall become invalid merely by reason of the provisions of section *one* of this Act or a notice issued under section *seven* of the Hire-Purchase Act, 1942. Valid agreements do not become invalid by reason of section 1 of this Act or a notice under section 7 of Act 36 of 1942.

45. 5. This Act shall be called the Hire-Purchase Amendment Act, 1954. Short title.