

EXTRAORDINARY



B
BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CLXXXVII.] PRICE 6d.

CAPE TOWN, 15TH MARCH, 1957.
KAAPSTAD, 15 MAART, 1957.

PRYS 6d. [No. 5835.

DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 389.] [15th March, 1957.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:—

No. 389.] [15 Maart 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 8, 1957.]

ACT

To amend the Electoral Consolidation Act, 1946, and the Separate Representation of Voters Act, 1951.

(Afrikaans text signed by the Governor-General.)
(Assented to 5th March, 1957.)

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:—

Amendment of section 46 of Act 46 of 1946, as amended by section 16 of Act 50 of 1948.

1. Section *forty-six* of the Electoral Consolidation Act, 1946 (hereinafter referred to as the principal Act), is hereby amended by the addition to sub-section (1) of the following paragraphs, the existing sub-section becoming paragraph (a):

“(b) The issue of ballot papers under paragraph (a) shall take place in the order in which the applications for such ballot papers have been numbered as prescribed in that paragraph.

(c) Where two or more applications are received from the same voter, the same number shall be assigned to all those applications, and only the application bearing the latest date or (if two or more such applications bear the same date) the one last received shall be considered: Provided that no application by any voter shall be considered which is received after a ballot paper has been sent to him as provided in section *fifty-three*.”.

Amendment of section 56 of Act 46 of 1946.

2. Section *fifty-six* of the principal Act is hereby amended by the insertion after the word “shall” of the words “subject to the provisions of sub-section (1) of section *seventy-nine*”.

Amendment of section 74 of Act 46 of 1946, as amended by section 22 of Act 50 of 1948.

3. Section *seventy-four* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (3) after the word “municipalities” of the words “and any presiding officer”.

Amendment of section 79 of Act 46 of 1946.

4. Section *seventy-nine* of the principal Act is hereby amended by the insertion in sub-section (1) after the words “in his name” of the words “or where the voters’ list shows that a ballot paper has been sent to him as provided in section *fifty-three*”.

Amendment of section 6 of Act 46 of 1951.

5. (1) Section *six* of the Separate Representation of Voters Act, 1951, is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) Any Commission (hereinafter referred to as the Commission) appointed after the commencement of this Act under section *forty-one* of the South Africa Act, 1909, to undertake a delimitation of electoral divisions in the Union, shall proceed at the same time to divide the province of the Cape of Good Hope as in this section prescribed.”; and

(b) by the deletion of sub-section (8).

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Separate Representation of Voters Act, 1951.

Short title.

6. This Act shall be called the Electoral Laws Further Amendment Act, 1957.

No. 8, 1957.]

WET

Tot wysiging van die Wet tot Konsolidasie van die Kieswette, 1946, en die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Maart 1957.)

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

1. Artikel *ses-en-veertig* van die Wet tot Konsolidasie van die Kieswette, 1946 (hieronder die Hoofwet genoem) word hierby gewysig deur die volgende paragrawe by sub-artikel (1) te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

„(b) Die uitreiking van stembriewe ingevolge paragraaf (a) geskied in die volgorde waarin die aansoeke om bedoelde stembriewe volgens voorskrif van daardie paragraaf genommer is.

(c) Waar twee of meer aansoeke van dieselfde kieser ontvang word, word dieselfde nommer aan al daardie aansoeke toegewys, en word slegs die aansoek wat die jongste datum dra of (indien twee of meer sodanige aansoeke dieselfde datum dra) die een wat die laaste ontvang is, in aanmerking geneem: Met dien verstande dat geen aansoek deur 'n kieser oorweeg word nie wat ontvang word nadat 'n stembrief volgens voorskrif van artikel *drie-en-vyftig* aan hom gestuur is.”.

Wysiging van artikel 46 van Wet 46 van 1946, soos gewysig deur artikel 16 van Wet 50 van 1948.
2. Artikel *ses-en-vyftig* van die Hoofwet word hierby gewysig deur na die woorde „uitgereik is, is” die woorde „behoudens die bepalings van sub-artikel (1) van artikel *nege-en-sewentig*” in te voeg.

Wysiging van artikel 56 van Wet 46 van 1946.
3. Artikel *vier-en-sewentig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) na die woorde „geleë is nie” die woorde „en enige voorsittende beampte” in te voeg.

Wysiging van artikel 74 van Wet 46 van 1946, soos gewysig deur artikel 22 van Wet 50 van 1948.
4. Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „gestem het” die woorde „of waar die kieserslys aantoon dat 'n stembrief volgens voorskrif van artikel *drie-en-vyftig* aan hom gestuur is” in te voeg.

Wysiging van artikel 79 van Wet 46 van 1946.
5. (1) Artikel *ses* van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, word hierby gewysig—

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Enige kommissie (hieronder die kommissie genoem) wat na die inwerkingtreding van hierdie Wet, ingevolge artikel *een-en-veertig* van die „Zuid-Afrika Wet, 1909” aangestel word om 'n afbakening van kiesafdelings in die Unie te onderneem, gaan terselfdertyd daartoe oor om die provinsie Kaap die Goeie Hoop volgens voorskrif van hierdie artikel te verdeel.”; en

(b) deur sub-artikel (8) te skrap.

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, in werking te getree het.

Wysiging van artikel 6 van Wet 46 van 1951.
6. Hierdie Wet heet die Verdere Wysigingswet op die Kies- Kort titel. wette, 1957.

No. 10, 1957.]

ACT

To provide for the construction of dwellings and the carrying out of housing schemes and to that end to create a National Housing Fund, and to establish a National Housing Commission, a Bantu Housing Board and a National Housing Office and to define their respective powers, duties and functions; to confer certain powers upon local authorities in connection with the construction of dwellings and the carrying out of housing schemes; to provide for the granting of loans to certain persons to enable them to make provision for water for domestic purposes; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 8th March, 1957.)

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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:—

Definitions.

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

- (i) "Administrator", in relation to any province or any local authority established within any province, means the Administrator of that province acting on the advice of the Executive Committee thereof; (i)
- (ii) "approved dwelling" means a dwelling approved by the Commission; (x)
- (iii) "approved scheme" means a scheme approved by the Commission; (ix)
- (iv) "assisted housing scheme" means a scheme in respect of which the fund bears any loss in respect of interest payable on moneys advanced out of the fund in connection with the carrying out of that scheme; (xiii)
- (v) "building loan" means a loan for the construction of a dwelling in respect of which the Commission has in terms of Chapter V granted an advance or given a guarantee to a building society; (v)
- (vi) "building society" means—
 - (a) any permanent building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934); and
 - (b) any banking institution registered under the Banking Act, 1942 (Act No. 38 of 1942), which has, for the purposes of this Act, been approved by the Commission in consultation with the Treasury; (vi)
- (vii) "Commission" means the National Housing Commission established under section six; (xiv)
- (viii) "construct" includes alter, enlarge, reconstruct, repair or adapt; and "construction" has a corresponding meaning; (iv)
- (ix) "dwelling" means—
 - (a) any building which after construction, adaptation or enlargement does not or will not contain more than five living rooms with or without a kitchen and the usual appurtenances, outbuildings, fences

No. 10, 1957.]

WET

Om voorsiening te maak vir die bou van wonings en die uitvoering van behuisingskemas en te dien einde 'n Nasionale Behuisingsfonds te stig en 'n Nasionale Behuisingskommissie, 'n Bantoebehuisingraad en 'n Nasionale Behuisingskantoor in te stel en om hulle respektiewe bevoegdhede, pligte en werksaamhede te omskryf; om sekere bevoegdhede met betrekking tot die bou van wonings en die uitvoering van behuisingskemas aan plaaslike besture te verleen; om voorsiening te maak vir die toestaan van lenings aan sekere persone om hulle in staat te stel om voorsiening te maak vir water vir huishoudelike gebruik; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Maart 1957.)

INDELING VAN ARTIKELS.

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

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywings.
beteken—

- (i) „Administrateur”, met betrekking tot enige provinsie of enige plaaslike bestuur wat binne enige provinsie ingestel is, die Administrateur van daardie provinsie handelende op advies van die Uitvoerende Komitee daarvan; (i)
- (ii) „Behuisingsraad” die Bantoebehuisingraad ingestel kragtens artikel *agt*; (xii)
- (iii) „behuisinglening” ’n lening vir die bou van ’n woning goedgekeur deur die Kommissie ingevolge artikel *sewentien*; (xiii)
- (iv) „bou” ook verander, vergroot, herbou, herstel of verbou; en het „die bou” ’n ooreenstemmende betekenis; (viii)
- (v) „boulening” ’n lening vir die bou van ’n woning ten opsigte waarvan die Kommissie ingevolge Hoofstuk V aan ’n bouvereniging ’n voorskot toegestaan het of ’n waarborg verstrekte; (v)
- (vi) „bouvereniging”—
 - (a) enige permanente bouvereniging geregistreer kragtens die Bouverenigingswet, 1934 (Wet No. 62 van 1934); en
 - (b) enige bankinstelling geregistreer kragtens die Bankwet, 1942 (Wet No. 38 van 1942), wat vir die doeleindes van hierdie Wet deur die Kommissie, in oorleg met die Tesourie, goedgekeur is; (vi)
- (vii) „ekonomiese skema” ’n skema ten opsigte waarvan die fonds nie enige verlies ten opsigte van rente wat betaalbaar is op geld wat uit die fonds voorgesket is in verband met die uitvoering van daardie skema dra nie; (x)
- (viii) „fonds” die Nasionale Behuisingsfonds ingestel kragtens artikel *twee*; (xi)
- (ix) „goedgekeurde skema” ’n skema deur die Kommissie goedgekeur; (iii)

- and permanent provision for lighting, water supply, drainage and sewerage, whether such building is or is to be constructed as a detached or semi-detached building or is or is to be contained in a block of buildings;
- (b) any building which is required 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 any law relating to juvenile delinquents or to the protection and welfare of children;
- (c) any building in respect of which 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 to obtain other suitable accommodation within their means: Provided that for the purpose of this definition "profit" does not include any sums which, with the approval of the Commission, may be derived from the use of the building and set apart for—
- (i) the repayment of any loan granted under this Act or of any other sum expended upon the construction of the building;
 - (ii) the payment of interest on such loan;
 - (iii) the payment of interest on any such other sum at a rate to be determined by the Commission, not exceeding that payable on such loan; and
 - (iv) a general reserve fund;
- and includes the site on which any dwelling has been or is to be constructed; (xxiv)
- (x) "economic scheme" means a scheme in respect of which the fund does not bear any loss in respect of interest payable on moneys advanced out of the fund in connection with the carrying out of that scheme; (vii)
- (xi) "fund" means the National Housing Fund established under section *two*; (viii)
- (xii) "Housing Board" means the Bantu Housing Board established under section *eight*; (ii)
- (xiii) "housing loan" means a loan for the construction of a dwelling approved in terms of section *seventeen* by the Commission; (iii)
- (xiv) "land" includes except in section *thirty-six* any right in respect of land; (xi)
- (xv) "local authority" means any such body as is contemplated by paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (xvii)
- (xvi) "local authority housing loan" means a loan for the construction of a dwelling or the carrying out of a scheme granted in terms of section *forty-nine* by a local authority; (xviii)
- (xvii) "Minister" means the Minister of Health; (xv)
- (xviii) "mortgage bond" includes the cession of any lease or licence, whether registered or not, entitling the lessee or licensee and his successors in title to occupy any land situated within the municipality of Kimberley and belonging to the De Beers Consolidated Mines, Limited, or its successors in title; (xxiii)
- (xix) "Registrar" means a registrar of deeds and, when used in relation to any deeds registry means the registrar in charge of that deeds registry; and when used in relation to a document means the registrar in charge of the deeds registry wherein that document is registered or registrable or intended to be used or filed; (xix)
- (xx) "regulation" means a regulation made under this Act; (xx)
- (xxi) "scheme" means—
- (a) a proposal for the construction of one or more approved dwellings, whether or not the proposal includes the acquisition of land for such dwellings or the laying out, replanning, sub-division or

- (x) „goedgekeurde woning” ’n woning deur die Kommissie goedgekeur; (ii)
- (xi) „grond”, behalwe in artikel *ses-en-dertig*, ook ’n regten opsigte van grond; (xiv)
- (xii) „hierdie Wet” ook enige regulasie; (xxii)
- (xiii) „hulpbehuisingskema” ’n skema ten opsigte waarvan die fonds enige verlies ten opsigte van rente wat betaalbaar is op geld wat uit die fonds voorgesket is in verband met die uitvoering van daardie skema dra; (iv)
- (xiv) „Kommissie” die Nasionale Behuisingskommissie ingestel kragtens artikel *ses*; (vii)
- (xv) „Minister” die Minister van Gesondheid; (xvii)
- (xvi) „nutsmaatskappy of ander liggaam”—
 - (a) enige maatskappy geregistreer kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926); of
 - (b) enige liggaam geregistreer kragtens die Wet op Welsynsorganisasies, 1947 (Wet No. 40 van 1947), waarvan die statute of konstitusie verbied dat hy wins verklaar of op ’n ander manier verdeel onder of ten behoeve van sy lede; (xxiv)
- (xvii) „plaaslike bestuur” enige sodanige liggaam as wat deur paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, beoog word; (xv)
- (xviii) „plaaslike bestuur-behuisingslening” ’n lening vir die bou van ’n woning of die uitvoering van ’n skema toegestaan deur ’n plaaslike bestuur ingevolge artikel *nege-en-veertig*; (xvi)
- (xix) „Registrateur” ’n registrateur van aktes en, wanneer gebruik met betrekking tot ’n registrasiekantoor, die registrateur aan die hoof van daardie registrasiekantoor; en wanneer gebruik met betrekking tot ’n dokument, die registrateur aan die hoof van die registrasiekantoor waarin daardie dokument geregistreer of registreerbaar is of bestem is om gebruik of bewaar te word; (xix)
- (xx) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xx)
- (xxi) „skema”—
 - (a) ’n plan vir die bou van een of meer goedgekeurde wonings hetsy die plan die verkryging van grond vir sodanige wonings of die aanleg, herbeplanning, onderverdeling of ontwikkeling van die grond vir boudoeleindes insluit al dan nie, en sluit ook alle geboue of ander werke in wat na die mening van die Kommissie nodig is vir die behoorlike beheer van sodanige wonings of vir die verskaffing van dienste aan sodanige wonings of geboue of vir die gesondheid, welsyn en onderwys van hulle bewoners en ook grond afgesonder, gereserveer of verkry as oop terreine vir ontspanning en speelplekke of om gebiede wat deur verskillende klasse van persone bewoon word, te skei; of
 - (b) ’n plan vir die verkryging of afsondering van grond vir bewoning, behoudens voorwaardes deur die Minister goedgekeur, deur persone vir wie geen ander geskikte huisvesting beskikbaar is nie, hetsy sodanige huisvesting die oprigting van wonings of ander bouwerke vir bewoning deur sodanige persone meebring al dan nie; (xxi)
- (xxii) „Tesourie” die Minister van Finansies of ’n amptenaar van die Departement van Finansies wat deur bedoelde Minister gemagtig is om die werksaamhede te verrig wat kragtens hierdie Wet aan die Tesourie toegewys is; (xxiii)
- (xxiii) „verband” ook die sessie van ’n huurkontrak of lisensie, hetsy geregistreer al dan nie, wat die huurder of lisensiehouer en sy regsopvolgers die reg gee om enige grond geleë binne die munisipaliteit van Kimberley en behorende aan die „De Beers Consolidated Mines, Limited”, of sy regsopvolgers, te okkupeer; (xviii)
- (xxiv) „woning”—
 - (a) enige gebou wat na die bou, verbouing of vergroting daarvan nie meer as vyf woonvertrekke met of sonder ’n kombuis en die gebruikelike toebehore, buitegeboue, omheinings en permanente voorsiening vir beligting, water, dreinerings en riolering bevat of sal bevat nie, hetsy sodanige gebou as vrystaande of half-vrystaande gebou is of gebou gaan word of deel uitmaak of gaan uitmaak van ’n blok geboue;

- development of the land for building purposes, and includes all buildings or other works which in the opinion of the Commission are necessary for the proper management of such dwellings or for the provision of services to such dwellings or buildings or for the health, welfare and education of their occupants, and land set apart, reserved or acquired as open spaces for the purposes of recreation and play or to separate areas occupied by different classes of persons; or
- (b) a proposal for the acquisition or setting apart of land for occupation, subject to conditions approved by the Minister, by persons for whom no other suitable accommodation is available, whether or not such occupation entails the erection of dwellings or other structures, for habitation by such persons; (xxi)
- (xxii) "this Act" includes any regulation; (xii)
- (xxiii) "Treasury" means the Minister of Finance or any officer of the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury under this Act; (xxii)
- (xxiv) "utility company or other body" means—
- (a) any company registered under the Companies Act, 1926 (Act No. 46 of 1926); or
- (b) any body registered under the Welfare Organizations Act, 1947 (Act No. 40 of 1947), the articles of association or constitution of which forbids it to declare or otherwise divide profits amongst or for the benefit of its members. (xvi)

CHAPTER I.

FINANCIAL MATTERS.

Establishment of National Housing Fund and abolition of provincial housing loans funds.

2. (1) There is hereby established a fund to be known as the National Housing Fund into which shall be deposited all moneys which may become payable to the Commission or the Secretary under this Act and from which shall be met all expenditure incurred by the Commission or the Secretary in the exercise of its or his powers or the performance of its or his functions and duties under this Act.

(2) The provincial housing loans funds established in terms of section *three* of the Housing Act, 1920 (Act No. 35 of 1920), are hereby abolished.

(3) All moneys advanced out of the said funds shall be deemed to have been advanced out of the fund.

(4) There shall be transferred to the fund—

- (a) all moneys which immediately before the commencement of this Act were in the said funds; and
- (b) all moneys in the local loans fund established by section *one* of the Local Loans Act, 1926 (Act No. 19 of 1926) which were placed to the credit of that fund in terms of sub-paragraph (iii) of paragraph (b) or paragraph (c) of sub-section (1) of section *two* of the said Act.

(5) All moneys which immediately before the commencement of this Act were payable to the said provincial housing loans funds and all moneys which would, but for the provisions of this Act, have become payable to those funds after such commencement, shall be payable or become payable, as the case may be, to the fund.

Abolition of Natal Housing Board.

3. (1) The Natal Housing Board established by section *two* of the Natal Housing Ordinance, 1945 (Ordinance No. 22 of 1945), of the province of Natal (in this section referred to as the Board) is hereby abolished.

(2) (a) All moneys advanced by the Board shall be deemed to have been advanced out of the fund.

(b) All moneys held by the Board immediately before the commencement of this Act shall be transferred to the fund and all moneys which immediately before the commencement of this Act were payable to the Board

- (b) enige gebou wat benodig word in verband met 'n tehuis of ander inrigting bestem vir die huisvesting van jeugdige persone wat kragtens een of ander wet daarheen verwys is en wat deur 'n Staatsminister deur middel van 'n sertifikaat deur hom onderteken ingevolge die wetsbepalings met betrekking tot jeugdige misdadigers of die beskerming en welsyn van kinders, erken is as geskik vir sodanige huisvesting;
- (c) enige gebou ten opsigte waarvan die Kommissie gesertifiseer het dat dit bestem is om as 'n tehuis of ander inrigting onder behoorlike bestuur en toesig gebruik te word met die doel om, sonder wins, 'n gemeenskaplike woonplek te verskaf aan persone wat andersins nie in staat sou wees om ander geskikte huisvesting binne hulle vermoë te verkry nie: Met dien verstande dat vir die doel van hierdie omskrywing „wins” nie bedrae insluit nie wat met die goedkeuring van die Kommissie van die gebruik van die gebou verkry word en opsy gesit word vir—
 - (i) die terugbetaling van enige lening kragtens hierdie Wet toegestaan of van enige ander bedrag bestee aan die bou van die gebou;
 - (ii) die betaling van rente op sodanige lening;
 - (iii) die betaling van rente op enige sodanige ander bedrag teen 'n rentekoers deur die Kommissie bepaal te word, wat dié wat op sodanige lening betaalbaar is nie te bowe mag gaan nie; en
 - (iv) 'n algemene reserwefonds,
 en ook die bouterrein waarop die woning gebou is of gebou staan te word. (ix)

HOOFSTUK I.

FINANSIËLE AANGELEENTHEDE.

2. (1) Hierby word 'n fonds bekend as die Nasionale Behuisingsfonds ingestel, waarin alle gelde wat kragtens hierdie Wet aan die Kommissie of die Sekretaris betaalbaar mag word, gestort moet word en waaruit alle uitgawes wat deur die Kommissie of die Sekretaris aangegaan word by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede en pligte kragtens hierdie Wet, bestry moet word. Instelling van Nasionale Behuisingsfonds en afskaffing van provinsiale leningsfondse vir die bou van wonings.
 - (2) Die provinsiale leningsfondse vir die bou van wonings ingestel ingevolge artikel drie van die Woningwet, 1920 (Wet No. 35 van 1920), word hierby afgeskaf.
 - (3) Alle gelde wat uit genoemde fondse voorgeskiet is, word geag uit die fonds voorgeskiet te gewees het.
 - (4) Aan die fonds word oorgedra—
 - (a) alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet in genoemde fondse was; en
 - (b) alle gelde in die plaaslike leningsfondse ingestel deur artikel een van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), wat tot krediet van daardie fonds geplaas is ingevolge sub-paragraaf (iii) van paragraaf (b) of paragraaf (c) van sub-artikel (1) van artikel twee van genoemde Wet.
 - (5) Alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet aan genoemde provinsiale leningsfondse vir die bou van wonings betaalbaar was en alle gelde wat, as dit nie vir die bepaling van hierdie Wet was nie, na sodanige inwerkingtreding aan daardie fondse betaalbaar sou geword het, is betaalbaar of word betaalbaar, na gelang van die geval, aan die fonds.
3. (1) Die Natalse Behuisingsraad ingestel deur artikel twee van die Natalse Behuisingsordonnansie, 1945 (Ordonnansie No. 22 van 1945), van die provinsie Natal (in hierdie artikel die Raad genoem), word hierby afgeskaf. Afskaffing van Natalse Behuisingsraad.
 - (2) (a) Alle gelde wat deur die Raad voorgeskiet is, word geag uit die fonds voorgeskiet te gewees het.
 - (b) Alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet deur die Raad gehou was, word aan die fonds oorgedra en alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet aan die Raad

and all moneys which would, but for the provisions of this Act, have become payable to the Board after such commencement, shall be payable or become payable, as the case may be, to the fund.

(3) All moneys advanced to the Board by the Administrator in terms of sub-section (4) of section *eight* of the Natal Housing Ordinance, 1945, together with any interest payable thereon, shall be repaid out of the fund to the Administrator on such date and in such manner as may be determined by the Minister in consultation with the Administrator and the Minister of Finance.

(4) All office equipment and motor or other vehicles of the Board shall become the property of the State.

(5) All movable property (other than money and property referred to in sub-section (4)) and all immovable property of the Board shall vest in the Commission.

(6) All things done by or with the approval of the Board before its abolition shall be deemed to have been done by or with the approval of the Commission.

(7) All agreements, transactions and documents entered into, drawn or executed by, with or in favour of the Board and in force immediately prior to its abolition, shall remain of full force and effect and shall be construed for all purposes as if they had been entered into, drawn or executed by, with or in favour of the Commission.

(8) At the request of the Commission the Registrar shall make such endorsements on any deed, bond or other document and effect such alterations in his registers as may be necessary to give effect to the provisions of this section.

(9) Any person who immediately before the date of commencement of this Act (in this section referred to as the fixed date) was in the full-time employ of the Board shall become an employee of the Government of the Union as from that date and the continuous employment of any such person by the Board immediately prior to that date shall, save as is otherwise specifically provided in this Act, be deemed to have been employment in the service of the Government.

(10) Any person in the employ of the Board who resigns from the service of the Board on or after the day on which the proclamation referred to in section *seventy-nine* is published in respect of the province of Natal and before the fixed date because of his unwillingness to become an employee of the Government in terms of sub-section (9) shall, for the purposes of any leave gratuity scheme forming part of his contract of service and of the Local Government Superannuation Ordinance, 1939 (Ordinance No. 12 of 1939), of the province of Natal, be deemed to have been retired on grounds of re-organization.

(11) The conditions of service of all persons referred to in sub-section (9) shall, save as is otherwise specifically provided in this Act, be governed by the laws regulating the service of employees of the Government not being members of the public service: Provided that except with his own consent or in accordance with this Act or any other law, the salary or the scale of salary at or in accordance with which any such person was remunerated immediately prior to the fixed date, shall not be reduced.

(12) Notwithstanding any limitation in respect of age or educational qualifications prescribed by or under the Public Service Act, 1923 (Act No. 27 of 1923), but subject otherwise to the provisions of that Act, any person referred to in sub-section (9), who is a South African Citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949), and who has not attained the age prescribed for the retirement of officers in the public service, may, upon the recommendation of the Public Service Commission, be appointed on probation or otherwise to a post in the public service, provided the said Commission is satisfied that such person is sufficiently proficient in the use of both official languages of the Union to enable him to discharge efficiently the duties of his post.

(13) Any person appointed to the public service in terms of sub-section (12) shall be adjusted to the scale of salary applicable to the post to which he has been appointed at such notch on that scale as may be recommended by the Public Service Commission.

(14) In addition to the salary payable to any such person from time to time by virtue of his occupancy of a post in the public service, there shall be paid to him a personal allowance equal to the difference between his said salary for the time being

betalbaar was en alle gelde wat, as dit nie vir die bepalings van hierdie Wet was nie, na sodanige inwerkingtreding aan die Raad betaalbaar sou geword het, is betaalbaar of word betaalbaar, na gelang van die geval, aan die fonds.

(3) Alle gelde wat ingevolge sub-artikel (4) van artikel *agt* van die Natalse Behuisingsordonnansie, 1945, deur die Administrateur aan die Raad voorgeskiet is, tesame met enige rente wat daarop betaalbaar is, word op die datum en op die wyse wat deur die Minister in oorleg met die Administrateur en die Minister van Finansies bepaal word, uit die fonds aan die Administrateur terugbetaal.

(4) Alle kantooruitrusting en motor- of ander voertuie van die Raad word die eiendom van die Staat.

(5) Alle roerende goed (behalwe geld en goed in sub-artikel (4) vermeld) en alle onroerende goed van die Raad gaan oor op die Kommissie.

(6) Alle dinge wat deur of met die goedkeuring van die Raad gedoen is voor sy afskaffing, word geag deur of met die goedkeuring van die Kommissie gedoen te gewees het.

(7) Alle ooreenkomste, transaksies en stukke aangegaan, opgestel of verly deur, met of ten gunste van die Raad en van krag onmiddellik voor sy afskaffing, bly ten volle van krag en word vir alle doeleindes uitgelê asof dit deur, met of ten gunste van die Kommissie aangegaan, opgestel of verly was.

(8) Op versoek van die Kommissie moet die Registrateur sodanige endossemente op enige akte, verbandakte of ander dokument maak en sodanige veranderinge in sy registers aanbring as wat nodig mag wees om aan die bepalings van hierdie artikel gevolg te gee.

(9) Enige persoon wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet (in hierdie artikel die vasgestelde datum genoem) in voltydse diens van die Raad was, word met ingang van daardie datum 'n werknemer van die Unie-regering en die ononderbroke diens van so iemand by die Raad onmiddellik voor daardie datum word, behalwe vir sover hierdie Wet uitdruklik anders bepaal, geag diens by die Regering te gewees het.

(10) Enigeen in die diens van die Raad wat op of na die dag waarop die in artikel *nege-en-sewentig* bedoelde proklamasie ten opsigte van die provinsie Natal gepubliseer word en voor die vasgestelde datum uit die diens van die Raad bedank omdat hy nie bereid is om ingevolge sub-artikel (9) 'n werknemer van die Regering te word nie, word vir die doeleindes van enige verlof-gratifikasieskema wat deel van sy dienskontrak uitmaak en van die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Besture, 1939 (Ordonnansie No. 12 van 1939), van die provinsie Natal, geag weens reorganisasie afgedank te gewees het.

(11) Die diensvoorwaardes van alle in sub-artikel (9) bedoelde persone word, behalwe vir sover hierdie Wet uitdruklik anders bepaal, beheer deur die wetsbepalings vir die reëling van die diens van werknemers van die Regering wat nie lede van die Staatsdiens is nie: Met dien verstande dat die salaris of die salarisskaal waarteen of waarvolgens so iemand onmiddellik voor die vasgestelde datum besoldig is, nie, sonder sy eie toestemming of anders dan ooreenkomstig hierdie Wet of enige ander wetsbepaling, verminder mag word nie.

(12) Ondanks enige beperking ten opsigte van ouderdom of opvoedkundige kwalifikasies wat deur of kragtens die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), voorgeskryf word, dog origens onderworpe aan die bepalings van daardie Wet, kan 'n in sub-artikel (9) bedoelde persoon wat 'n Suid-Afrikaanse burger binne die bedoeling van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), is en nog nie die leeftyd wat vir die uitdienstreding van amptenare in die Staatsdiens voorgeskryf is, bereik het nie, op aanbeveling van die Staatsdienskommissie, op proef of andersins in 'n pos in die Staatsdiens aangestel word, mits bedoelde Kommissie oortuig is dat so 'n persoon se bedrewenheid in die gebruik van albei offisiële tale van die Unie sodanig is dat dit hom in staat stel om die aan sy pos verbonde pligte op doeltreffende wyse te verrig.

(13) Iemand wat ingevolge sub-artikel (12) in die Staatsdiens aangestel is, word aangepas by die salarisskaal wat toepaslik is op die pos waarin hy aangestel is, en wel op die kerf op daardie skaal wat deur die Staatsdienskommissie aanbeveel word.

(14) Benewens die salaris wat van tyd tot tyd aan so iemand op grond van sy bekleding van 'n pos in die Staatsdiens betaalbaar is, word daar aan hom 'n persoonlike toelae betaal gelyk

and the higher salary (if any) to which he was, or would have been entitled in accordance with the scale or salary applicable to him as an employee of the Board immediately prior to the fixed date: Provided that for the purpose of determining such person's pensionable emoluments for the purpose of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), regard shall not be had to any allowance payable to him in terms of this sub-section.

(15) Notwithstanding anything to the contrary in any law contained, any person who has become an employee of the Government in terms of sub-section (9) and who immediately prior to the fixed date was a member of the Natal Joint Municipal Pension Fund established in terms of section *three* of the Local Government Superannuation Ordinance, 1939, of the province of Natal, shall become a member of and shall contribute to the Government Employees' Provident Fund referred to in section *eighty-four* of the Government Service Pensions Act, 1955, and may elect in writing within ninety days after the date upon which he is called upon to do so, to reckon the period of his continuous service as a member of the said Municipal Pension Fund as pensionable employment under Chapter V of the said Act, and if he elects so to reckon that period, there shall be paid from the said Municipal Pension Fund to the said Provident Fund an amount equal to the transfer value which would have been determined in terms of section *forty-two* of the said Ordinance had that section applied in his case: Provided that if the amount so payable is more or less than an amount equal to twice the contributions which would have been payable by such person to the said Provident Fund during the said period had he during that period been a member of that Provident Fund together with interest on such contributions at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated according to the dates upon which such contributions would have become payable, the excess shall be disposed of or the deficiency shall be made good in such manner as the Treasury may determine.

(16) Any person referred to in sub-section (9) who has been appointed to a post in the public service in terms of sub-section (12) with effect from the fixed date and who immediately prior to that date was a member of the Natal Joint Municipal Pension Fund referred to in sub-section (15), may elect in writing within ninety days after the date upon which he is called upon to do so, to reckon the period of his continuous service as a member of the said Municipal Pension Fund as pensionable service under Chapter I of the Government Service Pensions Act, 1955, and if he elects so to reckon that period there shall be paid from the said Municipal Pension Fund to the Union pension fund established in terms of section *two* of the said Act, an amount equal to the transfer value which would have been determined in terms of section *forty-two* of the Ordinance referred to in sub-section (15) had that section applied in his case: Provided that if the amount so payable is more or less than an amount equal to twice the contributions which would have been payable by such person to the said Union pension fund during the said period had he during that period been a member of such Union pension fund, together with interest on such contributions at the rate of five per cent. per annum, compounded annually as at the thirty-first day of March and calculated according to the dates upon which such contributions would have become payable, the excess shall be disposed of or the deficiency shall be made good in such manner as the Treasury may determine.

(17) If any person referred to in sub-section (16) has been appointed on probation, the contributions paid by him to the Union pension fund referred to in that sub-section shall, notwithstanding anything to the contrary contained in the Government Service Pensions Act, 1955, not be regarded as being provisional.

(18) If any person referred to in sub-section (15) or (16) does not make an election in terms of the relevant sub-section, he shall for the purposes of the Local Government Superannuation Ordinance, 1939, of the province of Natal, be deemed to have been retired on the grounds of re-organization with effect from the fixed date.

(19) In the case of a person who, in terms of sub-section (10) or (18), is, for the purposes of the Local Government Superannuation Ordinance, 1939, of the province of Natal, deemed to have been retired on grounds of re-organization, any retiring benefit or gratuity to which such person may be entitled under that Ordinance, shall, notwithstanding anything to the

aan die verskil tussen bedoelde salaris en die hoër salaris (indien dit wel hoër is) waarop hy onmiddellik voor die vasgestelde datum ooreenkomstig sy salarisskaal as werknemer van die Raad geregtig was of sou gewees het: Met dien verstande dat 'n toelae wat ingevolge hierdie sub-artikel aan so iemand betaalbaar is, nie by die berekening van sy pensioengewende verdienste by die toepassing van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955) in aanmerking geneem word nie.

(15) Ondanks andersluidende wetsbepalings moet enige persoon wat ingevolge sub-artikel (9) 'n werknemer van die Unie-regering geword het en wat onmiddellik voor die vasgestelde datum 'n lid was van die Natalse Gemeenskaplike Munisipale Pensioenfonds, ingestel kragtens artikel *drie* van die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Besture, 1939, van die provinsie Natal, 'n lid van die in artikel *vier-en-tagtig* van die Regeringsdiens-pensioenwet, 1955 vermelde Regerings-werknemersondersteuningsfonds word en daartoe bydra en kan binne negentig dae na die datum waarop hy aangesê word om dit te doen, skriftelik kies om die tydperk van sy ononderbroke diens as 'n lid van bedoelde Munisipale Pensioenfonds as pensioengewende diens ingevolge Hoofstuk V van genoemde Wet te reken, en indien hy kies om daardie tydperk aldus te reken, moet daar uit bedoelde Munisipale Pensioenfonds aan bedoelde ondersteuningsfonds 'n bedrag betaal word wat gelyk is aan die oordragwaarde wat ingevolge artikel *twee-en-veertig* van genoemde Ordonnansie bepaal sou gewees het indien daardie artikel in sy geval van toepassing was: Met dien verstande dat indien die bedrag aldus betaalbaar meer of minder beloop as 'n bedrag gelyk aan twee maal die bydraes wat sodanige persoon gedurende genoemde tydperk in bedoelde ondersteuningsfonds sou moes gestort het as hy gedurende daardie tydperk 'n lid van daardie ondersteuningsfonds was, tesame met rente op sodanige bydraes teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken ooreenkomstig die datums waarop sodanige bydraes betaalbaar sou gewees het, oor die oorskot beskik word, of die tekort aangesuiwer word, op die wyse wat die Tesourie bepaal.

(16) Enige in sub-artikel (9) bedoelde persoon wat met ingang van die vasgestelde datum ingevolge sub-artikel (12) in 'n pos in die Staatsdiens aangestel is en wat onmiddellik voor daardie datum 'n lid van die in sub-artikel (15) vermelde Natalse Gemeenskaplike Munisipale Pensioenfonds was, kan binne negentig dae na die datum waarop hy aangesê word om dit te doen, skriftelik kies om die tydperk van sy ononderbroke diens as 'n lid van bedoelde Munisipale Pensioenfonds as pensioengewende diens ingevolge Hoofstuk I van die Regeringsdiens-pensioenwet, 1955, te reken, en indien hy kies om daardie tydperk aldus te reken, moet daar uit bedoelde Munisipale Pensioenfonds aan die kragtens artikel *twee* van genoemde Wet ingestelde Unie-pensioenfonds 'n bedrag betaal word wat gelyk is aan die oordragwaarde wat ingevolge artikel *twee-en-veertig* van die in sub-artikel (15) vermelde Ordonnansie bepaal sou gewees het indien daardie artikel in sy geval van toepassing was: Met dien verstande dat indien die bedrag aldus betaalbaar meer of minder beloop as 'n bedrag gelyk aan twee maal die bydraes wat sodanige persoon gedurende genoemde tydperk in bedoelde Unie-pensioenfonds sou moes gestort het as hy gedurende daardie tydperk 'n lid van sodanige Unie-pensioenfonds was, tesame met rente op sodanige bydraes teen die koers van vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken ooreenkomstig die datums waarop sodanige bydraes betaalbaar sou geword het, oor die oorskot beskik word, of die tekort aangesuiwer word, op die wyse wat die Tesourie bepaal.

(17) Indien enige in sub-artikel (16) bedoelde persoon op proef aangestel is, word die bydraes deur hom betaal aan die in daardie sub-artikel bedoelde Unie-pensioenfonds, ondanks andersluidende bepalinge van die Regeringsdiens-pensioenwet, 1955, nie as voorlopig beskou nie.

(18) Indien enige in sub-artikel (15) of (16) bedoelde persoon nie ingevolge die toepaslike sub-artikel 'n keuse doen nie, word hy vir die doeleindes van die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Besture, 1939, van die provinsie Natal, geag met ingang van die vasgestelde datum weens reorganisasie afgedank te gewees het.

(19) In die geval van 'n persoon wat ingevolge sub-artikel (10) of (18), vir die doeleindes van die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Besture, 1939, van die provinsie Natal, geag word weens reorganisasie afgedank te gewees het, moet enige uitdienstredingsvoordeel of

contrary in that Ordinance contained, be paid from the Natal Joint Municipal Pension Fund or from the Consolidated Revenue Fund, or from such Pension Fund and such Revenue Fund as the Treasury, after consultation with the Administrator (as defined in section *one* of that Ordinance) may determine, and, if it is determined that such retiring benefit or gratuity is to be paid from such Pension Fund and such Revenue Fund, it shall be paid from those Funds in such proportions as the Treasury, after consultation with the said Administrator, may determine.

Capital of
the fund.

4. The capital of the fund shall consist of—

- (a) all moneys appropriated by Parliament from time to time for the purposes of this Act and paid over to the Secretary at such times and in such manner as determined by the Treasury;
- (b) all moneys which—
 - (i) are transferred to the fund in terms of section *two* or *three*; or
 - (ii) in terms of section *two*, *three* or *seven* are payable or will become payable to the fund;
- (c) all moneys utilized in giving effect to any decision of the Commission in the exercise of the powers vested in it by this Act;
- (d) so much of the amount appropriated by Parliament for housing purposes in respect of the year ending on the thirty-first day of March, 1958, as the Minister, in consultation with the Minister of Finance, may determine; and
- (e) any other moneys which in terms of this Act are paid or payable to the Commission or the Secretary for the benefit of the fund.

Use of moneys
in fund and
management of
fund.

5. (1) Notwithstanding anything to the contrary contained in the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), all the available moneys of the fund may be utilized for the purposes set out in this Act.

(2) The Minister may, in consultation with the Minister of Finance, by regulation prescribe—

- (a) the details of the management of the fund;
- (b) the procedure relating to issues from the fund and the repayment to the fund of amounts issued therefrom;
- (c) the rates of interest to be charged in respect of moneys issued out of the fund which may vary according to the purpose for which such moneys are to be used;
- (d) the manner in which the accounts of the fund are to be kept;
- (e) the manner in which moneys accruing to the fund in terms of section *two* or *three* are to be transferred to the fund; and
- (f) any other matter which he considers it necessary or expedient to prescribe in relation to the control of the fund.

(3) Interest, at such rate as the Treasury may determine, shall be paid to the Treasury out of the fund on its capital.

(4) Interest on that portion of any moneys which is expended on a scheme or a dwelling before or during construction of that dwelling or before that dwelling or dwellings forming part of that scheme are let or sold, or which is used for the acquisition of land for future building purposes, may with the approval of the Treasury, be capitalized.

(5) There may in any year be paid into the fund, out of moneys specially appropriated by Parliament for this purpose, for the purpose of supplementing the interest collected by the Secretary on advances and loans from the fund an amount equal to the difference between the interest which he is entitled to collect during that year in respect of advances for assisted housing schemes and the interest payable to the Treasury in terms of sub-section (3) in respect of the advances on which he is so entitled to collect interest.

(6) The Secretary shall keep such accounts as are prescribed by the Treasury in consultation with the Controller and Auditor-General, including—

- (a) a revenue reserve account to which he may transfer all surplus revenue of the fund derived from interest and rent and which account may be charged with the

gratifikasie waarop sodanige persoon ingevolge daardie Ordonnansie geregtig mag wees, ondanks andersluidende bepalings van daardie Ordonnansie, uit die Natalse Gemeenskaplike Munisipale Pensioenfonds of uit die Gekonsolideerde Inkomstefonds of uit bedoelde Pensioenfonds en bedoelde Inkomstefonds, soos die Tesourie, na oorlegpleging met die Administrateur (soos omskryf in artikel een van daardie Ordonnansie), mag bepaal, betaal word en indien dit bepaal word dat sodanige voordeel of gratifikasie uit bedoelde Pensioenfonds en bedoelde Inkomstefonds betaal moet word, word dit uit daardie fondse betaal in die verhoudings wat die Tesourie na oorlegpleging met genoemde Administrateur mag bepaal.

4. Die kapitaal van die fonds bestaan uit—

Kapitaal van die fonds.

- (a) alle gelde wat van tyd tot tyd, vir die doeleindes van hierdie Wet, deur die Parlement beskikbaar gestel word en wat aan die Sekretaris oorbetal word op die tye en op die wyse wat die Tesourie bepaal;
- (b) alle gelde wat—
 - (i) ingevolge artikel twee of drie aan die fonds oorgedra word; of
 - (ii) ingevolge artikel twee, drie of sewe aan die fonds betaalbaar is of sal word;
- (c) alle gelde wat aangewend word om uitvoering te gee aan enige besluit van die Kommissie in die uitvoering van die bevoegdhede wat deur hierdie Wet aan hom verleen word;
- (d) soveel van die bedrag wat ten opsigte van die jaar eindigende op die een-en-dertigste dag van Maart 1958 deur die Parlement vir behuisingsdoeleindes beskikbaar gestel is as wat die Minister in oorleg met die Minister van Finansies, mag bepaal; en
- (e) enige ander gelde wat ingevolge hierdie Wet aan die Kommissie of die Sekretaris betaal word of betaalbaar is ten bate van die fonds.

5. (1) Ondanks andersluidende bepalings van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956) kan alle beskikbare gelde van die fonds aangewend word vir die doeleindes in hierdie Wet uiteengesit.

Gebruik van gelde in fonds en beheer van fonds.

(2) Die Minister kan in oorleg met die Minister van Finansies by regulasie voorskryf—

- (a) die besonderhede van die beheer van die fonds;
- (b) die prosedure met betrekking tot uitgifte uit die fonds en die terugbetaling aan die fonds van bedrae daaruit uitgereik;
- (c) die rentekoers wat bereken moet word ten opsigte van gelde wat uit die fonds uitgereik word, wat kan varieer na gelang van die doel waarvoor sulke gelde gebruik staan te word;
- (d) die wyse waarop die rekeninge van die fonds gehou moet word;
- (e) die wyse waarop gelde wat die fonds ingevolge artikel twee of drie toeval, aan die fonds oorgedra moet word; en
- (f) enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf met betrekking tot die beheer van die fonds.

(3) Rente teen so 'n koers as wat die Tesourie bepaal, word uit die fonds op sy kapitaal aan die Tesourie betaal.

(4) Rente op daardie gedeelte van enige gelde wat aan 'n skema of 'n woning bestee word voor of gedurende die bou van daardie woning of voordat daardie woning of wonings wat deel van daardie skema uitmaak, verhuur of verkoop word, of wat gebruik word vir die verkryging van grond vir toekomstige boudoeleindes, kan, met die goedkeuring van die Tesourie, gekapitaliseer word.

(5) Daar kan in enige jaar, uit gelde wat spesiaal deur die Parlement vir hierdie doel beskikbaar gestel is, 'n bedrag, om die rente wat op voorskotte en lenings uit die fonds deur die Sekretaris ingevorder word, aan te vul, in die fonds inbetaal word wat gelyk is aan die verskil tussen die rente wat hy geregtig is om gedurende daardie jaar ten opsigte van voorskotte vir hulpbehuisingskemas in te vorder en die rente wat ingevolge sub-artikel (3) aan die Tesourie betaalbaar is ten opsigte van die voorskotte waarop hy aldus geregtig is om rente in te vorder.

(6) Die Sekretaris moet sulke rekeninge hou as wat die Tesourie in oorleg met die Kontroleur en Ouditeur-generaal voorskryf, insluitende—

- (a) 'n inkomstereserwerekening waarna hy alle surplus-inkomste van die fonds wat uit rente en huurgelde verkry word, kan oordra en welke rekening met die goedkeuring van die Tesourie met alle inkomste-

- approval of the Treasury, with all revenue losses and such expenses as are not otherwise provided for by Parliament;
- (b) a rent account which shall be credited with all rents collected and debited with all expenses necessarily incurred by the Commission in connection with the upkeep of any of its schemes or dwellings; and
 - (c) a reserve account called the capital reserve account in which shall be entered the amount representing the difference between the selling price or value of any dwelling or scheme, as determined by the Commission, and the total cost to the Commission of the construction, purchase or carrying out of that dwelling or scheme as soon as the Commission has fixed such selling price or value.
- (7) The Secretary shall as soon as possible after the thirty-first day of March in each year submit detailed statements signed by him showing the result of the previous year's transactions and the balance sheet of the fund to the Minister who shall lay such statements and balance sheet on the Tables of both Houses of Parliament within fourteen days of receipt thereof by him, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing session.
- (8) (a) The books and statements of account and balance sheet of the fund shall be audited annually by the Controller and Auditor-General.
 - (b) The Controller and Auditor-General may require any person (including any local authority, utility company or other body and any person in the employ of such an authority, company or body) to make available for examination all books, registers and documents in his possession or under his control which would, in the opinion of the Controller and Auditor-General, facilitate the carrying out of the audit referred to in paragraph (a).
 - (c) Any person who fails to comply with a requirement under paragraph (b) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.
- (9) The Secretary shall cause to be kept with the South African Reserve Bank an account in the name of the fund into which shall be paid all the moneys falling to be dealt with by the Secretary as in this Act provided and from which shall be withdrawn the moneys required to meet the payments for which he is responsible under this Act.
- (10) Surplus moneys in the fund which cannot be readily utilized for housing purposes shall be invested with the Public Debt Commissioners.

CHAPTER II.

THE NATIONAL HOUSING COMMISSION, THE BANTU HOUSING BOARD AND THE NATIONAL HOUSING OFFICE.

Establishment of
National Housing
Commission.

6. (1) There is hereby established a commission to be known as the National Housing Commission which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers or the performance of its functions and duties under this Act.

(2) (a) The Commission shall consist of not less than seven and not more than thirteen members appointed by the Minister of whom—

- (i) one shall be an architect or an engineer or a quantity surveyor with knowledge of or experience in municipal affairs;
- (ii) one shall be a medical officer who possesses the qualifications mentioned in sub-section (2) of section *twelve* of the Public Health Act, 1919 (Act No. 36 of 1919);
- (iii) one shall be an advocate or an attorney; and
- (iv) three shall be persons with general knowledge of or experience in local government, one of whom shall also have special knowledge of rural housing conditions.

(b) At least one of the members of the Commission shall be a woman.

verliese en al sulke uitgawes waarvoor nie ander voorsiening deur die Parlement gemaak is nie, gedebiteer kan word;

- (b) 'n huurgeldrekening wat gekrediteer moet word met alle huurgelde wat ingevorder word en gedebiteer moet word met alle uitgawes noodsaaklikerwys deur die Kommissie aangegaan in verband met die instandhouding van enige van sy skemas of wonings; en
- (c) 'n reserwerekening, die kapitaalreserwerekening genoem, waarin die bedrag wat die verskil verteenwoordig tussen die verkoopprijs of waarde van 'n woning of skema, soos deur die Kommissie bepaal, en die totale koste deur die Kommissie aangegaan by die bou, aankoop of uitvoering van daardie woning of skema, ingeskryf moet word sodra die Kommissie sodanige verkoopprijs of waarde bepaal het.

(7) Die Sekretaris moet so spoedig doenlik na die een-en-dertigste dag van Maart in elke jaar state deur hom onderteken wat volledige besonderhede gee van die resultaat van die vorige jaar se transaksies en die balansstaat van die fonds aan die Minister voorlê wat sodanige state en balansstaat in beide Huise van die Parlement ter Tafel moet lê binne veertien dae na ontvangs daarvan deur hom as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

(8) (a) Die boeke en rekeningstate en balansstaat van die fonds word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.

(b) Die Kontroleur en Ouditeur-generaal kan enige persoon (met inbegrip van enige plaaslike bestuur, nutsmaatskappy of ander liggaam en iemand in die diens van so 'n bestuur, maatskappy of liggaam) gelas om alle boeke, registers en stukke in sy besit of onder sy beheer wat, volgens die oordeel van die Kontroleur en Ouditeur-generaal, die in paragraaf (a) bedoelde ouditering sal vergemaklik, vir ondersoek beskikbaar te stel.

(c) Iemand wat versuim om aan 'n lasgewing kragtens paragraaf (b) te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(9) Die Sekretaris moet by die Suid-Afrikaanse Reserwebank 'n rekening in die naam van die fonds laat hou waarin alle gelde waarmee die Sekretaris moet handel soos in hierdie Wet bepaal, gestort moet word en waaruit die gelde wat nodig is om die betalings te maak waarvoor hy kragtens hierdie Wet verantwoordelik is, getrek moet word.

(10) Surplusgelde in die fonds wat nie geredelik vir behuisingsdoeleindes aangewend kan word nie, moet by die Staatskuldkommissaris belê word.

HOOFSTUK II.

DIE NASIONALE BEHUISINGSKOMMISSIE, DIE BANTOE-BEHUISINGSRAAD EN DIE NASIONALE BEHUISINGSKANTOOR.

6. (1) Hierby word 'n kommissie bekend as die Nasionale Behuisingskommissie ingestel, wat met regspersoonlikheid bekleed is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handelinge te verrig wat nodig mag wees vir, of in verband staan met, die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

Instelling van
Nasionale
Behuisings-
kommissie.

(2) (a) Die Kommissie bestaan uit minstens sewe en hoogstens dertien lede, deur die Minister aangestel te word, van wie—

- (i) een 'n argitek of 'n ingenieur of 'n bestekopnemer moet wees met kennis van of ondervinding in verband met munisipale sake;
- (ii) een 'n mediese beampte moet wees wat in besit is van die in sub-artikel (2) van artikel *twalf* van die „Volksgezondheidswet, 1919” (Wet No. 36 van 1919) genoemde kwalifikasies;
- (iii) een 'n advokaat of 'n prokureur moet wees; en
- (iv) drie persone moet wees met algemene kennis van of ondervinding in verband met plaaslike bestuur, van wie een ook spesiale kennis moet hê van plattelandse behuisingstoestande.

(b) Minstens een van die lede van die Kommissie moet 'n vrou wees.

(3) The Minister shall designate one of the members of the Commission as the chairman and another member as the vice-chairman of the Commission.

(4) A member of the Commission shall, subject to the regulations, hold office for such period, not exceeding, in the case of the chairman, five years, and in the case of any other member, three years, as the Minister may, at the time of appointment of each member, determine.

(5) Any person whose period of office as a member of the Commission has expired, shall be eligible for re-appointment.

(6) The name of every person appointed as a member of the Commission together with the date from which the appointment takes effect, shall be notified in the *Gazette*.

(7) A member of the Commission other than such a member who is in the full-time employment of the State and remunerated from public funds, shall receive in respect of his services as a member of the Commission such remuneration and allowances as the Minister may, in consultation with the Minister of Finance, determine.

(8) Any person who immediately prior to the commencement of this Act was a member of the National Housing and Planning Commission established by section *eighteen* of the Housing Act, 1920 (Act No. 35 of 1920), shall be deemed to have been appointed in terms of this section as a member of the National Housing Commission and shall, subject to the regulations, hold office as such for the unexpired portion of the period for which he was appointed as a member of the said National Housing and Planning Commission.

**Abolition of
National Housing
and Planning
Commission.**

7. (1) The National Housing and Planning Commission established by section *eighteen* of the Housing Act, 1920 (Act No. 35 of 1920), is hereby abolished.

(2) All moneys which immediately before the commencement of this Act were payable to the Treasury in respect of any moneys utilized with the approval of the National Housing and Planning Commission in terms of any law repealed by this Act and all moneys which would, but for the provisions of this Act, have become payable to the Treasury after such commencement in respect of moneys so utilized, shall be payable or become payable, as the case may be, to the fund.

(3) All movable or immovable property of the National Housing and Planning Commission shall vest in the National Housing Commission.

(4) All things done by or with the approval of the National Housing and Planning Commission before its abolition shall be deemed to have been done by or with the approval of the National Housing Commission.

(5) All agreements, transactions and documents entered into, drawn or executed by, with or in favour of the National Housing and Planning Commission and in force immediately prior to its abolition, shall remain of full force and effect and shall be construed for all purposes as if they had been entered into, drawn or executed by, with or in favour of the National Housing Commission.

(6) At the request of the National Housing Commission the Registrar shall make such endorsements on any deed, bond or other document and effect such alterations in his registers as may be necessary to give effect to the provisions of this section.

**Establishment of
Bantu Housing
Board.**

8. (1) There is hereby established a board to be known as the Bantu Housing Board which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers or the performance of its functions and duties under this Act.

(2) Any powers, functions and duties conferred or imposed upon the Commission by this Act shall in so far as they relate to the housing of natives, be exercised or performed by the Housing Board and for that purpose any reference in this Act to the Commission shall be deemed to be a reference to the Housing Board.

(3) The Housing Board shall consist of six members appointed by the Minister of Native Affairs of whom—

(a) one shall be the chairman of the Commission who shall also be the chairman of the Housing Board;

(b) one shall be a member of the Native Affairs Commission established in terms of section *one* of the Native Affairs Act, 1920 (Act No. 23 of 1920);

(c) one shall be a person with knowledge of or experience in local government;

(3) Die Minister wys een van die lede van die Kommissie as die voorsitter en 'n ander lid as die vise-voorsitter van die Kommissie aan.

(4) 'n Lid van die Kommissie beklee sy amp, behoudens die regulasies, vir so 'n tydperk, nie vyf jaar te bowe gaande nie in die geval van die voorsitter en nie drie jaar te bowe gaande nie in die geval van enige ander lid, as wat die Minister ten tyde van die aanstelling van elke lid mag bepaal.

(5) Iemand wie se ampstydperk as lid van die Kommissie verstryk het, kan weer aangestel word.

(6) Die naam van elke persoon as lid van die Kommissie aangestel en die datum vanaf wanneer die aanstelling geld, moet in die *Staatskoerant* afgekondig word.

(7) 'n Lid van die Kommissie (uitgesonderd so 'n lid wat in voltydse diens van die Staat is en uit Staatsgelde besoldig word) ontvang ten opsigte van sy dienste as 'n lid van die Kommissie die besoldiging en toelaes wat die Minister in oorleg met die Minister van Finansies mag bepaal.

(8) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die Nasionale Behuisings- en Plannekommissie ingestel deur artikel *agtien* van die Woningwet, 1920 (Wet No. 35 van 1920), was, word geag ingevolge hierdie artikel as 'n lid van die Nasionale Behuisingskommissie aangestel te gewees het en beklee sy amp as sodanig, behoudens die regulasies, vir die onverstreke gedeelte van die tydperk waarvoor hy as 'n lid van genoemde Nasionale Behuisings- en Plannekommissie aangestel was.

7. (1) Die Nasionale Behuisings- en Plannekommissie ingestel deur artikel *agtien* van die Woningwet, 1920 (Wet No. 35 van 1920), word hierby afgeskaf.

Afskaffing van
Nasionale
Behuisings- en
Plannekommissie.

(2) Alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet aan die Tesourie betaalbaar was ten opsigte van enige gelde wat met die goedkeuring van die Nasionale Behuisings- en Plannekommissie gebruik is ingevolge enige wetsbepaling deur hierdie Wet herroep, en alle gelde wat, as dit nie vir die bepaling van hierdie Wet was nie, na sodanige inwerkingtreding aan die Tesourie betaalbaar sou geword het ten opsigte van gelde aldus gebruik, is betaalbaar of word betaalbaar, na gelang van die geval, aan die fonds.

(3) Alle roerende of onroerende goed van die Nasionale Behuisings- en Plannekommissie gaan oor op die Nasionale Behuisingskommissie.

(4) Alle dinge wat deur of met die goedkeuring van die Nasionale Behuisings- en Plannekommissie gedoen is voor sy afskaffing, word geag deur of met die goedkeuring van die Nasionale Behuisingskommissie gedoen te gewees het.

(5) Alle ooreenkomste, transaksies en dokumente aangegaan, opgestel of verly deur, met of ten gunste van die Nasionale Behuisings- en Plannekommissie en van krag onmiddellik voor sy afskaffing, bly ten volle van krag en word vir alle doeleindes uitgelê asof dit deur, met of ten gunste van die Nasionale Behuisingskommissie aangegaan, opgestel of verly was.

(6) Op versoek van die Nasionale Behuisingskommissie moet die Registrateur sodanige endossemente op enige akte, verbandakte of ander dokument maak en sodanige veranderings in sy registers aanbring as wat nodig mag wees om gevolg aan die bepaling van hierdie artikel te gee.

8. (1) Hierby word 'n raad bekend as die Bantoebehuising-raad ingestel, wat met regspersoonlikheid beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig mag wees vir, of in verband staan met, die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

Instelling van
Bantoebehuising-
singsraad.

(2) Enige bevoegdhede, werksaamhede en pligte wat deur hierdie Wet aan die Kommissie verleen of opgelê word, word, vir sover hulle betrekking het op die behuising van naturelle, deur die Behuisingsraad uitgeoefen of verrig en vir daardie doel word enige verwysing in hierdie Wet na die Kommissie geag 'n verwysing na die Behuisingsraad te wees.

(3) Die Behuisingsraad bestaan uit ses lede deur die Minister van Naturellesake aangestel te word, van wie—

- (a) een die voorsitter van die Kommissie moet wees en wat ook die voorsitter van die Behuisingsraad is;
- (b) een 'n lid van die Naturellesake-kommissie ingestel ingevolge artikel *een* van die „Naturellezaken Wet, 1920” (Wet No. 23 van 1920), moet wees;
- (c) een 'n persoon moet wees met kennis van of ondervinding in verband met plaaslike bestuur;

- (d) one shall be an architect, or engineer or a quantity surveyor with knowledge of or experience in municipal affairs;
- (e) one shall be the Under Secretary (European Areas) for Native Affairs; and
- (f) one shall be the Under Secretary (Native Areas) for Native Affairs.

(4) For every member of the Housing Board appointed in terms of paragraph (b), (c) or (d) of sub-section (3), there shall be an alternate member appointed in the same manner as such member, and any member of the Housing Board referred to in paragraph (e) or (f) of that sub-section may, with the consent of the Minister of Native Affairs, designate an officer of the Department of Native Affairs to act in his stead as an alternate member on the Housing Board, and any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the Housing Board whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(5) Any member of the Housing Board (not being a member appointed under paragraph (a), (e) or (f) of sub-section (3), who shall hold office for as long as he holds the qualification necessary for his appointment) shall, subject to the regulations made in terms of sub-section (10), hold office for such period as the Minister of Native Affairs may determine at the time of his appointment.

(6) Any person whose period of office as a member of the Housing Board has expired, shall be eligible for re-appointment.

(7) A member of the Housing Board other than such a member who is in the full-time employment of the State and remunerated from public funds, shall receive in respect of his service as a member of the Housing Board such remuneration and allowances as the Minister may, in consultation with the Minister of Finance, determine.

(8) The Minister of Native Affairs shall designate one of the members as the vice-chairman of the Housing Board.

(9) The name of every person appointed as a member of the Housing Board, and of every person appointed as an alternate to any member, together with the date from which the appointment takes effect, shall be notified in the *Gazette*.

(10) The Minister of Native Affairs may make regulations not inconsistent with this Act, as to the calling of meetings of the Housing Board, the procedure at meetings of the Housing Board and of committees thereof (including the quorum), the circumstances under which a member of the Housing Board, other than a member appointed under paragraph (a), (e) or (f) of sub-section (3), shall vacate his office, the conditions of service of members of the Housing Board and of committees thereof and generally such other matters which he considers necessary or expedient for the proper performance by the Housing Board of its functions.

Establishment of National Housing Office and appointment of Secretary and other officers.

9. (1) There shall be established in Pretoria an office to be known as the National Housing Office.

(2) Such branches of the National Housing Office as may be necessary for the proper carrying out of the objects and purposes of this Act may from time to time be established at such other places in the Union as the Minister may determine.

(3) The Minister shall appoint, subject to the laws governing the public service—

- (a) a Secretary for the National Housing Office who shall exercise the powers and perform the duties assigned to the Secretary by this Act, and shall under the direction of the Minister be responsible for the management and administration of the office; and
- (b) such other officers as may be necessary for carrying out the provisions of this Act.

(4) The Secretary shall, subject to the provisions of this Act, be responsible for the administration of the fund and in particular for—

- (a) all expenditure out of the fund; and
- (b) the collection for the credit of the fund of all moneys due or accruing to the Commission and the prosecution of all claims in favour of the Commission, whether under contract or otherwise,

and shall for the purposes of the regulations framed under the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), be the accounting officer in relation to the moneys in the fund.

- (d) een 'n argitek of 'n ingenieur of 'n bestekopnemer moet wees met kennis van of ondervinding in verband met munisipale sake;
 - (e) een die Ondersekretaris (Blankegebiede) van Naturellesake moet wees; en
 - (f) een die Ondersekretaris (Naturellegebiede) van Naturellesake moet wees.
- (4) Vir elke lid van die Behuisingsraad ingevolge paragraaf (b), (c) of (d) van sub-artikel (3) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n in paragraaf (e) of (f) van daardie sub-artikel bedoelde lid van die Behuisingsraad kan, met toestemming van die Minister van Naturellesake, 'n amptenaar van die Departement van Naturellesake aanwys om in sy plek as 'n plaasvervangende lid van die Behuisingsraad op te tree, en 'n plaasvervangende lid aldus aangestel of aangewys kan 'n vergadering van die Behuisingsraad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.
- (5) 'n Lid van die Behuisingsraad (uitgesonderd 'n kragtens paragraaf (a), (e) of (f) van sub-artikel (3) aangestelde lid wat sy amp beklee solank hy die kwalifikasie besit wat vir sy aanstelling nodig is) beklee sy amp, behoudens die regulasies ingevolge sub-artikel (10) uitgevaardig, vir so 'n tydperk as wat die Minister van Naturellesake ten tyde van sy aanstelling bepaal.
- (6) Iemand wie se ampstydperk as lid van die Behuisingsraad verstryk het, kan weer aangestel word.
- (7) 'n Lid van die Behuisingsraad (uitgesonderd so 'n lid wat in voltydse diens van die Staat is en uit Staatsgelde besoldig word) ontvang ten opsigte van sy dienste as lid van die Behuisingsraad die besoldiging en toelaes wat die Minister in oorleg met die Minister van Finansies mag bepaal.
- (8) Die Minister van Naturellesake wys een van die lede as die vise-voorsitter van die Behuisingsraad aan.
- (9) Die naam van elke persoon as lid van die Behuisingsraad aangestel, en van elke persoon as plaasvervanger van 'n lid aangestel, en die datum vanaf wanneer die aanstelling geld, moet in die *Staatskoerant* afgekondig word.
- (10) Die Minister van Naturellesake kan regulasies, wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig aangaande die byeenoeping van vergaderings van die Behuisingsraad, die prosedure by vergaderings van die Behuisingsraad en van komitees daarvan (met inbegrip van die kworum), die omstandighede waaronder 'n lid van die Behuisingsraad (uitgesonderd 'n lid wat kragtens paragraaf (a), (e) of (f) van sub-artikel (3) aangestel is) sy amp ontruim, die diensvoorwaardes van lede van die Behuisingsraad en van komitees daarvan en in die algemeen sulke ander aangeleenthede wat hy nodig of dienstig ag vir die behoorlike vervulling deur die Behuisingsraad van sy werksaamhede.

9. (1) Daar word in Pretoria 'n kantoor bekend as die Nasionale Behuisingskantoor ingestel.

(2) Sulke takke van die Nasionale Behuisingskantoor as wat nodig mag wees vir die behoorlike uitvoering van die oogmerke en doelstellings van hierdie Wet kan van tyd tot tyd op sulke ander plekke in die Unie as wat die Minister mag bepaal, ingestel word.

(3) Die Minister stel met inagneming van die wette op die Staatsdiens—

- (a) 'n Sekretaris vir die Nasionale Behuisingskantoor aan wat die ingevolge hierdie Wet aan die Sekretaris toegewese bevoegdhede uitoefen en pligte uitvoer, en wat, onderworpe aan die voorskrifte van die Minister, vir die bestuur en administrasie van die kantoor verantwoordelik is; en
 - (b) sodanige ander amptenare aan as wat vir die uitvoering van die bepalings van hierdie Wet nodig mag wees.
- (4) Die Sekretaris is, behoudens die bepalings van hierdie Wet, verantwoordelik vir die administrasie van die fonds en in besonder vir—

- (a) alle uitgawes uit die fonds; en
- (b) die invordering ten bate van die fonds van alle gelde wat aan die Kommissie verskuldig is of die Kommissie toeval en die voortsetting van alle eise ten gunste van die Kommissie, hetsy kragtens kontrak of andersins,

en is by die toepassing van die regulasies uitgevaardig kragtens die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), die rekenpligtige beëmpde met betrekking tot die gelde in die fonds.

Instelling van
Nasionale
Behuisingskantoor
en aanstelling
van Sekretaris en
ander amptenare.

(5) The Secretary shall be the chief administrative officer of the National Housing Office and shall either personally or through an officer of the said office designated by him act as the representative of the Commission in relation to all matters with reference to which any powers are required to be exercised or any functions or duties are required to be performed by the Commission.

Union Tender and Supplies Board regulations to apply in respect of purchases and contracts.

10. The regulations of the Union Tender and Supplies Board shall apply in respect of all contracts entered into and all purchases made by the Commission.

CHAPTER III.

ADVANCES TO LOCAL AUTHORITIES.

Granting of loans and rendering of assistance to local authorities.

11. (1) The Commission may after consultation with the Administrator, and, on such conditions as it may determine, approve of loans (in this Chapter and in Chapters VIII and IX called advances) to any local authority for the purpose of enabling that local authority to exercise any of the powers conferred upon it by Chapter VIII.

(2) The Secretary may render such professional and other assistance to any local authority as he may deem necessary to enable such local authority to carry out the objects of this Act.

(3) Advances granted to local authorities in respect of schemes may be for either economic schemes or assisted housing schemes.

(4) Before approving an advance in respect of any economic scheme, the Commission may require that the local authority concerned shall first make reasonable provision for the housing of the poorest section of the community in the area wherein the scheme is to be carried out.

Conditions relating to the granting of advances.

12. (1) No advance to a local authority shall be approved by the Commission except upon written application accompanied by such particulars as may be determined by the Commission.

(2) An advance shall be paid out in instalments and, subject to the provisions of sub-section (3), the aggregate of all instalments paid out shall not at any time exceed the value of the work (as certified by a person designated by the local authority in consultation with the Secretary) completed on the dwelling or scheme in respect of which the advance has been approved.

(3) Where any portion of an advance is required for the purchase of a site for an approved dwelling or an approved scheme or to pay for materials delivered on the site, the amount of the purchase price of such site and of the cost of the materials (as certified by a person designated by the local authority in consultation with the Secretary) may be included in the amount of any instalment.

Repayment of advances.

13. (1) An advance shall be repaid by a local authority—

- (a) within such period as the Commission may determine; and
- (b) in such instalments of capital, together with interest on any portion thereof which has not been repaid, and on such dates as the Secretary may determine when the advance is granted:

Provided that the period of repayment of the total amount advanced and the interest thereon shall in no case exceed fifty years.

(2) The security for repayment of an advance and the interest thereon shall be the revenue and the assets of the local authority.

(3) The Secretary may, in consultation with the Treasury, 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 with the approval of the Treasury be determined by him as to the application of the amount which in his opinion 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 used for the construction of dwellings or the carrying out of schemes in terms

(5) Die Sekretaris is die administratiewe hoofbeampte van die Nasionale Behuisingskantoor en moet of persoonlik of deur 'n amptenaar van bedoelde kantoor wat deur hom aangewys is as die verteenwoordiger van die Kommissie optree met betrekking tot alle aangeleenthede ten aansien waarvan die Kommissie enige bevoegdhede moet uitoefen of enige werk-saamhede of pligte moet verrig.

10. Die regulasies van die Unieraad vir Tenders en Leweransies is van toepassing ten opsigte van alle kontrakte aangaan en alle aankope gemaak deur die Kommissie.

Regulasies van Unieraad vir Tenders en Leweransies van toepassing ten opsigte van aankope en kontrakte.

HOOFSTUK III.

VOORSKOTTE AAN PLAASLIKE BESTURE.

11. (1) Die Kommissie kan, na oorlegpleging met die Administrateur en op sulke voorwaardes as wat die Kommissie mag bepaal, lenings (in hierdie Hoofstuk en in Hoofstukke VIII en IX voorskotte genoem) aan enige plaaslike bestuur goedkeur met die doel om daardie plaaslike bestuur in staat te stel om enige van die bevoegdhede wat deur Hoofstuk VIII aan hom verleen word, uit te oefen.

Toestaan van lenings en verlening van hulp aan plaaslike besture.

(2) Die Sekretaris kan aan enige plaaslike bestuur sulke professionele en ander hulp verleen as wat hy nodig ag om sodanige plaaslike bestuur in staat te stel om die oogmerke van hierdie Wet uit te voer.

(3) Voorskotte wat aan plaaslike besture toegestaan word ten opsigte van skemas, kan vir of ekonomiese skemas of hulpbehuisingskemas wees.

(4) Voordat hy 'n voorskot ten opsigte van 'n ekonomiese skema goedkeur, kan die Kommissie vereis dat die betrokke plaaslike bestuur eers redelike voorsiening moet maak vir behuising vir die armste gedeelte van die gemeenskap in die gebied waar die skema uitgevoer staan te word.

12. (1) Geen voorskot aan 'n plaaslike bestuur word deur die Kommissie goedgekeur nie behalwe op skriftelike aansoek vergesel deur sodanige besonderhede as wat die Kommissie bepaal.

Voorwaardes met betrekking tot die toestaan van voorskotte.

(2) 'n Voorskot word in paaielemente uitbetaal en die totaal van alle paaielemente uitbetaal mag, behoudens die bepalings van sub-artikel (3), nie te eniger tyd die waarde van die werk (soos gesertifiseer deur iemand deur die plaaslike bestuur in oorleg met die Sekretaris aangewys) wat voltooi is aan die woning of skema ten opsigte waarvan die voorskot goedgekeur is, oorskry nie.

Instaat te word om die waarde van die werk te oorskry.

(3) Waar 'n gedeelte van 'n voorskot benodig word vir die aankoop van 'n bouterrein vir 'n goedgekeurde woning of 'n goedgekeurde skema of om te betaal vir boumateriaal wat op die bouterrein afgelewer is, kan die bedrag van die koopprys van sodanige bouterrein en van die koste van die boumateriaal (soos gesertifiseer deur iemand deur die plaaslike bestuur in oorleg met die Sekretaris aangewys) by die bedrag van enige paaielement bygevoeg word.

13. (1) 'n Voorskot moet deur 'n plaaslike bestuur terugbetaal word—

Terugbetaling van voorskotte.

(a) binne so 'n tydperk as wat die Kommissie mag bepaal; en

(b) in sulke paaielemente van kapitaal, tesame met rente op enige gedeelte daarvan wat nog nie terugbetaal is nie, en op sulke datums as wat die Sekretaris mag bepaal wanneer die voorskot toegestaan word:

Met dien verstande dat die tydperk vir terugbetaling van die totale som voorgeskiet en die rente daarop, in geen geval vyftig jaar te bowe mag gaan nie.

(2) Die inkomste en bates van die plaaslike bestuur dien as sekuriteit vir die terugbetaling van 'n voorskot tesame met die rente daarop.

(3) Die Sekretaris kan, in oorleg met die Tesourie, weier om betaling van 'n paaielement van 'n voorskot voor die vervaldag van daardie paaielement te ontvang, behalwe op die voorwaardes deur hom met die goedkeuring van die Tesourie bepaal aangaande die aanwending van die bedrag wat na sy mening deur die plaaslike bestuur gespaar word aan rente op daardie paaielement ten opsigte van die tydperk vanaf die datum waarop betaling geskied tot die vervaldag van daardie paaielement—

(a) in die geval van 'n voorskot wat gebruik is vir die bou van wonings of die uitvoering van skemas ingevolge

- of section *fifty-five*, to the reduction of rentals of dwellings let, or to the reduction of interest on the outstanding purchase price of dwellings sold; or
- (b) in the case of an advance used for granting local authority housing loans, to the reduction of interest on those loans.

Failure by local authority to commence carrying out of scheme or construction of dwelling.

14. (1) The Commission may, from time to time, by notice in writing call upon any local authority which has obtained approval of any scheme or dwelling or which has acquired land for the purpose of carrying out any scheme or constructing any dwelling thereon, to furnish it, within a period specified in the notice, with a statement setting forth the steps which have been taken to carry out the scheme or to construct the dwelling, as the case may be.

(2) If a local authority—

- (a) which has obtained approval of any scheme to be carried out or of any dwelling to be constructed on land of which it is the owner; or
- (b) which has with the consent of the Minister in terms of section *fifty-nine* acquired land for the purpose of carrying out a scheme or constructing a dwelling thereon,

has failed, in a case referred to in paragraph (a), to commence with the carrying out of the scheme or the construction of the dwelling or, in a case referred to in paragraph (b), to submit a scheme or the particulars of the dwelling for approval by the Commission within a period of six months from the date of the approval or consent, as the case may be, the Minister may after due enquiry, direct that the Commission shall forthwith take possession of the land or such portion thereof as he may determine and carry out on the land such scheme or construct thereon such dwellings as the Commission may consider suitable and the Commission shall thereupon carry out the directions of the Minister.

(3) The local authority shall be liable to the Commission for the payment of all costs which it may incur under sub-section (2).

(4) If the local authority refuses or fails to pay the costs due under sub-section (3) the provisions of section *fifteen* shall *mutatis mutandis* apply.

Failure by local authority to comply with conditions of advance.

15. (1) If a local authority which has received an advance or any instalment thereof out of the fund—

- (a) fails to pay the amount due in respect of interest on such advance or instalment or any instalment of capital on the due date; or
- (b) has not applied the whole of any instalment of the advance to the specific purpose for which it was made; or
- (c) has failed to make reasonable progress in connection with the construction of the approved dwelling or the carrying out of the approved scheme in respect of which the advance was granted, regard being had to the period determined for the completion of such dwelling or scheme; or
- (d) fails to comply with the approved details of the scheme or dwelling or any condition on which the advance or any instalment thereof was made,

the Commission may recover from such local authority any portion of the amount advanced and not yet repaid together with interest due thereon—

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

or by all three or any two of such methods of recovery.

(2) A certificate of the Secretary stating the amount due by any local authority shall be *prima facie* evidence of the amount due by that local authority.

Control of schemes.

16. (1) A local authority which has carried out or is carrying out a scheme in respect of which an advance has been granted out of the fund, shall—

- (a) if required by the Commission or an officer of the National Housing Office duly authorized thereto by

artikel vyf-en-vyftig, tot vermindering van huurgelde vir verhuurde wonings of tot vermindering van rente op die verskuldigde koopprys van verkoopte wonings; of

- (b) in die geval van 'n voorskot wat gebruik is vir die ontstaan van plaaslike bestuur-behuisingslenings, tot vermindering van rente op daardie lenings.

14. (1) Die Kommissie kan van tyd tot tyd enige plaaslike bestuur wat goedkeuring vir 'n skema of woning verkry het of wat grond verkry het vir die doel om daarop 'n skema uit te voer of 'n woning te bou, by skriftelike kennisgewing gelas om aan hom binne 'n in die kennisgewing vermelde tydperk, 'n opgawe te verstrek waarin uiteengesit word watter stappe gedoen is om die skema uit te voer of die woning te bou, na gelang van die geval.

Versuim van plaaslike bestuur om met die uitvoering van 'n skema of die bou van 'n woning 'n aanvang te maak.

(2) Indien 'n plaaslike bestuur—

- (a) wat goedkeuring verkry het vir 'n skema wat uitgevoer staan te word of vir 'n woning wat gebou staan te word op grond waarvan hy die eienaar is; of
- (b) wat met die Minister se toestemming ingevolge artikel nege-en-vyftig grond verkry het vir die doel om daarop 'n skema uit te voer of 'n woning te bou,

versuim het, in 'n in paragraaf (a) vermelde geval, om te begin met die uitvoering van die skema of die bou van die woning, of, in 'n in paragraaf (b) vermelde geval, om 'n skema of die besonderhede van die woning voor te lê vir goedkeuring deur die Kommissie, binne 'n tydperk van ses maande vanaf die datum van die goedkeuring of toestemming, na gelang van die geval, kan die Minister na behoorlike ondersoek beveel dat die Kommissie onverwyld besit neem van die grond of so 'n gedeelte daarvan as wat die Minister mag bepaal en op die grond so 'n skema uitvoer of daarop sulke wonings bou as wat die Kommissie geskik ag en die Kommissie moet daarop die bevele van die Minister uitvoer.

(3) Die plaaslike bestuur is aanspreeklik vir die betaling aan die Kommissie van alle koste wat hy kragtens sub-artikel (2) mag aangaan.

(4) Indien die plaaslike bestuur weier of nalaat om die kragtens sub-artikel (3) verskuldigde koste te betaal, is die bepalings van artikel vyftien *mutatis mutandis* van toepassing.

15. (1) Indien 'n plaaslike bestuur wat uit die fonds 'n voorskot of enige paalement daarvan ontvang het—

Versuim van plaaslike bestuur om te voldoen aan voorwaardes van voorskot.

- (a) in gebreke bly om die bedrag verskuldig ten opsigte van rente op sodanige voorskot of paalement of om enige paalement van kapitaal op die vervalldag te betaal; of
- (b) nie die hele bedrag van 'n paalement van die voorskot aangewend het vir die bepaalde doel waarvoor dit verstrek is nie; of
- (c) versuim het om redelike vordering te maak in verband met die bou van die goedgekeurde woning of die uitvoering van die goedgekeurde skema ten opsigte waarvan die voorskot toegestaan is, gelet op die tydperk wat vir die voltooiing van sodanige woning of skema bepaal is; of
- (d) versuim om hom te hou by die goedgekeurde besonderhede van die skema of woning of om te voldoen aan enige voorwaarde waarop die voorskot of enige paalement daarvan verstrek is,

kan die Kommissie enige gedeelte van die bedrag wat voorgeskiet en nog nie terugbetaal is nie, tesame met die rente daarop verskuldig, van die plaaslike bestuur verhaal—

- (i) deur aksie in 'n bevoegde hof; of
- (ii) deur te verklaar dat enige inkomste van die plaaslike bestuur aangewend moet word ter betaling van sodanige bedrag en deur 'n ontvanger te benoem wat hierby gemagtig word om soveel van sodanige inkomste in te vorder as wat nodig is om sodanige bedrag af te betaal en om dit aan die Sekretaris uit te betaal; of
- (iii) deur 'n spesiale belasting te lê op alle belasbare eiendom geleë binne die plaaslike bestuur se regsgebied,

of deur middel van al drie of enige twee van bedoelde verhaalmetodes.

(2) 'n Sertifikaat van die Sekretaris wat die bedrag vermeld wat deur 'n plaaslike bestuur verskuldig is, is *prima facie* bewys van die bedrag verskuldig deur daardie plaaslike bestuur.

16. (1) 'n Plaaslike bestuur wat 'n skema uitvoer of uitgevoer het ten opsigte waarvan 'n voorskot uit die fonds toegestaan is, moet—

Beheer van skemas.

- (a) indien deur die Kommissie of 'n amptenaar van die Nasionale Behuisingskantoor wat behoorlik deur die

the Commission make available for examination all books, registers and documents in its possession or under its control which may have reference to such scheme and furnish all such information as may be required in connection with such scheme;

- (b) if required by the Commission carry out a survey in a manner approved by it of the income of all persons living in dwellings constructed under such scheme and report the result of such survey to the Commission.

(2) If a local authority fails to comply with a requirement under sub-section (1), or, if it appears from any book, register or document made available, information furnished or survey carried out in terms of the said sub-section that there are persons living in dwellings constructed under the scheme in question with incomes above the limit prescribed by regulation or that the conditions on which the advance has been granted are not being complied with in any other respect—

- (a) the Commission may, if directed by the Minister to do so, recover from such local authority any amount advanced in respect of such scheme and not yet repaid together with interest due thereon; or
- (b) the Commission may, if the scheme in question is an assisted housing scheme and it is directed by the Minister to do so, require such local authority, to pay such higher rate of interest (not exceeding that which is then payable in respect of economic schemes) on any amount advanced and not yet repaid as he may determine; or
- (c) the Minister may, if the scheme in question is one where any loss incurred by the local authority is to be apportioned between the local authority and the State under an agreement entered into in terms of section *sixty-six*, direct that the amount or any portion of the amount payable by the State be withheld.

(3) The provisions of section *fifteen* shall *mutatis mutandis* apply in respect of the recovery of any amount under paragraph (a) of sub-section (2).

CHAPTER IV.

HOUSING LOANS.

Commission may approve of housing loans to persons.

17. (1) Subject to such provisions as may be prescribed by regulation, the Commission may, on such conditions as it may determine, approve of a loan, on first mortgage (to be passed in favour of the Commission) over the land on which an approved dwelling is to be constructed, to any natural person to enable him to construct that dwelling for the accommodation of himself and his dependants: Provided that where an applicant for such a loan or his spouse is already the owner of a building which is fit for human occupation, no approval of such a loan shall be granted except with the prior written approval of the Minister.

(2) If any person complies with the requirements with which any person to whom such a loan has been granted (hereinafter referred to as the borrower), had to comply, the Commission may consent to the taking over by such firstmentioned person of the interest and liabilities of the borrower in respect of such loan and in order to give effect thereto may consent to the substitution of such firstmentioned person as mortgagor in respect of the existing mortgage bond, and the provisions of this Act relating to housing loans shall apply in respect of any person who has so taken over the interest and liabilities of the borrower as if the loan had originally been granted to him.

Special powers of Commission in regard to housing loans.

18. (1) Without prejudice to the generality of the power vested in the Commission by section *seventeen* to determine the conditions on which housing loans may be granted, the Commission may in particular exercise the following powers in regard to such loans:

- (a) The Commission may, in consultation with the Minister and the Minister of Finance, determine the categories of persons to whom housing loans may be granted and the income limits within which persons shall fall

Kommissie daartoe gemagtig is, gelas, alle boeke, registers en stukke in sy besit of onder sy beheer wat op bedoelde skema betrekking mag hê, vir ondersoek beskikbaar stel en alle sodanige inligting as wat in verband met bedoelde skema vereis mag word, verstrek;

- (b) indien deur die Kommissie gelas, 'n opname maak, op 'n wyse deur die Kommissie goedgekeur, van die inkomste van alle persone wat in wonings woon wat onder bedoelde skema gebou is en die resultaat van sodanige opname aan die Kommissie rapporteer.

(2) Indien 'n plaaslike bestuur versuim om aan 'n lasgewing kragtens sub-artikel (1) te voldoen, of, as dit blyk uit enige boek, register of stuk beskikbaar gestel, inligting verstrek of opname gemaak ingevolge genoemde sub-artikel dat daar persone in wonings wat onder die betrokke skema gebou is, woon met inkomstes wat hoër is as die perk wat by regulasie voorgeskryf is of dat die voorwaardes waarop die voorskot toegestaan is in enige ander opsig nie aan voldoen word nie—

- (a) kan die Kommissie, indien hy deur die Minister beveel word om dit te doen, enige bedrag wat ten opsigte van sodanige skema voorgeskiet is en nog nie terugbetaal is nie, tesame met die rente daarop verskuldig, van die plaaslike bestuur verhaal; of
- (b) kan die Kommissie, indien die betrokke skema 'n hulpbehuisingsskema is en hy deur die Minister beveel word om dit te doen, bedoelde plaaslike bestuur aansê om so 'n hoër rentekoers (nie dié te bowe gaande nie wat dan ten opsigte van ekonomiese skemas betaalbaar is) te betaal op enige bedrag voorgeskiet en nog nie terugbetaal nie, as wat hy mag bepaal; of
- (c) kan die Minister, indien die betrokke skema een is waar enige verlies deur die plaaslike bestuur opgeloop tussen die plaaslike bestuur en die Staat verdeel moet word volgens 'n ooreenkoms ingevolge artikel *ses-en-sestig* aangegaan, beveel dat die bedrag, of enige gedeelte van die bedrag, deur die Staat betaalbaar, teruggehou moet word.

(3) Die bepalinge van artikel *vyftien* is *mutatis mutandis* van toepassing ten opsigte van die verhaal van enige bedrag kragtens paragraaf (a) van sub-artikel (2).

HOOFSTUK IV.

BEHUISINGSLENINGS.

17. (1) Behoudens sodanige bepalinge as wat by regulasie voorgeskryf mag word, kan die Kommissie, op sulke voorwaardes as wat hy mag bepaal, goedkeuring verleen vir 'n lening, op eerste verband (ten gunste van die Kommissie gepasseer te word) oor die grond waarop 'n goedgekeurde woning gebou staan te word, aan enige natuurlike persoon om hom in staat te stel om daardie woning vir die huisvesting van homself en sy afhanklikes te bou: Met dien verstande dat waar 'n applikant vir so 'n lening of sy eggenote alreeds die eienaar is van 'n gebou wat geskik is om deur mense bewoon te word, geen goedkeuring vir so 'n lening verleen kan word nie behalwe met die voorafgaande skriftelike goedkeuring van die Minister.

Kommissie kan behuisinglening aan persone goedkeur.

(2) Indien enige persoon voldoen aan die vereistes waaraan enige persoon aan wie so 'n lening toegestaan is (hieronder die lener genoem), moes voldoen het, kan die Kommissie toestemming verleen vir die oorname deur die eersgenoemde persoon van die belange en verpligtings van die lener ten opsigte van bedoelde lening en ten einde daaraan gevolg te gee kan die Kommissie toestem dat die eersgenoemde persoon in die plek van die lener as verbandgewer ten opsigte van die bestaande verband gestel word, en die bepalinge van hierdie Wet met betrekking tot behuisinglenings is van toepassing ten opsigte van enige persoon wat aldus die belange en verpligtings van die lener oorgeneem het asof die lening oorspronklik aan hom toegestaan was.

18. (1) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid wat deur artikel *sewentien* aan die Kommissie verleen is om die voorwaardes te bepaal waarop behuisinglenings toegestaan mag word, kan die Kommissie in besonder die volgende bevoegdhede met betrekking tot sulke lenings uitoefen:

Spesiale bevoegdhede van Kommissie met betrekking tot behuisinglenings.

- (a) Die Kommissie kan in oorleg met die Minister en die Minister van Finansies die kategorieë van persone aan wie behuisinglenings toegestaan mag word en die inkomstenerke waarbinne persone moet val om vir

in order to qualify for such loans, and different income limits may be determined in respect of different categories of persons or in respect of persons residing in different areas.

- (b) The Commission may at any time, with the consent of the borrower, extend or reduce the period determined for the repayment of a housing loan.
- (c) The Commission may approve of the addition to any amount owing by a borrower in respect of a housing loan of—

- (i) any arrear instalments;
- (ii) any interest accruing on such loan during the period of construction of the dwelling in respect of which the loan was granted,

and in such event the amounts of any future instalments and interest payable by the borrower shall be adjusted accordingly, and the whole of the consolidated debt shall be deemed to be secured by the mortgage bond securing the original housing loan.

- (d) Where the amount actually owing by a borrower under a mortgage bond securing a housing loan, is less than the amount of the bond, the Commission may approve of a further loan, not exceeding the difference between the amount so owing and the amount of the bond, to such borrower to enable him to reconstruct, alter, enlarge, adapt or repair the dwelling in respect of which the housing loan was granted and such further loan shall also be deemed to be secured by such bond as if it were a portion of the original housing loan.
- (e) Where a housing loan granted to a borrower is less than the loan which could have been granted to him in terms of this Act, the Commission may approve of a further housing loan, not exceeding the difference between the loan granted and the loan which could have been granted, to such borrower to enable him to reconstruct, alter, enlarge, adapt or repair the dwelling in respect of which the housing loan was granted.

(2) Any further housing loan approved in terms of paragraph (e) of sub-section (1) shall be secured by a further mortgage bond over the land on which the dwelling in question is constructed and such further mortgage bond shall rank with the first bond over such land.

Remedies against
borrowers.

19. (1) If any person to whom a housing loan has been granted—

- (a) fails to pay any amount due in respect of or in connection with such loan on the due date;
- (b) has not applied the whole or any portion of the loan to the specific purpose for which it was granted;
- (c) has failed to make reasonable progress in connection with the construction of the dwelling in respect of which the loan has been granted, regard being had to the period determined for its completion;
- (d) fails to comply with any condition on which such loan was granted or any portion thereof was paid out; or
- (e) becomes insolvent,

the Commission may, notwithstanding anything to the contrary in any law contained, either—

- (i) recover from such person any amount paid to him or to any other person on his behalf out of the fund and not yet repaid, together with interest due thereon, by action in a competent court, or
- (ii) after giving forty-two days notice by prepaid registered letter addressed to such person at his last known place of abode or business, and, if the property on which such loan is secured is occupied by a person other than the owner, after similarly giving notice to the occupier, by any officer of the National Housing Office authorized in writing by the Commission and without obtaining

sulke lenings te kwalifiseer, bepaal, en verskillende inkomsteperke kan bepaal word ten opsigte van verskillende kategorieë van persone of ten opsigte van persone wat in verskillende gebiede woon.

- (b) Die Kommissie kan te eniger tyd, met goedkeuring van die lener, die tydperk wat vir die terugbetaling van 'n behuisingslening bepaal is, verleng of verkort.
- (c) Die Kommissie kan goedkeuring verleen vir die byvoeging by enige bedrag wat deur 'n lener ten opsigte van 'n behuisingslening verskuldig is van—
 - (i) enige agterstallige paaielemente;
 - (ii) enige rente wat op sodanige lening oploop onderwyl die woning ten opsigte waarvan die lening toegestaan is, gebou word,
 en in daardie geval word die bedrae van enige toekomstige paaielemente en rente wat deur die lener betaal moet word, dienooreenkomstig aangepas, en word die hele gekonsolideerde skuld geag versekureer te wees deur die verband wat die oorspronklike behuisingslening versekureer.
- (d) Waar die bedrag wat werklik deur die lener verskuldig is uit hoofde van 'n verband wat 'n behuisingslening versekureer minder is as die bedrag van die verband, kan die Kommissie goedkeuring verleen vir 'n verdere lening, wat nie die verskil tussen die bedrag aldus verskuldig en die bedrag van die verband oorskry nie, aan bedoelde lener om hom in staat te stel om die woning ten opsigte waarvan die behuisingslening toegestaan is, te herbou, te verander, te vergroot, te verbou of te herstel en sodanige verdere lening word dan ook geag deur sodanige verband versekureer te wees asof dit 'n gedeelte van die oorspronklike behuisingslening was.
- (e) Waar 'n behuisingslening wat aan 'n lener toegestaan is minder is as die lening wat aan hom toegestaan kon gewees het ingevolge hierdie Wet, kan die Kommissie goedkeuring verleen vir 'n verdere behuisingslening, wat nie die verskil tussen die lening toegestaan en die lening wat toegestaan kon gewees het, oorskry nie, aan sodanige lener om hom in staat te stel om die woning ten opsigte waarvan die behuisingslening toegestaan is, te herbou, te verander, te vergroot, te verbou of te herstel.

(2) Enige verdere behuisingslening wat ingevolge paragraaf (e) van sub-artikel (1) goedgekeur word, moet deur 'n verdere verband oor die grond waarop die betrokke woning gebou is, versekureer word en sodanige verdere verband geniet dieselfde voorrang as die eerste verband oor bedoelde grond.

19. (1) Indien enige persoon aan wie 'n behuisingslening toegestaan is— Regsmiddels teen leners.

- (a) versuim om enige bedrag wat ten opsigte van of in verband met sodanige lening verskuldig is op die vervaldag te betaal;
 - (b) nie die hele lening of enige gedeelte daarvan vir die spesifieke doel aangewend het waarvoor dit toegestaan is nie;
 - (c) versuim het om redelike vordering te maak in verband met die bou van die woning ten opsigte waarvan die lening toegestaan is, gelet op die tydperk wat vir die voltooiing daarvan bepaal is;
 - (d) versuim om te voldoen aan enige voorwaarde waarop die lening toegestaan is of enige gedeelte daarvan uitbetaal is;
 - (e) insolvent raak,
- kan die Kommissie, ondanks andersluidende wetsbepalings, of—
- (i) van sodanige persoon enige bedrag wat aan hom of aan iemand anders ten behoeve van hom, uit die fonds betaal is en nog nie terugbetaal is nie, tesame met die rente verskuldig daarop, deur aksie in 'n bevoegde hof verhaal; of
 - (ii) nadat twee-en-veertig dae kennis gegee is per vooruitbetaalde aangetekende brief gerig aan bedoelde persoon by sy laaste bekende woon- of besigheidsplek en, indien die eiendom waarop sodanige lening versekureer is deur 'n ander persoon as die eienaar geokkupeer word, nadat kennis op dieselfde manier gegee is aan die okkuperder, deur middel van enige amptenaar van die Nasionale Behuisingskantoor wat skriftelik deur die Kommissie gemagtig is en sonder om 'n

any judgment or order of the court, enter upon and take possession of the property on which the loan is secured.

(2) When any property has been taken into possession in terms of sub-section (1) the Commission may, after notice of intention to sell, published once a week for three consecutive weeks in an Afrikaans and an English newspaper circulating in the area in which the said property is situated, sell by public auction or by public tender the said property and transfer it to the purchaser and give a good and valid title thereto, notwithstanding that such property may also be hypothecated in favour of a person other than the Commission: Provided that if the said property is so hypothecated it shall not be sold unless the Commission has, at least three weeks before the date fixed for the sale, given notice to the mortgagee concerned by prepaid registered letter addressed to him at his last known place of abode or business, of the intention to sell the said property.

(3) If any dwelling which has been taken into possession in terms of sub-section (1) has not been completed, the Commission may complete such dwelling before it is sold in terms of sub-section (2).

(4) The proceeds of the sale of any property in terms of sub-section (2) shall be utilized to pay—

- (a) all amounts due to the fund;
- (b) all costs (if any) incurred by the Commission in connection with the completion of any dwelling; and
- (c) all costs incurred in connection with the sale of such property,

and the balance (if any) shall be paid to the person to whom the housing loan was granted or to any other person who is legally entitled to receive such balance.

(5) The Commission may at a sale by public auction purchase any dwelling sold in terms of sub-section (2).

(6) Any dwelling purchased in terms of sub-section (5) shall be transferred to the Commission and the provisions of this Act relating to dwellings constructed by the Commission shall thereafter apply in respect of such dwelling as if it were a dwelling constructed by the Commission in terms of section forty.

(7) Where any property has been sold in terms of sub-section (2), the Commission may consent to the purchaser taking over the interest and liabilities of the previous owner in respect of the housing loan and in order to give effect thereto may consent to the substitution of the purchaser as mortgagor in respect of the existing bond, notwithstanding the fact that the previous owner has not agreed to the taking over of such interest and liabilities by the purchaser, and the provisions of this Act relating to housing loans shall apply in respect of a purchaser who has so taken over the interest and liabilities of the previous owner as if the housing loan had originally been granted to such purchaser.

(8) The Registrar is hereby authorized to make such endorsements on any deed, bond or other document and effect such alterations or make such entries in his registers as may be necessary to give effect to the provisions of this section.

Pre-emptive right of Commission in respect of dwellings constructed by means of housing loans.

20. (1) It shall be a condition of every housing loan granted in terms of sub-section (1) of section seventeen to a person for the construction of a dwelling that, notwithstanding the fact that the total amount of the loan, together with all interest thereon, has been repaid and that the mortgage bond which secured such loan has been cancelled by reason of such repayment, such person or his successors in title shall not sell or otherwise alienate the dwelling within a period of five years from the date of the registration of the mortgage bond, unless he has first offered it for sale to the Commission.

(2) Any such offer shall be made in writing and shall be accepted or rejected by the Commission within a period of sixty days after receipt thereof.

(3) If such offer is accepted, the purchase price shall be determined—

- (a) by agreement between the Commission and the person concerned; or
- (b) if the Commission and such person are unable to come to an agreement within a period of sixty days

vonnis of bevel van die hof te verkry, die eiendom waarop die lening versekureer is, betree en in besit neem.

(2) Wanneer 'n eiendom ingevolge sub-artikel (1) in besit geneem is, kan die Kommissie, na kennisgewing van die voorneme om te verkoop een keer per week vir drie agtereenvolgende weke gepubliseer is in 'n Afrikaanse en 'n Engelse koerant wat in omloop is in die gebied waar bedoelde eiendom geleë is, bedoelde eiendom by openbare veiling of by publieke tender verkoop en dit aan die koper oordra en 'n goeie en geldige titel daarvan verleen, nieteenstaande dat bedoelde eiendom ook ten gunste van 'n ander persoon as die Kommissie verhipotekeer mag wees: Met dien verstande dat as bedoelde eiendom aldus verhipotekeer is, dit nie verkoop mag word tensy die Kommissie, minstens drie weke voor die datum wat vir die verkoping bepaal is, aan die betrokke verbandhouer kennis gegee het per vooruitbetaalde aangetekende brief aan hom by sy laaste bekende woon- of besigheidsplek gerig, van die voorneme om bedoelde eiendom te verkoop.

(3) Indien 'n woning wat ingevolge sub-artikel (1) in besit geneem is, nie voltooi is nie, kan die Kommissie bedoelde woning voltooi voordat dit ingevolge sub-artikel (2) verkoop word.

(4) Die opbrengs van die verkoop van 'n eiendom ingevolge sub-artikel (2) word aangewend om—

(a) alle bedrae wat aan die fonds verskuldig is;

(b) alle koste (indien enige) wat deur die Kommissie in verband met die voltooiing van 'n woning aangegaan is; en

(c) alle koste wat in verband met die verkoop van bedoelde eiendom aangegaan is,

te betaal en die saldo (indien enige) word aan die persoon aan wie die behuisingslening toegestaan was of aan enige ander persoon wat wettiglik geregtig is om sodanige saldo te ontvang, betaal.

(5) Die Kommissie kan by 'n verkoping by openbare veiling enige woning wat ingevolge sub-artikel (2) verkoop word, koop.

(6) 'n Woning wat ingevolge sub-artikel (5) gekoop word, moet aan die Kommissie getransporeer word en die bepaling van hierdie Wet betreffende wonings wat deur die Kommissie gebou is, is daarna van toepassing ten opsigte van bedoelde woning asof dit 'n woning was wat ingevolge artikel veertig deur die Kommissie gebou is.

(7) Waar 'n eiendom ingevolge sub-artikel (2) verkoop is, kan die Kommissie toestem dat die koper die belange en verpligtings van die vorige eienaar ten opsigte van die behuisingslening oorneem, en ten einde daaraan gevolg te gee kan die Kommissie toestem dat die koper in die plek van die vorige eienaar as verbandgewer ten opsigte van die bestaande verband gestel word, ondanks die feit dat die vorige eienaar nie tot die oorneem deur die koper van sodanige belange en verpligtings toegestem het nie, en die bepaling van hierdie Wet met betrekking tot behuisingslenings is van toepassing ten opsigte van 'n koper wat aldus die belange en verpligtings van die vorige eienaar oorgeneem het asof die behuisingslening oorspronklik aan bedoelde koper toegestaan was.

(8) Die Registrateur word hierby gemagtig om sodanige endossemente op enige akte, verbandakte of ander dokument te maak en om sodanige veranderinge in sy registers aan te bring of sodanige inskrywings in sy registers te maak as wat nodig mag wees om aan die bepalinge van hierdie artikel gevolg te gee.

20. (1) Dit is 'n voorwaarde van elke behuisingslening wat ingevolge sub-artikel (1) van artikel sewentien aan 'n persoon vir die bou van 'n woning toegestaan word, dat, ondanks die feit dat die totale bedrag van die lening, tesame met alle rente daarop, terugbetaal is en dat die verband wat bedoelde lening versekureer het weens sodanige terugbetaling gekanselleer is, sodanige persoon of sy regsopvolgers nie die woning binne 'n tydperk van vyf jaar vanaf die datum van registrasie van die verband mag verkoop of andersins vervreem nie, tensy hy dit eers aan die Kommissie te koop aangebied het.

(2) So 'n aanbod moet skriftelik gedoen word en moet deur die Kommissie binne 'n tydperk van sestig dae na ontvangs daarvan, aanvaar of van die hand gewys word.

(3) Indien sodanige aanbod aanvaar word, word die koopprys bepaal—

(a) by ooreenkoms tussen die Kommissie en die betrokke persoon; of

(b) indien die Kommissie en bedoelde persoon nie binne 'n tydperk van sestig dae na aanvaarding van die

Voorkoopreg van Kommissie ten opsigte van wonings wat deur middel van behuisingslenings gebou is.

after the acceptance of the offer, by two arbitrators, one of whom shall be appointed by such person or (if he fails to appoint an arbitrator within fourteen days after having been required to do so in writing by the Commission) by the Minister and the other by the Commission; or

- (c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister, and the decision of any such referee shall be final.

(4) In determining the purchase price of the dwelling, the arbitrators or the referee shall be guided by any principles which may be prescribed by regulation.

(5) The costs, calculated in accordance with the higher scale applicable to costs in magistrates' courts, in connection with the determination of the purchase price of the dwelling, shall, in the absence of agreement between the parties, be paid—

- (a) if the determination is made by arbitrators in terms of paragraph (b) of sub-section (3), as directed by them; or
- (b) if the arbitrators are unable to agree as to the direction to be given under paragraph (a), by the party who incurred the costs; or
- (c) if the determination is made by a referee in terms of paragraph (c) of sub-section (3), as directed by him, and his decision shall be final.

(6) When any dwelling purchased in terms of sub-section (3) has been transferred to the Commission, the provisions of this Act relating to dwellings constructed by the Commission shall apply in respect of such dwelling as if it were a dwelling constructed by the Commission in terms of section forty.

(7) The Commission may at any time grant exemption from the provisions of sub-section (1) in respect of any dwelling to which the provisions of that sub-section apply.

(8) The Registrar shall at the request of the Commission—

- (a) make such endorsements on the title deeds of any dwelling and such entries in his registers as may be necessary to indicate that the provisions of sub-section (1) apply in respect of such dwelling; and
- (b) cancel any such endorsements and entries where an exemption has been granted in terms of sub-section (7) in respect of a dwelling.

(9) No transfer of any dwelling in respect of which the condition referred to in sub-section (1) applies, shall be passed to a person other than the Commission unless there is produced to the Registrar a certificate signed on behalf of the Commission by the Secretary that such dwelling has been offered for sale to the Commission in terms of the said sub-section and that the offer has been rejected.

CHAPTER V.

BUILDING SOCIETY LOANS.

Loans granted
in collaboration
with building
societies.

21. (1) The Commission may assist any building society, in the manner hereinafter provided, to enable it to grant a building loan to any person for the purpose of enabling such person to construct an approved dwelling.

(2) If the amount of any building loan granted by a building society to any person is not less than sixty per cent. and not more than ninety per cent. of—

- (a) the purchase price of the land (including any improvements thereon) plus the estimated cost of constructing the dwelling on that land; or
- (b) the provisional valuation made in terms of sub-section (3) of the land (including any improvements thereon) together with the dwelling which is to be constructed, whichever is the lesser, the Commission may either—
 - (i) approve of the granting to such society of an advance not exceeding one-third of the total building loan; or
 - (ii) by agreement with such society guarantee in such form as may be approved by the Treasury, that it will bear so much of any loss which may be sustained by the society as the Commission would have sustained if it

aanbod kan ooreenkom nie, deur twee arbiters, van wie een deur bedoelde persoon of (indien hy versuim om 'n arbiter te benoem binne veertien dae nadat hy skriftelik deur die Kommissie aangesê is om dit te doen) deur die Minister en die ander deur die Kommissie benoem word; of

- (c) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of (indien hulle nie omtrent die skeidsregter kan ooreenkom nie) deur 'n skeidsregter deur die Minister benoem, en die beslissing van so 'n skeidsregter is afdoende.

(4) By die bepaling van die koopprys van die woning moet die arbiters of die skeidsregter enige beginsels wat by regulasie voorgeskryf mag wees, in ag neem.

(5) Die koste, bereken volgens die hoër skaal wat van toepassing is op koste in magistraatshoue, in verband met die bepaling van die koopprys van die woning word, by onstentenis van ooreenkoms tussen die partye, betaal—

- (a) indien die bepaling, ingevolge paragraaf (b) van sub-artikel (3), deur arbiters gemaak word, soos deur hulle beveel word; of

- (b) indien die arbiters nie kan ooreenkom betreffende die bevel wat kragtens paragraaf (a) gegee moet word nie, deur die party wat die koste aangegaan het; of

- (c) indien die bepaling, ingevolge paragraaf (c) van sub-artikel (3), deur 'n skeidsregter gemaak word, soos deur hom beveel word, en sy beslissing is afdoende.

(6) Wanneer 'n woning wat ingevolge sub-artikel (3) gekoop is aan die Kommissie oorgedra is, is die bepalings van hierdie Wet met betrekking tot wonings wat deur die Kommissie gebou is ten opsigte van sodanige woning van toepassing asof dit 'n woning was wat ingevolge artikel veertig deur die Kommissie gebou is.

(7) Die Kommissie kan te eniger tyd vrystelling van die bepalings van sub-artikel (1) verleen ten opsigte van enige woning waarop die bepalings van daardie sub-artikel van toepassing is.

(8) Die Registrateur moet op versoek van die Kommissie—

- (a) sulke endossemente op die titelbewyse van enige woning maak en sulke inskrywings in sy registers maak as wat nodig mag wees om aan te dui dat die bepalings van sub-artikel (1) ten opsigte van sodanige woning van toepassing is; en

- (b) enige sodanige endossemente en inskrywings kanselleer waar 'n vrystelling ingevolge sub-artikel (7) ten opsigte van 'n woning verleen is.

(9) Geen transport van 'n woning ten opsigte waarvan die in sub-artikel (1) vermelde voorwaarde van toepassing is, word aan 'n ander persoon as die Kommissie gepasseer nie, tensy daar aan die Registrateur 'n sertifikaat, onderteken ten behoeve van die Kommissie deur die Sekretaris, voorgelê word dat sodanige woning ingevolge genoemde sub-artikel aan die Kommissie te koop aangebied is en dat die aanbod van die hand gewys is.

HOOFSTUK V.

BOUVERENIGINGLENINGS.

21. (1) Die Kommissie kan enige bouvereniging help, op die wyse hieronder bepaal, ten einde hom in staat te stel om 'n boulening aan enige persoon toe te staan om dit vir sodanige persoon moontlik te maak om 'n goedgekeurde woning te bou. Lenings toegestaan in samewerking met bouverenigings.

(2) Indien die bedrag van enige boulening deur 'n bouvereniging aan 'n persoon toegestaan, nie minder as sestig persent en nie meer as negentig persent is nie van—

- (a) die koopprys van die grond (met inbegrip van enige verbeterings daarop) plus die geraamde koste van die bou van die woning op daardie grond; of

- (b) die voorlopige waardering ingevolge sub-artikel (3) gemaak van die grond (met inbegrip van enige verbeterings daarop) tesame met die woning wat gebou staan te word,

watter een ook die minste is, kan die Kommissie of—

- (i) goedkeuring verleen vir die toestaan aan sodanige vereniging van 'n voorskot van hoogstens een-derde van die totale boulening; of

- (ii) by ooreenkoms met sodanige vereniging, 'n waarborg, in so 'n vorm as wat die Tesourie mag goedkeur, verstrek dat hy soveel van enige verlies wat deur die vereniging gely mag word, sal dra as wat die Kommissie

had granted an advance of an amount equal to the amount so guaranteed.

(3) A building society to which application is made for a building loan shall cause a provisional valuation of the land (including any improvements thereon) together with the dwelling which is to be constructed, to be made in accordance with the provisions of the Building Societies Act, 1934 (Act No. 62 of 1934) and shall submit a certified copy of the statement reflecting such valuation together with the application to the Commission.

(4) The provisions of sub-section (3) of section *twenty-four* of the Building Societies Act, 1934, shall not apply in respect of any building loan granted by a building society.

(5) Moneys advanced out of the fund to a building society under this section shall not be regarded as deposits or loans for the purposes of the Building Societies Act, 1934.

Circumstances in which advances may be approved or guarantees provided.

22. The Commission may approve of the granting of an advance or provide a guarantee in terms of section *twenty-one* only if—

- (a) it is satisfied that the building society is in a position to exercise effective control in regard to the use and the repayment of any building loan;
- (b) the applicant is a natural person and the Commission is satisfied that the applicant requires the dwelling for the accommodation of himself and his dependents and that he complies with such income requirements as may be determined by the Commission for borrowers in respect of the area where the dwelling is to be constructed;
- (c) 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 amount of the provisional valuation made in terms of sub-section (3) of section *twenty-one*;
- (d) it is satisfied that the amount of the building loan is such that the monthly instalments of repayment of capital and interest will not exceed such percentage of the borrower's monthly personal income as may be determined by the Commission;
- (e) the building loan does not exceed the maximum determined by the Commission for any building loan in the area in which the dwelling is to be constructed;
- (f) the building loan is to be secured by a first mortgage over the land on which the dwelling is to be constructed and such land is urban immovable property as defined in the Building Societies Act, 1934 (Act No. 62 of 1934);
- (g) the dwelling is to be constructed in accordance with the plans and specifications approved by the Commission; and
- (h) the period of repayment of the building loan is not longer than that prescribed by regulation for the repayment of such a loan which shall not exceed the period of repayment provided for in sub-section (1) *ter* of section *twenty-four* of the Building Societies Act, 1934.

Interest payable by building society on advances and by borrowers on housing loans.

23. (1) An advance made to any building society in terms of section *twenty-one* shall bear interest at the rate prescribed in terms of paragraph (c) of sub-section (2) of section *five* for such an advance, from the date of payment thereof to the society.

(2) The interest chargeable by a building society in respect of any building loan shall, subject to the provisions of sub-section (3), be at such a rate as the Commission may approve.

(3) The Commission may approve of the inclusion in the mortgage bond securing any building loan of a clause in terms of which the building society shall be permitted to increase the rate of interest in respect of any portion of such loan which has not yet been repaid, by not more than two per cent.: Provided that the rate of interest in respect of a building loan shall not be increased in terms of any such clause unless—

- (a) such society has given not less than three months' notice to the debtor of its intention to increase that rate; and
- (b) the normal rate of interest which such society charges in respect of advances intended to be used for the erection of dwellings is increased by at least the same

sou gelyk het indien hy 'n voorskot van 'n bedrag gelyk aan die bedrag aldus gewaarborg, toegestaan het.

(3) 'n Bouvereniging by wie aansoek gedoen word om 'n boulening moet 'n voorlopige waardering van die grond (met inbegrip van enige verbeterings daarop) tesame met die woning wat gebou staan te word, laat maak ooreenkomstig die bepalings van die Bouverenigingswet, 1934 (Wet No. 62 van 1934), en moet 'n gesertifiseerde afskrif van die staat waarin bedoelde waardering uiteengesit word tesame met die aansoek aan die Kommissie voorlê.

(4) Die bepalings van sub-artikel (3) van artikel vier-en-twintig van die Bouverenigingswet, 1934, is nie ten opsigte van 'n boulening wat deur 'n bouvereniging toegestaan is, van toepassing nie.

(5) Gelde wat kragtens hierdie artikel uit die fonds aan 'n bouvereniging voorgeskiet is, word nie vir die doeleindes van die Bouverenigingswet, 1934, as deposito's of lenings beskou nie.

22. Die Kommissie kan slegs die toestaan van 'n voorskot goedkeur of 'n waarborg verstrek ingevolge artikel een-en-twintig indien—

Omstandighede waaronder voorskotte goedgekeur mag word of waarborge verstrek mag word.

- (a) hy oortuig is dat die bouvereniging in staat is om doeltreffende beheer uit te oefen met betrekking tot die gebruik en terugbetaling van 'n boulening;
- (b) die applikant 'n natuurlike persoon is en die Kommissie oortuig is dat die applikant die woning nodig het vir die huisvesting van homself en sy afhanklikes en dat hy aan sulke inkomste-vereistes as wat die Kommissie mag bepaal vir leners ten opsigte van die gebied waar die woning gebou staan te word, voldoen;
- (c) die applikant nie bates besit nie wat vir die bou van die woning gebruik sou kon word en waarvan die waarde minstens veertig persent bedra van die bedrag van die voorlopige waardering wat ingevolge sub-artikel (3) van artikel een-en-twintig gemaak is;
- (d) hy oortuig is dat die bedrag van die boulening sodanig is dat die maandelikse paaielemente vir terugbetaling van kapitaal en rente nie so 'n persentasie van die lener se maandelikse persoonlike inkomste as wat die Kommissie mag bepaal, sal oorskry nie;
- (e) die boulening nie die maksimum wat deur die Kommissie bepaal is vir 'n boulening in die gebied waarin die woning gebou staan te word, oorskry nie;
- (f) die boulening deur 'n eerste verband oor die grond waarop die woning gebou staan te word, versekureer gaan word en bedoelde grond stedelike onroerende eiendom, soos omskryf in die Bouverenigingswet, 1934, (Wet No. 62 van 1934), is;
- (g) die woning gebou staan te word volgens planne en spesifikasies deur die Kommissie goedgekeur; en
- (h) die tydperk van terugbetaling van die boulening nie langer is nie as dié by regulasie voorgeskryf vir die terugbetaling van so 'n lening, wat nie die tydperk van terugbetaling waarvoor in sub-artikel (1) ter van artikel vier-en-twintig van die Bouverenigingswet, 1934, voorsiening gemaak word, mag oorskry nie.

23. (1) 'n Voorskot aan 'n bouvereniging gemaak ingevolge artikel een-en-twintig kweek rente vanaf die datum van betaling daarvan aan die vereniging, teen die koers wat ingevolge paragraaf (c) van sub-artikel (2) van artikel vyf vir so 'n voorskot voorgeskryf is.

Rente betaalbaar deur bouvereniging op voorskotte en deur leners op boulenings.

(2) Die rente wat deur 'n bouvereniging gevorder mag word ten opsigte van enige boulening, moet, behoudens die bepalings van sub-artikel (3), teen so 'n koers wees as wat die Kommissie goedkeur.

(3) Die Kommissie kan goedkeuring verleen vir die insluiting in die verbandakte wat 'n boulening versekureer van 'n bepaling waarvolgens die bouvereniging toegelaat word om die rentekoers ten opsigte van enige gedeelte van die lening wat nog nie terugbetaal is nie, met nie meer as twee persent nie, te verhoog: Met dien verstande dat die rentekoers ten opsigte van 'n boulening nie ingevolge so 'n bepaling verhoog mag word nie, tensy—

- (a) bedoelde vereniging minstens drie maande kennis van sy voorneme om daardie koers te verhoog, aan die skuldenaar gegee het; en
- (b) die normale rentekoers wat bedoelde vereniging vorder ten opsigte van voorskotte wat bedoel is om vir die oprigting van wonings gebruik te word, minstens in

extent as that by which the rate of interest in respect of such building loan is being increased.

Power of attorney authorizing society to sell mortgaged property to be obtained.

24. (1) Before any portion of a building loan is paid to the borrower by any building society such society shall obtain from the borrower, in such form as may be approved by the Commission, an irrevocable power of attorney authorizing the said society to sell, with the approval of the Commission, by public auction or public tender the property on which such loan is secured if the borrower fails to comply with any of the conditions on which such loan was granted.

(2) Any such power of attorney shall, notwithstanding the fact that it is executed prior to the registration of a mortgage bond and prior to the grantor being in default, be valid and effective and the common law relating to *parate executie* shall not apply with reference to the sale of the property affected by virtue of such power of attorney.

(3) Before any property is sold by virtue of such a power of attorney the building society concerned shall—

- (a) give forty-two days' notice by prepaid registered letter addressed to the borrower at his last known place of abode or business of its intention to sell such property; and
- (b) cause a notice of its intention to sell such property to be published at least once a week for three consecutive weeks in an Afrikaans and an English newspaper circulating in the area in which such property is situated.

(4) When any property is sold by a building society by virtue of such a power of attorney the Commission may purchase such property, and the provisions of this Act relating to dwellings constructed by the Commission shall thereafter apply in respect of the dwelling on such property as if it were a dwelling constructed by the Commission in terms of section *forty*.

(5) If the Commission refuses to approve of the sale by any building society of any property in respect of which such a power of attorney has been obtained, the Commission shall approve of the payment out of the fund to such society of any amount which is due to such society under the mortgage bond securing the building loan less the amount of any capital or interest due to the fund in respect of any advance made to such society in terms of section *twenty-one*.

(6) Upon payment of such amount to the society it shall cede the bond in question to the Commission and the provisions of this Act (except the provisions of section *twenty*) relating to housing loans granted in terms of section *seventeen* shall thereafter apply as if the building loan which is secured by such bond were a housing loan granted in terms of the said section *seventeen*.

(7) Nothing in this section contained shall be construed as in any way detracting from the right of a society to institute (after notice of its intention to do so has been given to the Commission) any legal proceedings for the recovery of an amount owing to it by a borrower which it could have instituted if this section had not been enacted.

Difference between building loan and estimated cost of property to be deposited with building society.

25. (1) Any building society which grants a building loan shall not proceed with the registration of a mortgage bond securing such loan unless there has been deposited with it an amount equal to the difference between the amount of the loan and the total estimated cost of the property over which the bond is to be registered plus the cost of registration of transfer of the property in the borrower's name and of registration of the bond, in so far as any such costs have not yet been paid.

(2) Out of any amount so deposited the building society shall, where the land on which the dwelling is to be constructed has not been paid for, effect payment of the cost of the land and the cost of registration of transfer and of the bond, against registration of such transfer and bond, and the balance, if any, shall be disbursed by the society to the building contractor engaged in the construction of the dwelling from time to time in accordance with the progress in the construction of the dwelling as certified by an inspector of the society concerned or by any other competent person whose certificate the society may be prepared to accept.

dieselfde mate verhoog word as dié waarin die rentekoers ten opsigte van bedoelde boulening verhoog word.

24. (1) Voordat enige gedeelte van 'n boulening deur 'n bouvereniging aan 'n lener betaal word, moet bedoelde vereniging van die lener 'n onherroeplike prokurasie, in so 'n vorm as wat die Kommissie mag goedkeur, verkry, wat bedoelde vereniging magtig om, met die goedkeuring van die Kommissie, die eiendom waarop bedoelde lening versekureer is by openbare veiling of publieke tender te verkoop indien die lener in gebreke bly om aan enige van die voorwaardes waarop bedoelde lening toegestaan is, te voldoen.

Prokurasie wat vereniging magtig om verhipotekeerde eiendom te verkoop, moet verkry word.

(2) Enige sodanige prokurasie is, ondanks die feit dat dit voor die registrasie van die verband en voordat die gewer in gebreke is, verly word, geldig en van krag en die gemeenreg betrefende *parate executie* is nie met betrekking tot die verkoop van die betrokke eiendom uit hoofde van bedoelde prokurasie, van toepassing nie.

(3) Voordat 'n eiendom uit hoofde van so 'n prokurasie verkoop word, moet die betrokke bouvereniging—

(a) twee-en-veertig dae kennis gee, per vooruitbetaalde aangetekende brief aan die lener by sy laaste bekende woon- of besigheidsplek gerig, van sy voorneme om die eiendom te verkoop; en

(b) 'n kennisgewing van sy voorneme om bedoelde eiendom te verkoop, minstens een keer per week vir drie agtereenvolgende weke in 'n Afrikaanse en 'n Engelse koerant wat in omloop is in die gebied waarin bedoelde eiendom geleë is, laat publiseer.

(4) Wanneer 'n eiendom uit hoofde van so 'n prokurasie deur 'n bouvereniging verkoop word, kan die Kommissie bedoelde eiendom koop, en die bepalings van hierdie Wet met betrekking tot wonings wat deur die Kommissie gebou is, is daarna van toepassing ten opsigte van die woning op bedoelde eiendom asof dit 'n woning was wat deur die Kommissie ingevolge artikel *veertig* gebou is.

(5) Indien die Kommissie weier om goedkeuring te verleen vir die verkoop deur 'n bouvereniging van enige eiendom ten opsigte waarvan so 'n prokurasie verkry is, moet die Kommissie goedkeuring verleen vir die betaling uit die fonds aan bedoelde vereniging van enige bedrag wat aan bedoelde vereniging uit hoofde van die verband wat die boulening versekureer, verskuldig is, min die bedrag van enige kapitaal of rente wat aan die fonds verskuldig is ten opsigte van enige voorskot wat ingevolge artikel *een-en-twintig* aan bedoelde vereniging gemaak is.

(6) Na betaling van bedoelde bedrag aan die vereniging moet hy die betrokke verband aan die Kommissie sodeer en die bepalings van hierdie Wet (behalwe die bepalings van artikel *twintig*) met betrekking tot behuisingslenings wat ingevolge artikel *sewentien* toegestaan is, is daarna van toepassing asof die boulening wat deur bedoelde verband versekureer word 'n behuisingslening was wat ingevolge genoemde artikel *sewentien* toegestaan is.

(7) Die bepalings van hierdie artikel word nie so uitgelê nie as sou dit op enige wyse afbreuk doen aan die reg van 'n vereniging om (nadat kennis van sy voorneme om dit te doen aan die Kommissie gegee is) enige regsgeding vir die verhaal van 'n bedrag wat deur 'n lener aan hom verskuldig is, in te stel wat hy sou kon ingestel het as hierdie artikel nie aangeneem was nie.

25. (1) 'n Bouvereniging wat 'n boulening toestaan, gaan nie voort met die registrasie van die verband wat daardie lening versekureer nie tensy daar by hom 'n bedrag gedeponeer is wat gelyk is aan die verskil tussen die bedrag van die lening en die totale geraamde koste van die eiendom ten opsigte waarvan die verband geregistreer staan te word plus die koste van registrasie van oordrag van die eiendom op naam van die lener en van registrasie van die verband vir sover enige sodanige koste nog nie betaal is nie.

Verskil tussen boulening en geraamde koste van eiendom moet by bougenootskap gedeponeer word.

(2) Uit enige bedrag aldus gedeponeer moet die bouvereniging, waar die grond waarop die woning gebou staan te word nog nie betaal is nie, betaal vir die koste van die grond en vir die koste van registrasie van oordrag en van die verband, by registrasie van sodanige oordrag en verband, en die saldo, indien enige, moet van tyd tot tyd deur die vereniging aan die aannemer wat die woning bou uitbetaal word ooreenkomstig die vordering met die bou van die woning soos gesertifiseer deur 'n inspekteur van die betrokke vereniging of deur enige ander bevoegde persoon wie se sertifikaat die vereniging bereid is om te aanvaar.

Interest and liabilities of borrower may be taken over by another person.

26. (1) If any person complies with the requirements with which the borrower in respect of any building loan had to comply, the building society concerned may, with the approval of the Commission, consent to the taking over by such person of the interest and liabilities of the borrower in respect of such loan.

(2) Where such interest and liabilities are taken over by any person—

- (a) the building society shall, before transfer to such person of the property on which the loan is secured, obtain from him such an irrevocable power of attorney as is referred to in section *twenty-four*; and
- (b) such person shall simultaneously with the transfer of the property in question to him pass a fresh bond over such property to secure any amount still owing in respect of the building loan,

and the provisions of this Act relating to building loans shall thereupon apply in respect of such person as if the building loan had originally been granted to him.

Losses sustained by building society in connection with building loans.

27. If, through no fault of the building society any loss is sustained in respect of a building loan, that loss shall, to the extent determined in the manner prescribed by regulation, be borne by the Commission or by the society, or partly by the Commission and partly by the society on such a basis as may be so prescribed.

Cession of mortgage bond by building society to Commission or other building society.

28. (1) If at any time the Commission is not satisfied that a building society is financially sound, or if the certificate of registration of a building society has been cancelled in terms of the law under which it was registered, the Commission may approve of the payment out of the fund to such society, or of the payment by any other building society to such first-mentioned society, of any amount which is due to it under any mortgage bond securing a building loan, less the amount of capital or interest due to the fund in respect of the advance made in terms of section *twenty-one* to such first-mentioned society in respect of such loan and against payment of such amount the first-mentioned society shall cede its bond to the Commission or to such other building society, as the case may be.

(2) Whenever a building society has, in terms of sub-section (1), ceded to another building society any mortgage bond securing a housing loan, the irrevocable power of attorney obtained by the first-mentioned society in terms of section *twenty-four* shall be deemed to have been obtained by such other building society and the provisions of this Act relating to building loans shall apply in respect of such other building society as if the building loan had originally been granted by it.

(3) Where a mortgage bond securing a building loan has been ceded to the Commission in terms of sub-section (1) the provisions of this Act (except the provisions of section *twenty*) relating to housing loans granted in terms of section *seventeen* shall apply as if the building loan which is secured by such bond were a housing loan granted in terms of the said section *seventeen*.

Building Societies Act, 1934, to apply in respect of building loans granted by building society.

29. Save as is otherwise provided in this Act, the provisions of the Building Societies Act, 1934 (Act No. 62 of 1934), relating to advances thereunder shall apply in respect of any building loan granted by a building society registered under that Act.

CHAPTER VI.

ACQUISITION OF LAND BY COMMISSION.

Acquisition of land for housing purposes.

30. Notwithstanding anything to the contrary in any law contained, the Commission may with the written approval of the Minister, purchase, expropriate or otherwise acquire any land which it requires for the purpose of constructing a dwelling or of carrying out a scheme: Provided that land, which in terms of any law relating to mining, is or is deemed to be proclaimed land or which forms part of any such land, or upon which prospecting, digging or mining operations are being carried on, or in respect of which a prospecting contract or prospecting licence is registered in the office of the Registrar of Mining Titles, or on which minerals are, on reasonable grounds, believed to

26. (1) Indien enige persoon voldoen aan die vereistes waarvan 'n lener ten opsigte van 'n boulening moes voldoen het, kan die betrokke bouvereniging, met die goedkeuring van die Kommissie, toestemming verleen vir die oorname deur sodanige persoon van die belange en verpligtings van die lener ten opsigte van bedoelde lening.

Belange en verpligtings van lener kan deur iemand anders oorgeneem word.

(2) Waar sodanige belange en verpligtings deur enige persoon oorgeneem word—

(a) moet die bouvereniging, voordat die eiendom waarop die lening versekureer is aan bedoelde persoon oorgedra word, van hom so 'n onherroeplike prokurasie soos in artikel vier-en-twintig bedoel, verkry; en

(b) moet bedoelde persoon gelyktydig met die oordrag van die betrokke eiendom aan hom 'n nuwe verband oor bedoelde eiendom passeer om enige bedrag wat nog ten opsigte van die boulening verskuldig is, te versekureer,

en die bepalings van hierdie Wet met betrekking tot boulenings is daarna ten opsigte van bedoelde persoon van toepassing asof die boulening oorspronklik aan hom toegestaan was.

27. Indien daar, sonder enige skuld van die bouvereniging, 'n verlies ten opsigte van 'n boulening gely word, word daardie verlies gedra, in die mate bepaal op die wyse by regulasie voorgeskryf, deur die Kommissie of deur die vereniging, of gedeeltelik deur die Kommissie en gedeeltelik deur die vereniging op so 'n grondslag as wat aldus voorgeskryf word.

Verliese wat deur bouvereniging in verband met boulenings gely word.

28. (1) Indien die Kommissie te eniger tyd nie oortuig is dat 'n bouvereniging in 'n gesonde finansiële toestand verkeer nie of, indien die registrasie-sertifikaat van 'n bouvereniging ingevolge die wetsbepalings waarkragtens hy geregistreer was, ingetrek is, kan die Kommissie goedkeuring verleen vir die betaling uit die fonds aan bedoelde vereniging, of vir die betaling deur enige ander bouvereniging aan bedoelde eersgenoemde vereniging, van enige bedrag wat aan hom verskuldig is uit hoofde van 'n verband wat 'n boulening versekureer, min die bedrag van die kapitaal of rente wat aan die fonds verskuldig is ten opsigte van die voorskot wat ingevolge artikel een-en-twintig aan bedoelde eersgenoemde vereniging ten opsigte van bedoelde lening gemaak is, en by betaling van bedoelde bedrag moet die eersgenoemde vereniging sy verband aan die Kommissie of aan bedoelde ander bouvereniging, na gelang van die geval, sedgeer.

Sessie van verband deur vereniging aan Kommissie of ander bouvereniging.

(2) Wanneer 'n bouvereniging enige verband wat 'n boulening versekureer aan 'n ander bouvereniging gesedgeer het ingevolge sub-artikel (1), word die onherroeplike prokurasie wat deur eersgenoemde vereniging ingevolge artikel vier-en-twintig verkry is, geag deur bedoelde ander bouvereniging verkry te gewees het en die bepalings van hierdie Wet met betrekking tot boulenings is ten opsigte van bedoelde ander bouvereniging van toepassing asof die boulening oorspronklik deur hom toegestaan was.

(3) Waar 'n verband wat 'n boulening versekureer aan die Kommissie gesedgeer is ingevolge sub-artikel (1), is die bepalings van hierdie Wet (behalwe die bepalings van artikel twintig) met betrekking tot behuisingslenings wat ingevolge artikel sewentien toegestaan is, van toepassing asof die boulening wat deur bedoelde verband versekureer word 'n behuisingslening was wat ingevolge genoemde artikel sewentien toegestaan is.

29. Behalwe soos in hierdie Wet anders bepaal word, is die bepalings van die Bouverenigingswet, 1934 (Wet No. 62 van 1934), met betrekking tot voorskotte daarkragtens, ten opsigte van enige boulening toegestaan deur 'n bouvereniging wat kragtens daardie Wet geregistreer is, van toepassing.

Bouverenigingswet, 1934, is van toepassing ten opsigte van boulenings toegestaan deur bouvereniging.

HOOFTUK VI.

VERKRYGING VAN GROND DEUR KOMMISSIE.

30. Ondanks andersluidende wetsbepalings, kan die Kommissie, met die skriftelike goedkeuring van die Minister, enige grond wat die Kommissie nodig het vir die bou van 'n woning of vir die uitvoering van 'n skema, koop, onteien of op ander wyse verkry: Met dien verstande dat grond wat ingevolge 'n wet op mynbou geproklameerde grond is of geag word te wees of wat deel van sodanige grond uitmaak, of waarop geprospekter of gedelf of mynbouwerkzaamhede gedryf word, of ten opsigte waarvan 'n prospekteerkontrak of -lisensie in die kantoor van die Registrateur van Mynbriewe geregistreer is, of waarop daar, na op redelike gronde vermoed word, minerale

Verkryging van grond vir behuisingsdoeleindes.

exist in workable quantities, shall not be expropriated except in consultation with the Minister of Mines: Provided further that the Minister shall not approve of the expropriation of any land unless he is satisfied that the Commission is unable to purchase such land on reasonable terms and that no other suitable land is available to the Commission and that the Commission is unable to purchase other suitable land on reasonable terms.

Local authority
to furnish certain
information when
required to do so.

31. (1) Any local authority shall, whenever required by the Commission by notice in writing to do so, furnish it within the period specified in the notice or within such further period as it may allow, with a return setting forth the names and addresses of the owners of vacant land within the area of jurisdiction of the local authority or within any portion thereof specified in the notice, the situation of the land, its suitability or otherwise for the construction of a dwelling or the carrying out of a scheme and such other particulars relating to the land as may be so specified.

(2) If any local authority fails to comply with the provisions of sub-section (1), the Commission may with the consent of the Minister, cause to be prepared such return as ought to have been furnished to it by such local authority and recover all costs incurred by the Commission in connection with the preparation of the return from such local authority and for the purposes of recovering those costs it may avail itself of any of the methods mentioned in section *fifteen*.

Access to land
to determine
whether it is
suitable for
dwelling or
scheme.

32. (1) For the purpose of ascertaining whether any land is suitable for the construction of a dwelling or the carrying out of a scheme thereon, any person generally or specially authorized thereto in writing by the Secretary may, subject to the provisions of sub-section (2)—

- (a) enter upon the land with the necessary workmen, equipment and means of transport;
- (b) survey and take levels of the land;
- (c) dig or bore on or into the land;
- (d) do all other acts necessary to ascertain whether the land is suitable for any such purpose; and
- (e) demarcate the boundaries of the land required.

(2) No person shall by virtue of the provisions of sub-section (1), without the consent of the owner or occupier enter any dwelling-house which is occupied or enter upon any enclosed yard or garden attached to any such house, unless he has given the owner or occupier of such house at least twenty-four hours' notice of his intention to do so.

(3) If, in exercising any of the powers conferred by this section, any damage is done to any land or to any improvements thereon and the Commission does not thereafter acquire such land, compensation shall be paid for any such damage to the person entitled thereto.

(4) Any person who hinders or obstructs any authorized person in the exercise of his powers or the performance of his functions or duties in terms of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Procedure on
expropriation.

33. (1) Upon receipt of the written approval of the Minister in terms of section *thirty* to expropriate any land, the Commission shall publish in the *Gazette* a notice of its intention to expropriate the land in question and shall thereafter serve or cause to be served on the owner a notice in the manner prescribed in sub-section (2) setting forth clearly and fully a description of the land and inviting the owner to state the amount claimed by him for the land: Provided that it shall not be necessary for the Commission to serve any notice on any person who is not to the knowledge of the Commission the owner of the land to be expropriated.

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

- (a) by delivery of the notice to the owner personally; or
- (b) by leaving the notice with some adult inmate of his place of residence; or

in ontginbare hoeveelhede voorkom, nie onteien word nie behalwe in oorleg met die Minister van Mynwese: Met dien verstande voorts dat die Minister nie die onteiening van grond goedkeur nie tensy hy oortuig is dat die Kommissie nie in staat is om die grond op redelike voorwaardes te koop nie en dat geen ander geskikte grond vir die Kommissie beskikbaar is nie, en dat die Kommissie nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie.

31. (1) 'n Plaaslike bestuur moet, wanneer hy by skriftelike kennisgewing deur die Kommissie aangesê word om dit te doen, aan die Kommissie, binne die in die kennisgewing vermelde tydperk of binne sodanige verdere tydperk as wat hy mag toelaat, 'n rapport verstrek waarin uiteengesit word die name en adresse van die eienaars van onbeboude grond binne die regsg gebied van die plaaslike bestuur of binne enige gedeelte daarvan in die kennisgewing vermeld, die ligging van die grond, die geskiktheid of andersins daarvan vir die bou van 'n woning of die uitvoering van 'n skema en sodanige ander besonderhede betreffende die grond as wat aldus vermeld mag wees.

Plaaslike bestuur moet sekere inligting verstrek wanneer hy gelas word om dit te doen.

(2) Indien 'n plaaslike bestuur versuim om aan die bepalings van sub-artikel (1) te voldoen, kan die Kommissie, met die toestemming van die Minister, so 'n opgaaf as wat deur die plaaslike bestuur aan die Kommissie verstrek moes gewees het, laat opstel en alle koste deur hom aangegaan in verband met die opstel van die opgaaf van die plaaslike bestuur verhaal, en ten einde bedoelde koste te verhaal, kan hy hom van enigen van die in artikel vyftien genoemde metodes bedien.

32. (1) Ten einde vas te stel of enige grond geskik is vir die bou van 'n woning of die uitvoering van 'n skema daarop, kan enige persoon wat in die algemeen of spesiaal deur die Sekretaris skriftelik daartoe gemagtig is, behoudens die bepalings van sub-artikel (2)—

Toegang tot grond om te bepaal of dit vir 'n woning of skema geskik is.

(a) die grond met die nodige werksmense, toerusting en vervoermiddels betree;

(b) die grond opmeet en die hoogtes daarvan vasstel;

(c) op of in die grond grawe of boor;

(d) alle ander handelinge verrig wat nodig is om vas te stel of die grond vir enige sodanige doel geskik is; en

(e) die grense van die benodigde grond afbaken.

(2) Niemand mag uit hoofde van die bepalings van sub-artikel (1), sonder die toestemming van die eienaar of okkupeerder enige woonhuis wat bewoon word, binnegaan nie of enige omheinde werf of tuin verbonde aan so 'n huis betree nie, tensy hy die eienaar of okkupeerder van bedoelde huis minstens vier-en-twintig uur kennis van sy voorneme om dit te doen, gegee het.

(3) Indien by die uitoefening van enige van die bevoegdhede deur hierdie artikel verleen enige skade berokken word aan enige grond of aan enige verbeterings daarop en die Kommissie verkry nie die grond daarna nie, moet vergoeding vir enige sodanige skade aan die persoon wat daarop geregtig is, betaal word.

(4) Iemand wat enige gemagtigde persoon in die uitoefening van sy bevoegdhede of die uitvoering van sy werksaamhede of pligte ingevolge sub-artikel (1), hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

33. (1) By ontvangs van die Minister se skriftelike goedkeuring ingevolge artikel dertig om grond te onteien, moet die Kommissie 'n kennisgewing van sy voorneme om die betrokke grond te onteien in die *Staatskoerant* publiseer en moet daarna op die in sub-artikel (2) voorgeskrewe wyse aan die eienaar 'n kennisgewing besorg of laat besorg waarin 'n duidelike en volledige beskrywing van die grond uiteengesit word en die eienaar die geleentheid gegee word om die bedrag wat hy vir die grond verlang, te vermeld: Met dien verstande dat dit nie vir die Kommissie nodig is om enige kennisgewing te besorg aan iemand wat nie met wete van die Kommissie die eienaar is van die grond wat onteien staan te word nie.

Procedure by onteiening.

(2) Die in sub-artikel (1) bedoelde kennisgewing moet besorg word—

(a) deur die kennisgewing aan die eienaar persoonlik af te lewer; of

(b) deur die kennisgewing te laat by 'n volwasse inwoner van die plek waar hy woon; of

- (c) by despatching the notice by registered post in an envelope addressed to his last known address; or
 - (d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Union in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the magisterial district in which the land is situate.
- (3) It shall not be necessary in any notice under 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.
- (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 duly 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.
- (5) A notice to expropriate shall be served within thirty days after receipt of the approval by the Minister and if not served within that time, such approval shall lapse unless the Minister has agreed in writing to the extension thereof.
- (6) Upon the service of any such notice the ownership in the land described in the notice shall pass to the Commission free of all encumbrances and the Commission may, after expiry of a period of not less than thirty days from the date of such service, take possession of and use the land.

**Duties of
Registrar on
expropriation.**

34. (1) Whenever any land has been expropriated under section *thirty-three*, the Secretary shall forthwith—

- (a) transmit to the Registrar a certified copy of the notice by which the expropriation has taken place; and
 - (b) transmit to every holder of a bond registered over such land, whose name and address are known to the Secretary, a copy of such notice.
- (2) Upon receipt of the copy referred to in sub-section (1) the Registrar shall—
- (a) record thereon the time and date of such receipt; and
 - (b) note in the appropriate records that the land in question has been expropriated.
- (3) A mortgagee to whom a copy of a notice of expropriation has been transmitted shall within fourteen days after the date of receipt thereof, transmit to the Secretary—
- (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 of title relating to the land which may be in his possession or under his control.
- (4) (a) Every owner on whom a notice has been served under section *thirty-three* shall, within thirty days after the date of expropriation, or within such further period as the Commissioner may allow, deliver or cause to be delivered to the Secretary—
- (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 these are in his possession or under his control;
 - (iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the land and the names and addresses of the holders thereof.
- (b) The Secretary may by notice in writing call upon any person named in any list delivered to the Secretary under sub-paragraph (iii) of paragraph (a), to deliver or cause to be delivered to him, within a period specified in the notice, the documents referred to in that sub-paragraph.

- (c) deur die kennisgewing per aangetekende pos te versend in 'n koevert aan sy laaste bekende adres gerig; of
- (d) indien die kennisgewing nie volgens paragraaf (a), (b) of (c) besorg kan word nie, deur afkondiging in beide offisiële tale van die Unie in drie agtereenvolgende gewone uitgawes van die *Staatskoerant* en een maal per week gedurende drie agtereenvolgende weke in 'n koerant in omloop in die magistraatsdistrik waarin die grond geleë is.
- (3) Dit is nie nodig om in 'n kennisgewing kragtens sub-artikel (1) die eienaar te noem nie, maar as hy nie in die kennisgewing genoem word nie, moet hy daarin as die eienaar van die betrokke grond beskryf word.
- (4) 'n Kennisgewing kragtens sub-artikel (1) wat volgens voorskrif van sub-artikels (2) en (3) besorg is, word geag behoorlik besorg te gewees het, en die datum van besorging van 'n kennisgewing kragtens paragraaf (d) van sub-artikel (2) is die datum waarop dit die eerste maal afgekondig word.
- (5) 'n Kennisgewing om te onteien, moet besorg word binne dertig dae na ontvangs van die Minister se goedkeuring, en indien dit nie binne daardie tyd besorg word nie, verval die goedkeuring, tensy die Minister skriftelik tot die verlenging daarvan ingestem het.
- (6) By besorging van so 'n kennisgewing gaan die eiendomsreg in die grond wat in die kennisgewing beskryf is, oor op die Kommissie vry van alle beswarings, en die Kommissie kan na verstryking van 'n tydperk van minstens dertig dae vanaf die datum van sodanige besorging die grond in besit neem en gebruik.

34. (1) Wanneer grond kragtens artikel *drie-en-dertig* onteien is, moet die Sekretaris onverwyld—

Pligte van
Registrateur by
onteiening.

- (a) aan die Registrateur 'n gesertifiseerde afskrif stuur van die kennisgewing waarby die onteiening plaasgevind het; en
- (b) aan elke houer van 'n geregistreerde verband oor die grond, van wie die naam en adres aan die Sekretaris bekend is, 'n afskrif van bedoelde kennisgewing stuur.
- (2) By ontvangs van die in sub-artikel (1) bedoelde afskrif moet die Registrateur—
 - (a) die tyd en datum van ontvangs van bedoelde afskrif daarop aanteken; en
 - (b) in die gepaste registers aanteken dat die betrokke grond onteien is.
- (3) 'n Verbandhouer aan wie 'n afskrif van 'n kennisgewing van onteiening gestuur is, moet binne veertien dae na die datum van ontvangs daarvan aan die Sekretaris—
 - (a) 'n skriftelike verklaring stuur waarin die bedrae deur hom ontvang by wyse van betaling van die skuld deur die verband versekureer en besonderhede van die bedrag nog daaronder verskuldig, uiteengesit word; en
 - (b) die verbandakte stuur waarvan hy die houer is, asook enige dokument van eiendomsreg wat op die grond betrekking het en wat in sy besit of onder sy beheer mag wees.
- (4) (a) Elke eienaar aan wie 'n kennisgewing kragtens artikel *drie-en-dertig* besorg is, moet binne dertig dae na die datum van onteiening, of binne so 'n verdere tydperk as wat die Kommissie mag toelaat, aan die Sekretaris lewer of laat lewer—
 - (i) 'n skriftelike verklaring waarin die bedrag van die vergoeding (as daar is) wat hy verlang, uiteengesit word;
 - (ii) die stukke wat sy titelbewyse op die grond uitmaak, indien dit in sy besit of onder sy beheer is;
 - (iii) 'n deur hom ondertekende lys van bedoelde stukke indien dit nie in sy besit of onder sy beheer is nie, met vermelding van die registrasienommers en datums daarvan en die naam en adres van die persoon in wie se besit of onder wie se beheer daardie stukke is en die registrasienommers en datums van verbande op die grond (as daar is) en die name en adresse van die houters daarvan.
- (b) Die Sekretaris kan by skriftelike kennisgewing iemand wat in 'n ingevolge sub-paragraaf (iii) van paragraaf (a) aan die Sekretaris gelewerde lys genoem word, aansê om binne 'n in die kennisgewing vermelde tydperk die in daardie sub-paragraaf bedoelde stukke aan hom te lewer of te laat lewer.

(5) Any person who—

- (a) fails to comply with the provisions of sub-section (3) or (4); or
- (b) having been called upon by notice under paragraph (b) of sub-section (4) to deliver or cause to be delivered any document, fails to do so within the period specified in such notice; or
- (c) in any statement or particulars or document which he is, in terms of sub-section (3) or (4), required to furnish, furnishes information, particulars or documents which are false in any material particular, knowing the same to be false,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Appointment of arbitrators and referee.

35. (1) If the owner of land and the Commission do not, within a period of sixty days from the date of expropriation of such land, or within such further period as the Commission may allow, come to an agreement as to the amount of compensation to be paid for the land, such amount shall subject to the provisions of section *thirty-six*, be determined by two arbitrators, one of whom shall be appointed by the Commission and the other by the owner or (if he is absent from the Union or his whereabouts cannot be readily ascertained or he fails to nominate any person or to advise the Commission of the name and address of the person nominated by him within fourteen days after having been required in writing by the Commission to make a nomination) by the Minister.

(2) The arbitrators shall before taking any steps in connection with the arbitration appoint a suitable person as a referee in case the arbitrators do not agree, and the decision of such referee shall be final, and if the arbitrators fail to appoint or are unable to agree upon the appointment of a person as a referee, the Minister shall appoint a suitable person as a referee, whose decision shall be final.

(3) The costs, calculated in accordance with the table of costs in magistrates' courts, in connection with any determination of compensation in terms of this section, shall, in the absence of agreement between the parties, be paid as directed by the arbitrators or if the arbitrators are unable to agree, as directed by the referee, whose decision shall be final.

Basis for determination of amount of compensation.

36. (1) Whenever the Minister approves of the expropriation of land, the compensation payable therefor shall not exceed, in the case of land situate in an area under the control of a local authority as defined in section *one* of the Slums Act, 1934 (Act No. 53 of 1934), the lesser amount of either—

- (a) subject to the provisions of sub-section (5), the maximum amount which would have been payable in terms of Chapter III of the said Act, if the expropriation had taken place under that Act; or
- (b) subject to the provisions of sub-sections (2), (3), (4) and (5), an amount determined by one or other of the following methods, whichever is appropriate, namely—
 - (i) in the case of land acquired by the owner by purchase, by adding to the purchase price an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition of the land by the owner to the date of expropriation; or
 - (ii) in the case of land acquired by the owner otherwise than by purchase, by adding to the purchase price paid by the last previous owner who acquired it by purchase, an amount calculated at the rate of six per cent. per annum on that price for the period from the date of acquisition by such last previous owner to the date of expropriation.

(2) If any land expropriated under this Act forms part of a larger area of land acquired by the owner or the last previous owner, as the case may be, the amount payable as compensation shall be an amount which bears the same ratio to an amount determined in accordance with the provisions of the applicable sub-paragraph of paragraph (b) of sub-section (1) in respect of

(5) Enige persoon wat—

- (a) versuim om te voldoen aan die bepalinge van sub-artikel (3) of (4); of
- (b) nadat hy by kennisgewing kragtens paragraaf (b) van sub-artikel (4) aangesê is om enige dokument af te lewer of te laat aflewer, versuim om dit te doen binne die in bedoelde kennisgewing vermelde tydperk; of
- (c) in enige verklaring of besonderhede of 'n dokument wat hy ingevolge sub-artikel (3) of (4) verplig is om te verstrek, inligting, besonderhede of 'n dokument verstrek wat in 'n wesenlike opsig vals is, met die wete dat dit vals is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

35. (1) Indien die eienaar van die grond en die Kommissie nie binne 'n tydperk van sestig dae vanaf die datum van onteiening van daardie grond, of binne so 'n verdere tydperk as wat die Kommissie mag toelaat, tot 'n ooreenkoms geraak aangaande die bedrag van die vergoeding wat vir die grond betaal moet word nie, word daardie bedrag, onderworpe aan die bepalinge van artikel *ses-en-dertig*, deur twee arbiters bepaal, van wie een deur die Kommissie en die ander deur die eienaar of (indien hy uit die Unie afwesig is of dit nie geredelik vasgestel kan word waar hy hom bevind nie of hy versuim om iemand te benoem of om die Kommissie van die naam en adres van die deur hom benoemde persoon in kennis te stel binne veertien dae nadat hy deur die Kommissie skriftelik aangesê is om iemand te benoem) deur die Minister benoem word.

Aanstelling van arbiters en skeidsregter.

(2) Die arbiters moet voordat hulle enige stappe in verband met die arbitrasie doen, 'n geskikte persoon as skeidsregter aanstel ingeval die arbiters nie ooreenkom nie en die beslissing van so 'n skeidsregter is afdoende en indien die arbiters versuim om 'n persoon as skeidsregter aan te stel of nie oor die aanstelling van 'n persoon as skeidsregter kan ooreenkom nie, stel die Minister 'n geskikte persoon aan as skeidsregter wie se beslissing afdoende is.

(3) Die koste, bereken volgens die tabel van koste in magistraatshoue, in verband met 'n bepaling van vergoeding ingevolge hierdie artikel, word, by ontstentenis van ooreenkoms tussen die partye, betaal soos die arbiters gelas of, indien die arbiters nie kan ooreenkom nie, soos gelas deur die skeidsregter wie se beslissing afdoende is.

36. (1) Wanneer die Minister die onteiening van grond goedkeur, is die vergoeding daarvoor betaalbaar, in die geval van grond geleë binne 'n gebied waarvoor 'n plaaslike bestuur, soos in artikel *een* van die Slumswet, 1934 (Wet No. 53 van 1934), omskryf, beheer uitoefen, nie hoër nie as een of ander van die volgende bedrae, na gelang van watter die minste is, te wete—

Grondslag vir bepaling van bedrag van vergoeding.

- (a) behoudens die bepalinge van sub-artikel (5), die maksimum bedrag wat ingevolge Hoofstuk III van genoemde Wet betaalbaar sou gewees het indien die onteiening onder daardie Wet plaasgevind het; of
- (b) behoudens die bepalinge van sub-artikels (2), (3), (4) en (5), 'n bedrag bepaal op een of ander van die volgende maniere, na gelang van watter die gepaste is, te wete—

- (i) in die geval van grond deur die eienaar deur aankoop verkry, deur by die koopprys 'n bedrag te voeg bereken teen ses persent per jaar op daardie prys vir die tydperk vanaf die datum van verkryging van die grond deur die eienaar tot die datum van onteiening; of
- (ii) in die geval van grond deur die eienaar andersins as deur aankoop verkry, deur by die koopprys betaal deur die laaste vorige eienaar wat dit deur aankoop verkry het, 'n bedrag te voeg bereken teen ses persent per jaar op daardie prys vir die tydperk vanaf die datum van verkryging deur bedoelde laaste vorige eienaar tot die datum van onteiening.

(2) Indien grond wat kragtens hierdie Wet onteien word, deel uitmaak van 'n groter stuk grond deur die eienaar of, al na die geval, die laaste vorige eienaar verkry, is die bedrag, by wyse van vergoeding betaalbaar, 'n bedrag wat in dieselfde verhouding staan tot 'n bedrag ooreenkomstig die bepalinge van die toepaslike sub-paragraaf van paragraaf (b) van sub-artikel (1)

such larger area of land, as the assessed value of such expropriated land bears to the assessed value of such larger area of land.

(3) Whenever the purchase price paid in respect of any land by any person cannot be readily ascertained, that price shall for the purpose of paragraph (b) of sub-section (1) be deemed to be the assessed value of that land at the date of purchase thereof.

(4) In the event of improvements having been made to land since the date of acquisition thereof by the owner or the last previous owner, as the case may be, there shall be added to the compensation as determined under paragraph (b) of sub-section (1)—

- (a) an amount equal to the actual cost of such improvements plus an amount calculated at the rate of six per cent. per annum on such cost from the date on which the improvements were completed to the date of expropriation, less a reasonable amount in respect of depreciation; or
- (b) where such actual cost or the date of completion of such improvements cannot be readily ascertained, an amount equal to the assessed value of the improvements.

(5) Where a goodwill value, which is likely to be lost on account of the expropriation of any land, is attached to any profession or business being conducted on that land, there shall be added to the compensation determined under paragraph (a) or (b) of sub-section (1), an amount equivalent to the assessed value of such goodwill, but not exceeding the net profit derived from such profession or business during the immediately preceding period of twelve months, or, where such profession or business has been carried on for less than twelve months, an amount equivalent to twelve times the average net profit per month during the period such profession or business has actually been conducted on such land.

(6) If the Minister is of opinion that the owner of the land expropriated acquired such land at more than a normal price for speculative purposes, he may order in writing under his hand that the compensation payable therefor according to the provisions of paragraph (b) of sub-section (1) shall be calculated *mutatis mutandis* according to the said provisions on the basis of a lesser amount for which another named person or the predecessor of the said owner, acquired that land within a period not exceeding three years prior to the expropriation.

(7) In the event of the land expropriated not being situated within such an area as is mentioned in sub-section (1), the compensation payable therefor shall not exceed an amount calculated according to the provisions of paragraph (b) of sub-section (1).

(8) For the purposes of this section—

- (a) any transfer duty, transfer or survey fees paid in connection with the acquisition of land shall be deemed to form part of the price at which that land was acquired; and
- (b) the expression "assessed value" means the value assessed by the arbitrators appointed under sub-section (1) of section *thirty-five* or (where they fail to agree) by the referee appointed under sub-section (2) of that section.

Payment of compensation.

37. Any compensation for land expropriated shall be paid to the owner of such land, if his address is known, or, if his address is not known, to the master of the supreme court for deposit in the guardian's fund: Provided that where the land is mortgaged, the compensation may be applied as far as may be required towards the payment of the claims of mortgagees in their legal order of preference, provided such mortgagees have complied with the provisions of section *thirty-four*: Provided further that in the event of the said land having been sold prior to expropriation to a person who adduces proof that he has paid the purchase price either in full or in part, the full amount of the compensation payable in respect of such land, less any amount still due to the seller in respect of the purchase price, may be paid to the purchaser, whether or not he has taken transfer of the land.

Extinction or modification of any restrictions on land.

38. (1) Notwithstanding anything to the contrary in any law contained, the Governor-General may on the recommendation of the Minister by proclamation in the *Gazette* direct that any restrictive condition affecting the use or occupation of land

bepaal ten opsigte van daardie groter stuk grond, as wat die geraamde waarde van bedoelde onteiene grond tot die geraamde waarde van daardie groter stuk grond staan.

(3) Wanneer die koopprys deur enigiemand ten opsigte van grond betaal, nie geredelik vasgestel kan word nie, word daardie prys by die toepassing van paragraaf (b) van sub-artikel (1) geag die geraamde waarde van daardie grond op die datum van aankoop daarvan te wees.

(4) Ingeval verbeterings aan grond aangebring is sedert die datum van verkryging daarvan deur die eienaar of, al na die geval, die laaste vorige eienaar, word daar by die vergoeding soos ingevolge paragraaf (b) van sub-artikel (1) bepaal, 'n bedrag bygevoeg—

(a) gelyk aan die werklike koste van bedoelde verbeterings, plus 'n bedrag bereken teen ses persent per jaar op daardie koste vanaf die datum waarop die verbeterings voltooi is tot die datum van onteining, min 'n redelike bedrag ten opsigte van waardevermindering; of

(b) waar bedoelde werklike koste of die datum waarop die verbeterings voltooi is, nie geredelik vasgestel kan word nie, gelyk aan die geraamde waarde van die verbeterings.

(5) Waar 'n klandisiewaarde, wat as gevolg van die onteining van grond waarskynlik verloor sal word, verbonde is aan 'n beroep of besigheid wat op daardie grond gedryf word, moet daar by die vergoeding soos ingevolge paragraaf (a) of (b) van sub-artikel (1) bepaal, 'n bedrag gevoeg word gelyk aan die geraamde waarde van bedoelde klandisiewaarde, maar hoogstens gelyk aan die netto wins gedurende die onmiddellik voorafgaande tydperk van twaalf maande uit daardie beroep of besigheid verkry, of, waar bedoelde beroep of besigheid vir minder as twaalf maande gedryf is, 'n bedrag gelyk aan twaalf maal die gemiddelde netto wins per maand gedurende die tydperk wat daardie beroep of besigheid werklik op bedoelde grond gedryf is.

(6) Indien die Minister van oordeel is dat die eienaar van die onteiene grond daardie grond vir spekulasiedoeleindes teen 'n hoër prys as die normale prys verkry het, kan hy skriftelik onder sy hand gelas dat die vergoeding volgens die bepalings van paragraaf (b) van sub-artikel (1) daarvoor betaalbaar, bereken moet word *mutatis mutandis* ooreenkomstig bedoelde bepalings op grondslag van 'n laer bedrag waarvoor 'n ander gemelde persoon of die voorganger van bedoelde eienaar daardie grond binne 'n tydperk van hoogstens drie jaar voor die onteining verkry het.

(7) Ingeval die onteiene grond nie binne so 'n gebied soos in sub-artikel (1) vermeld word, geleë is nie, gaan die vergoeding daarvoor betaalbaar nie 'n bedrag ooreenkomstig die bepalings van paragraaf (b) van sub-artikel (1) bereken, te bowe nie.

(8) By die toepassing van hierdie artikel—

(a) word hereregte, oordrag- of opmetingsgelde in verband met die verkryging van grond betaal, geag deel uit te maak van die prys waarteen daardie grond verkry is; en

(b) beteken die uitdrukking „geraamde waarde” die waarde soos geraam deur die arbiters kragtens sub-artikel (1) van artikel vyf-en-dertig aangestel of (waar hulle nie ooreenkom nie) deur die skeidsregter kragtens sub-artikel (2) van daardie artikel aangestel.

37. Enige vergoeding vir onteiene grond word aan die eienaar van daardie grond betaal, indien sy adres bekend is, of, as sy adres nie bekend is nie, aan die meester van die hoog-geregshof om in die voogdyfonds gestort te word: Met dien verstande dat waar die grond met verband beswaar is, die vergoeding vir sover nodig aangewend kan word vir die betaling van eise van verbandhouders volgens hul wetlike rangorde, mits bedoelde verbandhouders aan die voorskrifte van artikel vier-en-dertig voldoen het: Met dien verstande voorts dat, indien bedoelde grond voor die onteining verkoop is aan iemand wat bewys lewer dat hy die koopprys of ten volle of ten dele betaal het, die volle bedrag van die vergoeding ten opsigte van die grond betaalbaar, min enige bedrag nog by wyse van die koopprys aan die verkoper verskuldig, aan die koper betaal mag word, hetsy hy oordrag van die grond geneem het al dan nie.

Betaling van vergoeding.

38. (1) Ondanks andersluidende wetsbepalings kan die Goewerneur-generaal op aanbeveling van die Minister by proklamasie in die *Staatskoerant* gelas dat enige beperkende voorwaarde rakende die gebruik of okkupasie van grond wat

Opheffing of wysiging van beperkings op grond.

belonging to or to be acquired by the Commission shall lapse or shall be suspended for such period or shall be modified in such manner and to such extent as may be specified in that direction.

(2) No recommendation shall be made by the Minister under sub-section (1) except after not less than one month's prior notice to every person who in his opinion is likely to be affected thereby.

(3) The provisions of sub-section (2), (3) and (4) of section *thirty-three* shall *mutatis mutandis* apply in connection with any notice required to be given under sub-section (2) of this section.

Registration of transfer of land.

39. (1) The Registrar shall, subject to the provisions of section *thirty-one* of the Deeds Registries Act, 1937 (Act No. 47 of 1937)—

- (a) register the transfer to the Commission of any land expropriated by it;
- (b) if such land is subject to any bond, endorse upon the bond that the land is released therefrom;
- (c) note in his register the lapsing, suspension, or modification of any restrictive condition upon the use or occupation of any land which may have lapsed or may have been suspended or modified by virtue of any proclamation issued under section *thirty-eight*.

(2) The Commission shall have the right to appoint a conveyancer to act for it in connection with the transfer of land acquired by it and shall be responsible for the costs of transfer.

(3) Notwithstanding anything to the contrary in any law contained, the Registrar may, on being satisfied that the title deeds of any land are not available, register the transfer to the Commission of such land without the production thereof or the authority of any order of court.

(4) No transfer of land which has been expropriated under this Act by the Commission shall be registered unless the Registrar has been furnished with a certificate signed on behalf of the Commission by the Secretary, that—

- (a) the procedure prescribed by section *thirty-three* has been observed; and
- (b) all amounts payable by the Commission on the transaction have been paid or guaranteed.

CHAPTER VII.

GENERAL POWERS AND DUTIES OF COMMISSION.

Powers of Commission in regard to the construction, selling or letting of dwellings and the preparation and carrying out of schemes.

40. The Commission may with the general or special authority of the Minister—

- (a) construct dwellings and prepare and carry out schemes;
- (b) acquire any building material and equipment necessary for the purpose of constructing dwellings or carrying out schemes;
- (c) with the prior consent of the Administrator, transfer its interest in any scheme which it is carrying out or has carried out within an area under the jurisdiction of any local authority, to that local authority;
- (d) approve of—
 - (i) dwellings and schemes;
 - (ii) the disposal by the Secretary of any building material or equipment acquired by the Commission in terms of paragraph (b) to any local authority for use in the construction of approved dwellings or the carrying out of approved schemes;
 - (iii) the maintenance, selling or letting by the Secretary on behalf of the Commission of dwellings constructed by the Commission.

Provisions in respect of housing loans to apply in respect of unpaid portion of purchase price of dwellings sold.

41. If any dwelling constructed by the Commission is sold and the purchaser is required to pay only a portion of the purchase price before transfer of the dwelling to him, the balance of the purchase price shall be regarded as a loan and the provisions of sections *seventeen*, *eighteen*, *nineteen* and *twenty* shall, in so far as they can be applied, apply *mutatis mutandis* in respect thereof as if it were a housing loan, and for the purpose of such application the reference in sub-section (1) of section *twenty* to the date of registration of the mortgage bond shall be deemed to be a reference to the date of purchase of the dwelling.

aan die Kommissie behoort of deur hom verkry staan te word, verval of geskors is vir so 'n tydperk of op so 'n wyse en in so 'n mate gewysig is as wat in daardie lasgewing vermeld word.

(2) Geen aanbeveling word ingevolge sub-artikel (1) deur die Minister gedoen nie behalwe nadat minstens een maand vooraf kennis gegee is aan elke persoon wat volgens sy oordeel waarskynlik daardeur geraak sal word.

(3) Die bepalings van sub-artikels (2), (3) en (4) van artikel drie-en-dertig is *mutatis mutandis* van toepassing in verband met enige kennisgewing wat ingevolge sub-artikel (2) van hierdie artikel gegee moet word.

39. (1) Die Registrateur moet, onderworpe aan die bepalings van artikel een-en-dertig van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937)—

Registrasie van oordrag van grond.

(a) die oordrag aan die Kommissie van grond wat die Kommissie onteien het, registreer;

(b) indien bedoelde grond deur verband beswaar is, op die verband aanteken dat die grond daarvan onthef is;

(c) die verval, skorsing of wysiging van enige beperkende voorwaarde op die gebruik of okkupasie van enige grond, wat uit hoofde van 'n proklamasie kragtens artikel agt-en-dertig mag verval het of geskors of gewysig mag wees, in sy register aanteken.

(2) Die Kommissie het die reg om 'n transportbesorger aan te stel om namens hom op te tree in verband met die oordrag van grond deur hom verkry, en is vir die oordragkoste aanspreeklik.

(3) Ondanks andersluidende wetsbepalings kan die Registrateur, indien hy oortuig is dat die transportakte van grond nie beskikbaar is nie, die oordrag van daardie grond aan die Kommissie sonder oorlegging van bedoelde transportakte of magtiging deur 'n hofbevel, registreer.

(4) Geen oordrag van grond wat kragtens hierdie Wet deur die Kommissie onteien is, word geregistreer nie, tensy daar aan die Registrateur 'n ten behoeve van die Kommissie, deur die Sekretaris ondertekende sertifikaat verstrekkend is ten effekte dat—

(a) die in artikel drie-en-dertig voorgeskrewe prosedure nagekom is; en

(b) alle bedrae deur die Kommissie op die transaksie verskuldig, betaal of gewaarborg is.

HOOFSTUK VII.

ALGEMENE BEVOEGDHEDE EN PLIGTE VAN KOMMISSIE.

40. Die Kommissie kan met die algemene of spesiale magtiging van die Minister—

(a) wonings bou en skemas voorberei en uitvoer;

(b) enige boumateriaal en uitrusting wat nodig is vir die bou van wonings en die uitvoering van skemas verkry;

(c) en met die voorafgaande toestemming van die Administrateur, die Kommissie se belange in enige skema wat hy besig is om uit te voer of uitgevoer het binne die regsgebied van 'n plaaslike bestuur, aan daardie plaaslike bestuur oordra;

(d) goedkeuring verleen—

(i) ten opsigte van wonings en skemas;

(ii) vir die van die hand sit deur die Sekretaris aan 'n plaaslike bestuur van enige boumateriaal of uitrusting deur die Kommissie ingevolge paragraaf (b) verkry, vir gebruik by die bou van goedgekeurde wonings of die uitvoering van goedgekeurde skemas;

(iii) vir die instandhouding, verkoop of verhuur deur die Sekretaris ten behoeve van die Kommissie van wonings deur die Kommissie gebou.

Bevoegdhe van Kommissie met betrekking tot die bou, verkoop of verhuur van wonings en die voorbereiding en uitvoering van skemas.

41. Indien 'n woning wat deur die Kommissie gebou is verkoop word en die koper verplig is om slegs 'n gedeelte van die koopprys te betaal voor oordrag van die woning aan hom, word die onbetaalde gedeelte van die koopprys as 'n lening beskou en is die bepalings van artikels *sewentien*, *agtien*, *negentien* en *twintig*, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing ten opsigte daarvan asof dit 'n behuisinglening was, en vir die doel van sodanige toepassing word die verwysing in sub-artikel (1) van artikel *twintig* na die datum van registrasie van die verband geag 'n verwysing na die datum van aankoop van die woning te wees.

Bepalings ten opsigte van behuisinglenings van toepassing te wees ten opsigte van onbetaalde gedeelte van koopprys van wonings verkoop.

Remedies of Commission against tenants who fail to pay rental due.

42. If the tenant of a dwelling constructed by the Commission fails to pay the rental payable by him on the due date, the Commission may—

- (a) take steps to recover the amount of the rental due, by action in a competent court;
- (b) after giving seven days' notice by prepaid registered letter addressed to the tenant at the place where the dwelling is situated, by any officer of the National Housing Office authorized in writing by it and without obtaining any judgment or order of the court, enter upon and take possession of the dwelling in respect of which the rental is owing.

Investigations in regard to housing and co-operation by Commission with townships boards and local authorities.

43. The Commission may—

- (a) investigate any matter relating to urban and rural housing and advise the Minister on any matter affecting housing; and
- (b) co-operate with any townships board or local authority in regard to any matter relating to housing which falls within the purview of such board or local authority and from time to time make such recommendations as it may deem fit to the Minister with a view to the elimination of delays in carrying out any housing scheme.

Commission exempt from certain by-laws, etc.

44. The Commission shall be exempt from the provisions of any by-law or regulation of a local authority and the conditions of establishment of a township prescribed by any Administrator or townships board relating to—

- (a) the lodging or approval of sub-divisional diagrams of land and of plans of proposed dwellings;
- (b) the type of dwelling to be constructed or the value thereof or the materials to be used in the construction thereof;
- (c) the siting of a dwelling or any portion thereof on the site on which it is to be constructed;
- (d) the permission of the local authority or owner of an approved township to commence building operations.

Services in respect of dwellings.

45. (1) Whenever the Commission has constructed any dwelling it may, with the approval of the Minister, by notice in writing call upon the local authority which would in the opinion of the Commission be best able to do so, to provide in connection with that dwelling and its use and occupation such of the services mentioned in sub-section (2) as may be specified in the notice.

(2) The services which may be specified in any such notice are—

- (a) the provision of water;
- (b) the provision of electricity or gas;
- (c) the removal of rubbish; and
- (d) the disposal of sewage or night soil.

(3) For any such service provided by a local authority it may make—

- (a) such charges as are payable by other persons to whom such service is provided by it; or
- (b) if there are no other persons to whom such service is so provided or if special circumstances exist which, in the opinion of the Minister, make it impracticable to make the charges referred to in paragraph (a), such charges as the Minister may approve.

(4) If any local authority fails to provide any service which it is obliged to provide in terms of a notice issued under sub-section (1), or if there is no local authority which can, in the opinion of the Minister, conveniently provide such service, the Minister may direct the Commission to provide such service itself.

(5) Whenever the Commission has been directed to provide any such service it may erect such buildings, construct such works, acquire such land and equipment and do all such other things as may be necessary to enable it to provide such service efficiently.

(6) For any such service provided by the Commission it may make such charges as the Minister may, in consultation with the Minister of Finance, determine.

42. Indien die huurder van 'n woning wat deur die Kommissie gebou is, versuim om die huurgeld wat deur hom betaalbaar is op die vervaldag te betaal, kan die Kommissie—
- (a) stappe doen om die bedrag van die verskuldigde huurgeld te verhaal deur aksie in 'n bevoegde hof;
- (b) nadat sewe dae kennis gegee is per vooruitbetaalde aangetekende brief gerig aan die huurder by die plek waar die woning geleë is, deur middel van 'n amptenaar van die Nasionale Behuisingskantoor wat skriftelik deur hom gemagtig is en sonder om 'n vonnis of bevel van die hof te verkry, die woning ten opsigte waarvan die huur verskuldig is, betree en in besit neem.
- Regsmiddels van Kommissie teen huurders wat versuim om verskuldigde huurgeld te betaal.
43. Die Kommissie kan—
- (a) ondersoek instel na enige aangeleentheid betreffende stedelike of plattelandse behuising en die Minister van advies dien in verband met enige aangeleentheid rakende behuising; en
- (b) met enige dorperaad, dorpekommissie of plaaslike bestuur saamwerk in verband met enige aangeleentheid betreffende behuising wat binne die bevoegdhede van sodanige raad, kommissie of plaaslike bestuur val en van tyd tot tyd sulke aanbevelings, as wat hy goed dink, aan die Minister maak met die doel om oponthoude by die uitvoering van behuisingskemas uit te skakel.
- Ondersoeke met betrekking tot behuising en samewerking tussen Kommissie en dorperade, dorpekommissie en plaaslike bestuure.
44. Die Kommissie is onthef van die bepalinge van enige verordening of regulasie van 'n plaaslike bestuur en die stigtingsvoorwaardes van 'n dorp voorgeskryf deur 'n Administrateur, dorperaad of dorpekommissie, betreffende—
- (a) die indiening of goedkeuring van kaarte van onderverdelings van grond en van planne van voorgestelde wonings;
- (b) die tipe woning wat gebou moet word of die waarde daarvan of die materiale wat by die bou daarvan gebruik moet word;
- (c) die plasing van 'n woning of enige gedeelte daarvan op die terrein waarop dit gebou staan te word;
- (d) die toestemming van die plaaslike bestuur of eienaar van 'n goedgekeurde dorp om met bouwerksaamhede te begin.
- Kommissie onthef van sekere verordeninge, ens.
45. (1) Wanneer die Kommissie 'n woning gebou het, kan hy, met die goedkeuring van die Minister, by skriftelike kennisgewing die plaaslike bestuur wat volgens die mening van die Kommissie die beste in staat sou wees om dit te doen, aansê om in verband met daardie woning en die gebruik en okkupasie daarvan sodanige van die in sub-artikel (2) genoemde dienste te verskaf as wat in die kennisgewing vermeld word.
- (2) Die dienste wat in so 'n kennisgewing vermeld mag word, is—
- (a) die voorsiening van water;
- (b) die voorsiening van elektrisiteit of gas;
- (c) die verwydering van vullis; en
- (d) die beskikking oor riool- of nagvuil.
- (3) Vir enige sodanige diens wat deur 'n plaaslike bestuur verskaf word, kan hy—
- (a) sulke bedrae vorder as wat deur ander persone aan wie hy sodanige diens verskaf, betaalbaar is; of
- (b) indien daar nie ander persone is aan wie sodanige diens aldus verskaf word nie, of indien spesiale omstandighede bestaan wat dit volgens die mening van die Minister ondoenlik maak om die in paragraaf (a) bedoelde bedrae te vorder, sulke bedrae vorder as wat die Minister mag goedkeur.
- (4) Indien 'n plaaslike bestuur versuim om enige diens te verskaf wat hy ingevolge 'n kennisgewing uitgereik kragtens sub-artikel (1) verplig is om te verskaf, of indien daar geen plaaslike bestuur is wat, volgens die mening van die Minister, met gerief sodanige diens kan verskaf nie, kan die Minister die Kommissie gelas om self daardie diens te verskaf.
- (5) Wanneer die Kommissie gelas is om enige sodanige diens te verskaf, kan hy sulke geboue bou, sulke werke oprig, sulke grond en toerusting verkry en al sulke ander dinge doen as wat nodig mag wees om hom in staat te stel om sodanige diens op doeltreffende wyse te verskaf.
- (6) Vir enige sodanige diens wat deur die Kommissie verskaf word, kan hy sulke bedrae vorder as wat die Minister in oorleg met die Minister van Finansies, mag bepaal.
- Dienste ten opsigte van wonings.

(7) The Commission may, with the approval of the Minister given after consultation with the Administrator, at any time by notice in writing call upon the local authority which in the opinion of the Commission is best able to do so, to take over any buildings erected, works constructed or land or equipment acquired in terms of sub-section (5) and to provide the service in question.

(8) Whenever any local authority has been called upon in terms of sub-section (7) to take over any building, works, land or equipment, the Commission may after notice in writing to the local authority, recover from such local authority the costs incurred by the Commission in the erection of the building, the construction of the works or the acquisition of the land or equipment—

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

or by all three or any two of such methods of recovery, and a certificate by the Secretary as to the amount of such costs shall be *prima facie* proof of that amount.

Appointment of committees.

46. (1) The Commission may from time to time establish committees to assist it in the performance of its functions and may appoint such persons, including Officers of the National Housing Office, as it may deem fit to be members of any such committee.

(2) The Commission may assign to a committee so established such of its functions as it may deem fit, but shall not be divested of any function which it may have assigned to a committee, and may amend or withdraw any decision made by a committee.

(3) The members of a committee so established who are not in the full-time employment of the State, shall receive such remuneration and allowances as the Minister, in consultation with the Minister of Finance, may determine.

Annual reports on activities of Commission and National Housing Office.

47. The Secretary shall annually—

- (a) under the directions of the Commission, prepare a report on the activities of the Commission; and
- (b) prepare a report on the activities of the National Housing Office,

and shall submit such reports to the Minister who shall lay them on the Tables of both Houses of Parliament within fourteen days of receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

CHAPTER VIII.

POWERS OF LOCAL AUTHORITIES.

Local authorities may borrow money for housing purposes.

48. (1) Notwithstanding anything to the contrary in any law contained, any local authority may borrow money for the purpose of enabling it to carry out any of the powers vested in it in terms of this Chapter.

(2) Money may be borrowed as aforesaid—

- (a) from the fund in accordance with the provisions of this Act; or
- (b) subject to the approval of the Administrator and on such conditions as he may determine, from any other source.

Local authorities may grant housing loans.

49. (1) Subject to such provisions as may be prescribed by regulation and to such conditions as the Commission may in any case determine, any local authority may, out of advances made to it or moneys borrowed by it under this Act, grant local authority housing loans—

- (a) to any utility company, other body or natural person for the purpose of enabling such company, body or person to construct approved dwellings; or

(7) Die Kommissie kan, met die goedkeuring van die Minister verleen na raadpleging van die Administrateur, te eniger tyd by skriftelike kennisgewing die plaaslike bestuur wat volgens die mening van die Kommissie die beste in staat is om dit te doen, aansê om enige gebou, werke of grond of toerusting wat ingevolge sub-artikel (5) gebou, opgerig of verkry is, oor te neem en om die betrokke diens te verskaf.

(8) Wanneer 'n plaaslike bestuur ingevolge sub-artikel (7) aangesê is om enige gebou, werke, grond of toerusting oor te neem, kan die Kommissie, na skriftelike kennisgewing aan die plaaslike bestuur, die koste deur die Kommissie aangegaan in verband met die bou van die gebou, die oprigting van die werke of die verkryging van die grond of toerusting, van bedoelde plaaslike bestuur verhaal—

(a) deur aksie in 'n bevoegde hof; of

(b) deur te verklaar dat enige inkomste van die plaaslike bestuur aangewend moet word vir die afbetaling van sodanige koste en deur 'n ontvanger aan te stel wat hierby gemagtig word om soveel van sodanige inkomste in te vorder as wat nodig is om die bedrag van sodanige koste af te betaal en om dit aan die Sekretaris oor te betaal; of

(c) deur 'n spesiale belasting te lê op alle belasbare eiendom geleë binne die regsgebied van bedoelde plaaslike bestuur,

of deur middel van al drie of enige twee van bedoelde verhaalmodes, en 'n sertifikaat van die Sekretaris aangaande die bedrag van sodanige koste is *prima facie* bewys van daardie bedrag.

46. (1) Die Kommissie kan van tyd tot tyd komitees instel om hom by die verrigting van sy werksaamhede by te staan en kan na goeëdunke persone (met inbegrip van amptenare van die Nasionale Behuisingskantoor) as lede van so 'n komitee aanstel. Aanstelling van komitees.

(2) Die Kommissie kan na goeëdunke van sy werksaamhede aan 'n aldus ingestelde komitee toewys, maar word nie onthef van 'n werksaamheid wat hy aan 'n komitee toegewys het nie, en kan 'n besluit van 'n komitee wysig of intrek.

(3) Die lede van 'n komitee aldus ingestel, wat nie voltyds in diens van die Staat is nie, ontvang die besoldiging en toelaes wat die Minister in oorleg met die Minister van Finansies mag bepaal.

47. Die Sekretaris moet jaarliks—

(a) in opdrag van die Kommissie, 'n verslag oor die bedrywighede van die Kommissie opstel; en

(b) 'n verslag oor die bedrywighede van die Nasionale Behuisingskantoor opstel,

Jaarlikse verslag oor bedrywighede van Kommissie en Nasionale Behuisingskantoor.

en moet sodanige verslae aan die Minister voorlê wat hulle in beide Huise van die Parlement ter Tafel lê binne veertien dae vanaf ontvangs daarvan as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

HOOFSTUK VIII.

BEVOEGDHEDE VAN PLAASLIKE BESTURE.

48. (1) Ondanks andersluidende wetsbepalings, kan enige plaaslike bestuur geld leen ten einde hom in staat te stel om enige van die bevoegdhede wat ingevolge hierdie Hoofstuk aan hom verleen is, uit te oefen. Plaaslike besture kan geld vir behuisingsdoeleindes leen.

(2) Geld kan soos voormeld geleen word—

(a) van die fonds ooreenkomstig die bepalinge van hierdie Wet; of

(b) onderworpe aan die goedkeuring van die Administrateur en op die voorwaardes wat hy mag bepaal, van enige ander bron.

49. (1) Onderworpe aan sulke bepalinge as wat by regulasie voorgeskryf mag wees en aan sulke voorwaardes as wat die Kommissie in enige geval mag bepaal, kan 'n plaaslike bestuur uit voorskotte aan hom gemaak of gelde deur hom geleen kragtens hierdie Wet, plaaslike bestuur-behuisingslenings toestaan— Plaaslike besture kan behuisingslenings toestaan.

(a) aan enige nutsmaatskappy, ander liggaam of natuurlike persoon ten einde sodanige maatskappy, liggaam of persoon in staat te stel om goedgekeurde wonings te bou: of

- (b) to any utility company or other body for the purpose of enabling such company or body to carry out an approved scheme,

within the area under the jurisdiction of such local authority: Provided that no such loan shall be granted to any natural person unless he has satisfied the local authority that neither he nor his spouse is already the owner of a building which is fit for human occupation and that he intends to occupy personally the dwelling in respect of which he has applied for a loan.

(2) Any such loan shall be secured by a first mortgage over the land on which the dwelling is to be constructed or over the land acquired for the purpose of carrying out the scheme, as the case may be.

(3) The proportion that any such loan shall bear to the estimated cost of an approved dwelling or approved scheme shall be as determined by the Commission.

(4) If any utility company, other body or natural person complies with the requirements with which any utility company, other body or natural person to whom such a loan has been granted (hereinafter referred to as the borrower), had to comply, the local authority concerned may, with the approval of the Commission, consent to the taking over by such firstmentioned company, body or person of the interest and liabilities of the borrower in respect of such loan and in order to give effect thereto may consent to the substitution of such firstmentioned company, body or person as mortgagor in respect of the existing mortgage bond, and the provisions of this Act relating to local authority housing loans shall apply in respect of any utility company, other body or natural person who has so taken over the interest and liabilities of the borrower as if the loan had originally been granted to that company, body or person.

Powers of local authority in respect of local authority housing loans.

50. (1) Subject to such provisions as may be prescribed by regulation, a local authority may—

- (a) at any time, with the consent of the borrower, extend or reduce the period determined by it for the repayment of a local authority housing loan;
- (b) approve of the addition to any amount owing by a borrower in respect of a local authority housing loan of—
 - (i) any arrear instalments; or
 - (ii) any interest accruing on such loan during the period of construction of the dwelling or carrying out of the scheme in respect of which the loan was granted,

and in such event the amounts of any future instalments and interest payable by the borrower shall be adjusted accordingly and the whole of the consolidated debt shall be deemed to be secured by the mortgage bond securing the original loan;

- (c) where the amount actually owing by the borrower under a mortgage bond securing a local authority housing loan is less than the amount of the bond, grant a further loan, not exceeding the difference between the amount so owing and the amount of the bond, to such borrower to enable him to reconstruct, alter, enlarge, adapt or repair any dwelling constructed by means of such loan and such further loan shall thereupon also be deemed to be secured by such bond as if it were a portion of the original loan;
- (d) where a local authority housing loan granted to a borrower is less than the loan which could have been granted to him in terms of this Act, grant a further loan, not exceeding the difference between the loan granted and the loan which could have been granted, to such borrower to enable him to reconstruct, alter, enlarge, adapt or repair any dwelling constructed by means of such loan.

(2) Any further loan granted in terms of paragraph (d) of sub-section (1) shall be secured by a further mortgage bond over the land on which the dwelling in question is constructed and such further mortgage bond shall rank with the first bond over such land.

(b) aan enige nutsmaatskappy of ander liggaam ten einde sodanige maatskappy of liggaam in staat te stel om 'n goedgekeurde skema uit te voer, binne die regsgebied van bedoelde plaaslike bestuur: Met dien verstande dat geen sodanige lening aan enige natuurlike persoon toegestaan word nie tensy hy die plaaslike bestuur oortuig het dat nóg hy nóg sy eggenote alreeds die eienaar is van 'n gebou wat geskik is om deur mense bewoon te word en dat hy van voorneme is om die woning ten opsigte waarvan hy om 'n lening aansoek gedoen het, persoonlik te bewoon.

(2) Enige sodanige lening moet deur 'n eerste verband oor die grond waarop die woning gebou staan te word of oor die grond wat vir die uitvoering van die skema verkry is, na gelang van die geval, versekureer word.

(3) Die verhouding waarin enige sodanige lening tot die geraamde koste van 'n goedgekeurde woning of goedgekeurde skema moet staan, moet wees soos deur die Kommissie bepaal word.

(4) Indien enige nutsmaatskappy, ander liggaam of natuurlike persoon voldoen aan die vereistes waaraan enige nutsmaatskappy, ander liggaam of natuurlike persoon aan wie so 'n lening toegestaan is (hieronder die lener genoem), moes voldoen het, kan die betrokke plaaslike bestuur, met die goedkeuring van die Kommissie, toestemming verleen vir die oornome deur die eersgenoemde maatskappy, liggaam of persoon van die belange en verpligtings van die lener ten opsigte van bedoelde lening en ten einde daaraan gevolg te gee kan die plaaslike bestuur toestem dat die eersgenoemde maatskappy, liggaam of persoon in die plek van die lener as verbandgewer ten opsigte van die bestaande verband gestel word, en die bepalinge van hierdie Wet met betrekking tot plaaslike bestuur-behuisingslenings is van toepassing ten opsigte van enige nutsmaatskappy, ander liggaam of natuurlike persoon wat aldus die belange en verpligtings van die lener oorgeneem het asof die lening oorspronklik aan daardie maatskappy, liggaam of persoon toegestaan was.

50. (1) Onderworpe aan sodanige bepalinge as wat by regulasie voorgeskryf mag wees, kan 'n plaaslike bestuur—

Bevoegdheid van plaaslike bestuur ten opsigte van plaaslike bestuur-behuisingslenings.

(a) te eniger tyd, met die goedkeuring van die lener, die tydperk wat deur die plaaslike bestuur vir die terugbetaling van 'n plaaslike bestuur-behuisingslening bepaal is, verleng of verkort;

(b) goedkeuring verleen vir die byvoeging by enige bedrag wat deur 'n lener ten opsigte van 'n plaaslike bestuur-behuisingslening verskuldig is van—

(i) enige agterstallige paaierente; of

(ii) enige rente wat op sodanige lening ooploop onderwyl die woning of skema ten opsigte waarvan die lening toegestaan is, gebou of uitgevoer word,

en in daardie geval word die bedrae van enige toekomstige paaierente en rente wat deur die lener betaal moet word dienoreenkomstig aangepas, en word die hele gekonsolideerde skuld geag versekureer te wees deur die verband wat die oorspronklike lening versekureer;

(c) waar die bedrag wat werklik deur die lener verskuldig is uit hoofde van 'n verband wat 'n plaaslike bestuur-behuisingslening versekureer minder is as die bedrag van die verband, 'n verdere lening, wat nie die verskil tussen die bedrag aldus verskuldig en die bedrag van die verband oorskry nie, aan bedoelde lener toestaan om hom in staat te stel om enige woning wat deur middel van sodanige lening gebou is, te herbou, te verander, te vergroot, te verbou of te herstel en sodanige verdere lening word dan ook geag deur sodanige verband versekureer te wees asof dit 'n gedeelte van die oorspronklike lening was;

(d) waar 'n plaaslike bestuur-behuisingslening wat aan 'n lener toegestaan is, minder is as die lening wat aan hom toegestaan kon gewees het ingevolge hierdie Wet, 'n verdere lening, wat nie die verskil tussen die lening toegestaan en die lening wat toegestaan kon gewees het, oorskry nie, aan sodanige lener toestaan om hom in staat te stel om enige woning wat deur middel van sodanige lening gebou is, te herbou, te verander, te vergroot, te verbou of te herstel.

(2) Enige verdere lening ingevolge paragraaf (d) van subartikel (1) toegestaan, moet deur 'n verdere verband oor die grond waarop die betrokke woning gebou is, versekureer word en sodanige verdere verband geniet dieselfde voorrang as die eerste verband oor bedoelde grond.

Remedies of local
authorities against
borrowers.

51. (1) If any utility company, other body or natural person to whom a local authority housing loan has been granted—

- (a) fails to pay any amount due in respect of or in connection with such loan on the due date;
- (b) has not applied the whole or any portion of the loan to the specific purpose for which it was granted;
- (c) has failed to make reasonable progress in connection with the construction of the approved dwelling or the carrying out of the approved scheme in respect of which the loan was granted, regard being had to the period determined for the completion of such dwelling or scheme;
- (d) fails to comply with any condition on which such loan was granted or any portion thereof was paid out; or
- (e) is placed in liquidation or becomes insolvent,

the local authority concerned may, notwithstanding anything to the contrary in any law contained, either—

- (i) recover from such company, body or person the amount already paid out in respect of such loan and not yet repaid, together with interest due thereon, by action in a competent court; or
- (ii) after giving forty-two days' notice by prepaid registered letter addressed to such person at his last known place of abode or business, or, in the case of a utility company or other body, at its office, and if the property on which such loan is secured is occupied by a person other than the owner, after similarly giving notice to the occupier, by an officer authorized in writing by it and without obtaining any judgment or order of the court, enter upon and take possession of the property on which the loan is secured.

(2) When any property has been taken into possession in terms of sub-section (1) the local authority concerned may, after notice of intention to sell, published once a week for three consecutive weeks in an Afrikaans and an English newspaper circulating in the area under its jurisdiction, sell by public auction or by public tender the said property and transfer it to the purchaser and give a good and valid title thereto, notwithstanding that such property may also be hypothecated in favour of a person other than the local authority: Provided that if the said property is so hypothecated it shall not be sold unless the local authority has at least three weeks before the date fixed for the sale, given notice to the mortgagee concerned by prepaid registered letter addressed to him at his last known place of abode or business, of the intention to sell the said property.

(3) If any dwelling which has been taken into possession in terms of sub-section (1) has not been completed, the local authority may complete such dwelling before it is sold in terms of sub-section (2).

(4) The proceeds of the sale of any property in terms of sub-section (2) shall be utilized to pay—

- (a) all amounts due to the local authority;
- (b) all costs (if any) incurred by the local authority in connection with the completion of a dwelling; and
- (c) all costs incurred in connection with the sale of such property,

and the balance (if any) shall be paid to the utility company, other body or natural person to whom the local authority housing loan was granted or to any other person who is legally entitled to receive such balance.

(5) The local authority concerned may at a sale by public auction purchase any dwelling sold in terms of sub-section (2) and take transfer thereof and the provisions of this Act relating to dwellings constructed by a local authority shall thereafter apply in respect of such dwelling as if it were a dwelling constructed by such local authority in terms of section *fifty-five*.

(6) Where any property has been sold in terms of sub-section (2) the local authority may consent to the purchaser taking over

51. (1) Indien enige nutsmaatskappy, ander liggaam of natuurlike persoon aan wie 'n plaaslike bestuur-behuisingslening toegestaan is—

Regsmiddels van
plaaslike besture
teen leners.

- (a) versuim om enige bedrag wat ten opsigte van of in verband met sodanige lening verskuldig is op die vervaldag te betaal;
- (b) nie die hele lening of enige gedeelte daarvan vir die spesifieke doel aangewend het waarvoor dit toegestaan is nie;
- (c) versuim het om redelike vordering te maak in verband met die bou van die goedgekeurde woning of die uitvoering van die goedgekeurde skema ten opsigte waarvan die lening toegestaan is, gelet op die tydperk wat vir die voltooiing daarvan bepaal is;
- (d) versuim om te voldoen aan enige voorwaarde waarop die lening toegestaan is of enige gedeelte daarvan uitbetaal is; of
- (e) gelikwider word of insolvent raak,

kan die betrokke plaaslike bestuur, ondanks andersluidende wetsbepalings, of—

- (i) van sodanige maatskappy, liggaam of persoon die bedrag wat alreeds ten opsigte van bedoelde lening uitbetaal en nog nie terugbetaal is nie, tesame met die rente verskuldig daarop, deur aksie in 'n bevoegde hof verhaal; of
- (ii) nadat twee-en-veertig dae kennis gegee is per vooruitbetaalde aangetekende brief gerig aan bedoelde persoon by sy laaste bekende woon- of besigheidsplek, of, in die geval van 'n nutsmaatskappy of ander liggaam, aan sy kantoor, en, indien die eiendom waarop sodanige lening versekureer is deur 'n ander persoon as die eienaar geokkupeer word, nadat kennis op dieselfde manier gegee is aan die okkupeerder, deur middel van 'n beampte wat skriftelik deur die plaaslike bestuur gemagtig is en sonder om 'n vonnis of bevel van die hof te verkry, die eiendom waarop die lening versekureer is, betree en in besit neem.

(2) Wanneer 'n eiendom ingevolge sub-artikel (1) in besit geneem is, kan die betrokke plaaslike bestuur, na kennisgewing van die voorneme om te verkoop een keer per week vir drie agtereenvolgende weke gepubliseer is in 'n Afrikaanse en 'n Engelse koerant wat in sy regsgebied in omloop is, bedoelde eiendom by openbare veiling of by publieke tender verkoop en dit aan die koper oordra en 'n goeie en geldige titel daarvan verleen, nieteenstaande dat bedoelde eiendom ook ten gunste van 'n ander persoon as die plaaslike bestuur verhipotekeer mag wees: Met dien verstande dat as bedoelde eiendom aldus verhipotekeer is, dit nie verkoop mag word nie tensy die plaaslike bestuur, minstens drie weke voor die datum wat vir die verkoping bepaal is, aan die betrokke verbandhouer kennis gegee het per vooruitbetaalde aangetekende brief aan hom by sy laaste bekende woon- of besigheidsplek gerig, van die voorneme om bedoelde eiendom te verkoop.

(3) Indien 'n woning wat ingevolge sub-artikel (1) in besit geneem is, nie voltooi is nie, kan die plaaslike bestuur bedoelde woning voltooi voordat dit ingevolge sub-artikel (2) verkoop word.

(4) Die opbrengs van die verkoop van 'n eiendom ingevolge sub-artikel (2) word aangewend om—

- (a) alle bedrae wat aan die plaaslike bestuur verskuldig is;
- (b) alle koste (indien enige) wat deur die plaaslike bestuur in verband met die voltooiing van 'n woning aangegaan is; en
- (c) alle koste wat in verband met die verkoop van bedoelde eiendom aangegaan is,

te betaal en die saldo (indien enige) word aan die nutsmaatskappy, ander liggaam of natuurlike persoon aan wie die plaaslike bestuur-behuisingslening toegestaan was of aan enige ander persoon wat wettiglik geregtig is om sodanige saldo te ontvang, betaal.

(5) Die betrokke plaaslike bestuur kan by 'n verkoping by openbare veiling enige woning wat ingevolge sub-artikel (2) verkoop word, koop en oordrag daarvan neem en die bepalinge van hierdie Wet met betrekking tot wonings wat deur 'n plaaslike bestuur gebou is, is daarna van toepassing ten opsigte van sodanige woning asof dit 'n woning was wat ingevolge artikel vyf-en-veertig deur bedoelde plaaslike bestuur gebou is.

(6) Waar 'n eiendom ingevolge sub-artikel (2) verkoop is, kan die plaaslike bestuur toestem dat die koper die belange en

the interest and liabilities of the previous owner in respect of the local authority housing loan and in order to give effect thereto, may consent to the substitution of the purchaser as mortgagor in respect of the existing mortgage bond, notwithstanding the fact that the previous owner has not agreed to the taking over of such interest and liabilities by the purchaser, and the provisions of this Act relating to local authority housing loans shall apply in respect of the purchaser who has so taken over the interest and liabilities of the previous owner as if the loan had originally been granted to such purchaser.

(7) The Registrar is hereby authorized to make such endorsements on any deed, bond or other document and effect such alterations or make such entries in his registers as may be necessary to give effect to the provisions of this section.

Pre-emptive right of local authorities in respect of dwellings constructed by means of local authority housing loans.

52. (1) It shall be a condition of every local authority housing loan granted in terms of sub-section (1) of section *forty-nine* to a utility company, other body or natural person that, notwithstanding the fact that the total amount of the loan, together with all interest thereon, has been repaid and that the mortgage bond which secured such loan has been cancelled by reason of such repayment, such company, body or person or the successors in title of such company, body or person shall not sell or otherwise alienate any dwelling constructed by means of such loan within a period of five years from the date of the registration of the mortgage bond, unless such dwelling has first been offered for sale to the local authority concerned and, if the local authority refuses to purchase and the loan was granted from moneys advanced to the local authority out of the fund, also to the Commission.

(2) Any such offer shall be made in writing and shall be accepted or rejected by the local authority or the Commission, as the case may be, within a period of sixty days after receipt thereof.

(3) If such offer is accepted the dwelling shall be purchased—

- (a) where the offer is accepted by the local authority, by the local authority; or
- (b) where the offer is accepted by the Commission, by the Commission,

at a price determined—

- (i) by agreement between the local authority or the Commission, as the case may be, and the seller; or
- (ii) if the local authority or the Commission, as the case may be, and the seller are unable to come to an agreement within a period of sixty days after the acceptance of the offer, by two arbitrators, one of whom shall be appointed by the seller or (if he fails to appoint an arbitrator within fourteen days after having been required to do so in writing by the Commission or the local authority, as the case may be), by the Minister and the other by the local authority or the Commission, as the case may be; or
- (iii) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister, and the decision of any such referee shall be final.

(4) In determining the purchase price of the dwelling, the arbitrators or the referee shall be guided by any principles which may be prescribed by regulation.

(5) The costs, calculated in accordance with the higher scale applicable to costs in magistrates' courts, in connection with the determination of the purchase price of the dwelling, shall, in the absence of agreement between the parties, be paid—

- (a) if the determination is made by arbitrators in terms of paragraph (ii) of sub-section (3), as directed by them; or
- (b) if the arbitrators are unable to agree as to the direction to be given under paragraph (a), by the party who incurred the costs; or
- (c) if the determination is made by a referee in terms of paragraph (iii) of sub-section (3), as directed by him and his decision shall be final.

(6) When any dwelling purchased by a local authority in terms of sub-section (3) has been transferred to it, the provisions of this Act relating to dwellings constructed by a local authority shall apply in respect of such dwelling as if it were a

verpligtings van die vorige eienaar ten opsigte van die plaaslike bestuur-behuisingslening oorneem en ten einde daaraan gevolg te gee, kan die plaaslike bestuur toestem dat die koper in die plek van die vorige eienaar as verbandgewer ten opsigte van die bestaande verband gestel word, ondanks die feit dat die vorige eienaar nie tot die oorname deur die koper van sodanige belange en verpligtings toegestem het nie, en die bepalings van hierdie Wet met betrekking tot plaaslike bestuur-behuisingslenings is van toepassing ten opsigte van 'n koper wat aldus die belange en verpligtings van die vorige eienaar oorgeneem het asof die lening oorspronklik aan bedoelde koper toegestaan was.

(7) Die Registrateur word hierby gemagtig om sodanige endossemente op enige akte, verbandakte of ander dokument te maak en om sodanige veranderings in sy register aan te bring of sodanige inskrywings in sy registers te maak as wat nodig mag wees om aan die bepalings van hierdie artikel gevolg te gee.

52. (1) Dit is 'n voorwaarde van elke plaaslike bestuur-behuisingslening wat ingevolge sub-artikel (1) van artikel *nege-en-veertig* aan 'n nutsmaatskappy, ander liggaam of natuurlike persoon toegestaan word dat, ondanks die feit dat die totale bedrag van die lening, tesame met alle rente daarop, terugbetaal is en dat die verband wat bedoelde lening versekureer het weens sodanige terugbetaling gekanselleer is, sodanige maatskappy, liggaam of persoon of die regsopvolgers van sodanige maatskappy, liggaam of persoon nie enige woning wat deur middel van bedoelde lening gebou is, binne 'n tydperk van vyf jaar vanaf die datum van registrasie van die verband mag verkoop of andersins vervreem nie, tensy sodanige woning eers aan die betrokke plaaslike bestuur te koop aangebied is en, indien die plaaslike bestuur weier om te koop en die lening toegestaan was uit gelde wat aan die plaaslike bestuur uit die fonds voorgesket is, ook aan die Kommissie.

Voorkoopsreg van plaaslike bestuure ten opsigte van wonings wat deur middel van plaaslike bestuur-behuisingslenings gebou is.

(2) So 'n aanbod moet skriftelik gedoen word en moet deur die plaaslike bestuur of die Kommissie, na gelang van die geval, binne 'n tydperk van sestig dae na ontvangs daarvan, aanvaar of van die hand gewys word.

(3) Indien sodanige aanbod aanvaar word, moet die woning—

- (a) waar die aanbod deur die plaaslike bestuur aanvaar word, deur die plaaslike bestuur gekoop word; of
- (b) waar die aanbod deur die Kommissie aanvaar word, deur die Kommissie gekoop word,

teen 'n prys bepaal—

- (i) by ooreenkoms tussen die plaaslike bestuur of die Kommissie, na gelang van die geval, en die verkoper, of
- (ii) indien die plaaslike bestuur of die Kommissie, na gelang van die geval, en die verkoper nie binne 'n tydperk van sestig dae na aanvaarding van die aanbod kan ooreenkom nie, deur twee arbiters, van wie een deur die verkoper of (indien hy versuim om 'n arbiter te benoem binne veertien dae nadat hy skriftelik deur die Kommissie of die plaaslike bestuur, na gelang van die geval, aangesê is om dit te doen) deur die Minister en die ander deur die plaaslike bestuur of die Kommissie, na gelang van die geval, benoem word; of
- (iii) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of (indien hulle nie omtrent die skeidsregter kan ooreenkom nie) deur 'n skeidsregter deur die Minister benoem, en die beslissing van so 'n skeidsregter is afdoende.

(4) By die bepaling van die koopprys van die woning moet die arbiters of die skeidsregter enige beginsels wat by regulasie voorgeskryf mag wees, in ag neem.

(5) Die koste, bereken volgens die hoër skaal wat van toepassing is op koste in magistraatshoue, in verband met die bepaling van die koopprys van die woning, word, by ontstentenis van ooreenkoms tussen die partye, betaal—

- (a) indien die bepaling, ingevolge paragraaf (ii) van sub-artikel (3), deur arbiters gemaak word, soos deur hulle beveel word; of
- (b) indien die arbiters nie kan ooreenkom betreffende die bevel wat kragtens paragraaf (a) gemaak moet word nie, deur die party wat die koste aangegaan het; of
- (c) indien die bepaling, ingevolge paragraaf (iii) van sub-artikel (3), deur 'n skeidsregter gemaak word, soos deur hom beveel word, en sy beslissing is afdoende.

(6) Wanneer 'n woning wat ingevolge sub-artikel (3) deur 'n plaaslike bestuur gekoop is aan hom oorgedra is, is die bepalings van hierdie Wet met betrekking tot wonings wat deur 'n plaaslike bestuur gebou is ten opsigte van sodanige woning van

dwelling constructed by such local authority in terms of section *fifty-five*.

(7) When any dwelling purchased by the Commission in terms of sub-section (3) has been transferred to it the provisions of this Act relating to dwellings, constructed by the Commission shall apply in respect of such dwelling as if it were a dwelling constructed by the Commission in terms of section *forty*.

(8) The Commission may, in consultation with the local authority concerned, at any time grant exemption from the provisions of sub-section (1) in respect of any dwelling to which the provisions of that sub-section apply.

(9) The Registrar shall at the request of a local authority—

- (a) make such endorsements on the title deeds of any dwelling and such entries in his registers as may be necessary to indicate that the provisions of sub-section (1) apply in respect of such dwelling; and
- (b) cancel any such endorsements and entries where an exemption has been granted in terms of sub-section (8) in respect of a dwelling.

(10) No transfer of any dwelling in respect of which the condition referred to in sub-section (1) applies, shall be passed to a person other than the local authority concerned or the Commission unless there is produced to the Registrar—

- (a) a certificate by the local authority; and
- (b) if the dwelling is in terms of the said condition also to be offered for sale to the Commission, a certificate signed on behalf of the Commission by the Secretary,

that such dwelling has been offered for sale in terms of the said sub-section and that the offer has been rejected.

Certain dwellings may not be sold without consent of the Minister.

53. (1) Notwithstanding anything to the contrary in section *fifty-two* contained, no utility company or other body shall sell or otherwise alienate any dwelling referred to in paragraph (b) or (c) of the definition of "dwelling" in section *one* which has been constructed by means of a local authority housing loan, except with the approval of the Minister and on such conditions as he may determine.

(2) If any dwelling is sold in contravention of sub-section (1) the sale shall be null and void.

Utilization by utility company or other body of excess of income over expenditure.

54. (1) Any utility company or other body which has been granted a local authority housing loan out of moneys advanced to the local authority out of the fund, shall utilize the excess of income over expenditure after the loan has been repaid in full only for such purposes and in such manner as the Commission may, in consultation with the Treasury, determine.

(2) Any utility company or other body which fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

Local authorities may construct dwellings and carry out schemes and sell or let dwellings constructed by them.

55. Any local authority may—

- (a) out of advances made to it or moneys borrowed by it under this Act, construct approved dwellings and carry out approved schemes—
 - (i) within the area under its jurisdiction; or
 - (ii) outside the area under its jurisdiction, on land acquired by it in terms of section *fifty-nine* or approved by the Administrator;
- (b) sell or let any dwelling constructed by it, whether under the powers conferred by this Act or by any other law, on such conditions as may be determined—
 - (i) in the case of dwellings in respect of the construction whereof an advance has been made out of the fund, by the Commission; or
 - (ii) in the case of other dwellings, by the Administrator.

Provisions in respect of local authority housing loans to apply in respect of unpaid portion of purchase price of dwellings.

56. If any dwelling constructed by a local authority is sold and the purchaser is required to pay only a portion of the purchase price before transfer of the dwelling to him, the balance of the purchase price shall be regarded as a loan and the provisions of sections *forty-nine*, *fifty*, *fifty-one* and *fifty-two* shall, in so far as they can be applied, apply *mutatis mutandis* in respect thereof as if it were a local authority housing loan, and for the purpose of such application the reference in sub-section (1) of section *fifty-two* to the date of registration of the

toepassing asof dit 'n woning was wat ingevolge artikel *vyf-en-vyftig* deur bedoelde plaaslike bestuur gebou is.

(7) Wanneer 'n woning wat ingevolge sub-artikel (3) deur die Kommissie gekoop is aan hom oorgedra is, is die bepalings van hierdie Wet met betrekking tot wonings wat deur die Kommissie gebou is ten opsigte van sodanige woning van toepassing asof dit 'n woning was wat ingevolge artikel *veertig* deur die Kommissie gebou is.

(8) Die Kommissie kan, in oorleg met die betrokke plaaslike bestuur, te eniger tyd vrystelling van die bepalings van sub-artikel (1) verleen ten opsigte van enige woning waarop die bepalings van daardie sub-artikel van toepassing is.

(9) Die Registrateur moet op versoek van 'n plaaslike bestuur—

(a) sulke endossemente op die titelbewyse van enige woning maak en sulke inskrywings in sy registers maak as wat nodig mag wees om aan te dui dat die bepalings van sub-artikel (1) ten opsigte van sodanige woning van toepassing is; en

(b) enige sodanige endossemente en inskrywings kanselleer waar 'n vrystelling ingevolge sub-artikel (8) ten opsigte van 'n woning verleen is.

(10) Geen oordrag van 'n woning ten opsigte waarvan die in sub-artikel (1) vermelde voorwaarde van toepassing is, word aan 'n ander persoon as die betrokke plaaslike bestuur of die Kommissie gepasseer nie, tensy daar aan die Registrateur—

(a) 'n sertifikaat deur die plaaslike bestuur; en

(b) indien die woning ingevolge genoemde voorwaarde ook aan die Kommissie te koop aangebied moet word, 'n sertifikaat onderteken ten behoeve van die Kommissie deur die Sekretaris,

voorgelê word dat sodanige woning ingevolge genoemde sub-artikel te koop aangebied is en dat die aanbod van die hand gewys is.

53. (1) Ondanks andersluidende bepalings van artikel *twee-en-vyftig*, mag geen nutsmaatskappy of ander liggaam enige in paragraaf (b) of (c) van die omskrywing van „woning” in artikel *een* bedoelde woning wat deur middel van 'n plaaslike bestuur-behuisingslening gebou is, verkoop of andersins vervreem nie behalwe met die goedkeuring van die Minister en op sulke voorwaardes as wat hy mag bepaal.

Sekere wonings mag nie sonder toestemming van die Minister verkoop word nie.

(2) Indien enige woning in stryd met sub-artikel (1) verkoop word, is die verkoop nietig.

54. (1) Enige nutsmaatskappy of ander liggaam aan wie 'n plaaslike bestuur-behuisingslening toegestaan is uit gelde wat aan die plaaslike bestuur uit die fonds voorgesket is, moet die bedrag waarmee inkomste die uitgawes te bowe gaan, nadat die lening ten volle terugbetaal is, slegs vir sodanige doeleindes en op sodanige wyse aanwend as wat die Kommissie, in oorleg met die Tesourie, mag bepaal.

Aanwending deur nutsmaatskappy of ander liggaam van bedrag waarmee inkomste die uitgawes te bowe gaan.

(2) 'n Nutsmaatskappy of ander liggaam wat versuim om aan die bepalings van sub-artikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond.

55. 'n Plaaslike bestuur kan—

(a) uit voorskotte aan hom gemaak of gelde deur hom geleen kragtens hierdie Wet goedgekeurde wonings bou en goedgekeurde skemas uitvoer—

(i) binne sy regsgebied; of

(ii) buite sy regsgebied op grond wat ingevolge artikel *nege-en-vyftig* deur hom verkry is of wat deur die Administrateur goedgekeur is;

(b) enige woning deur hom gebou is, hetsy kragtens die bevoegdheid deur hierdie Wet verleen of deur enige ander Wet, verkoop of verhuur op sulke voorwaardes as wat bepaal mag word—

(i) in die geval van wonings ten opsigte van die bou waarvan 'n voorskot uit die fonds gemaak is, deur die Kommissie; of

(ii) in die geval van ander wonings, deur die Administrateur.

Plaaslike besture kan wonings bou en skemas uitvoer en wonings wat deur hulle gebou is verkoop of verhuur.

56. Indien 'n woning wat deur 'n plaaslike bestuur gebou is, verkoop word en die koper verplig is om slegs 'n gedeelte van die koopprys te betaal voor oordrag van die woning aan hom, word die onbetaalde gedeelte van die koopprys as 'n lening beskou en is die bepalings van artikels *nege-en-veertig*, *vyftig*, *een-en-vyftig* en *twee-en-vyftig*, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing ten opsigte daarvan asof dit 'n plaaslike bestuur-behuisingslening was, en vir die doel van sodanige toepassing word die verwysing in sub-artikel (1)

Bepalings ten opsigte van plaaslike bestuur-behuisingslenings van toepassing te wees ten opsigte van onbetaalde gedeelte van koopprys van wonings.

mortgage bond shall be deemed to be a reference to the date of purchase of the dwelling.

Disposal of
right of
occupation
to natives.

57. Notwithstanding anything to the contrary contained in any law, any local authority may—

- (a) dispose of the right of occupation of any dwelling constructed by it in terms of section *fifty-five*; and
- (b) out of advances made to it or moneys borrowed by it under this Act, advance moneys for the construction of a dwelling on land belonging to such local authority, to any native in accordance with the provisions of section *sixteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945).

Remedies of
local authorities
against tenants
who fail to pay
rental due.

58. If the tenant of a dwelling constructed by a local authority fails to pay the rental payable by him on the due date, the local authority may—

- (a) take steps to recover the amount of the rental due, by action in a competent court;
- (b) after giving seven days' notice by prepaid registered letter addressed to the tenant at the place where the dwelling is situated, by an officer authorized in writing by it and without obtaining any judgment or order of the court, enter upon and take possession of the dwelling in respect of which the rental is owing.

Acquisition by
local authorities
of land for
housing purposes
and extinction
or modification
of restrictions
on land.

59. (1) Notwithstanding anything to the contrary in any law contained, a local authority may, with the written approval of the Minister, purchase, expropriate or otherwise acquire any land, whether situated within or outside the area under its jurisdiction, which it requires for the purpose of constructing thereon an approved dwelling or of carrying out thereon an approved scheme: Provided that land which, in terms of any law relating to mining, is or is deemed to be proclaimed land or which forms part of any such land, or upon which prospecting, digging or mining operations are being carried on, or in respect of which a prospecting contract or prospecting licence is registered in the office of the Registrar of Mining Titles, or on which minerals are, on reasonable grounds, believed to exist in workable quantities, shall not be expropriated except in consultation with the Minister of Mines: Provided further that the Minister shall not approve of the expropriation of any land unless he is satisfied that the local authority is unable to purchase such land on reasonable terms and that no other suitable land is available to the local authority and that the local authority is unable to purchase other suitable land on reasonable terms.

(2) The provisions of sections *thirty-two* to *thirty-nine*, inclusive, shall *mutatis mutandis* apply with reference to the expropriation of any land by a local authority in terms of sub-section (1) and with reference to land belonging to or to be acquired by a local authority, and for the purpose of such application any reference in the said sections to the Commission or the Secretary shall be deemed to be a reference to the local authority.

Transfer of
powers and
functions from
one local
authority to
another.

60. (1) A local authority may, with the approval of the Administrator or, if a decision has not been given by him within sixty days after application has been made to him for his approval and the Minister so directs, without his approval, agree with another local authority to an arrangement under which the first-mentioned local authority may exercise or perform within the area under the jurisdiction of the last-mentioned local authority any or all of the powers or functions conferred upon or entrusted to the last-mentioned local authority by this Act.

(2) The first-mentioned local authority may thereupon exercise or perform within the said area such of the powers and functions as have been agreed upon and the relevant provisions of this Act shall apply to the said local authority in respect of the exercise or performance by it of such powers and functions within the said area as if it were in all respects the other local authority.

van artikel twee-en-veertig na die datum van registrasie van die verband geag 'n verwysing na die datum van aankoop van die woning te wees.

57. Ondanks andersluidende wetsbepalings kan 'n plaaslike bestuur—

Oormaking van okkupasiereg aan naturelle.

- (a) die reg van okkupasie van 'n woning wat ooreenkomstig artikel vyf-en-veertig deur hom gebou is, oormak; en
- (b) uit voorskotte aan hom gemaak of gelde deur hom geleen kragtens hierdie Wet, gelde voorskiet vir die bou van 'n woning op grond wat aan dié plaaslike bestuur behoort,

aan 'n naturel in ooreenstemming met die bepalinge van artikel sestig van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945).

58. Indien die huurder van 'n woning wat deur 'n plaaslike bestuur gebou is, versuim om die huurgeld wat deur hom betaalbaar is op die vervaldag te betaal, kan die plaaslike bestuur—

Regsmiddels van plaaslike bestuure teen huurders wat versuim om verskuldigde huurgeld te betaal.

- (a) stappe doen om die bedrag van die verskuldigde huurgeld te verhaal deur aksie in 'n bevoegde hof;
- (b) nadat sewe dae kennis gegee is per vooruitbetaalde aangetekende brief gerig aan die huurder by die plek waar die woning geleë is, deur middel van 'n beambte wat skriftelik deur die plaaslike bestuur gemagtig is en sonder om 'n vonnis of bevel van die hof te verkry, die woning ten opsigte waarvan die huurgeld verskuldig is, betree en in besit neem.

59. (1) Ondanks andersluidende wetsbepalings, kan 'n plaaslike bestuur, met die skriftelike goedkeuring van die Minister, enige grond (hetsy dit binne sy regsgebied geleë is of daarbuite) wat hy nodig het ten einde 'n goedgekeurde woning daarop te bou of 'n goedgekeurde skema daarop uit te voer, koop, onteien of op ander wyse verkry: Met dien verstande dat grond wat ingevolge 'n wet op mynbou geproklameerde grond is of geag word te wees of wat deel van sodanige grond uitmaak, of waarop geprospekteer of gedelf of mynbouwerkzaamhede gedryf word, of ten opsigte waarvan 'n prospekterkontrak of -lisensie in die kantoor van die Registrateur van Mynbriewe geregistreer is, of waarop daar, na op redelike gronde vermoed word, minerale in ontginbare hoeveelhede voorkom, nie onteien word nie behalwe in oorleg met die Minister van Mynwese: Met dien verstande voorts dat die Minister nie die onteiening van grond goedkeur nie tensy hy oortuig is dat die plaaslike bestuur nie in staat is om die grond op redelike voorwaardes te koop nie en dat geen ander geskikte grond vir die plaaslike bestuur beskikbaar is nie, en dat die plaaslike bestuur nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie.

Verkryging deur plaaslike bestuure van grond vir behuisingdoeleindes en opheffing of wysiging van beperkings op grond.

(2) Die bepalinge van artikels twee-en-dertig tot en met nege-en-dertig is *mutatis mutandis* van toepassing met betrekking tot die onteiening van enige grond ingevolge sub-artikel (1) deur 'n plaaslike bestuur en met betrekking tot grond wat aan 'n plaaslike bestuur behoort of deur hom verkry staan te word, en vir die doel van sodanige toepassing word enige verwysing na die Kommissie of die Sekretaris in vermelde artikels geag 'n verwysing na die plaaslike bestuur te wees.

60. (1) 'n Plaaslike bestuur kan, met die goedkeuring van die Administrateur, of, indien 'n beslissing nie deur die Administrateur gegee is nie binne sestig dae nadat aansoek by hom gedoen is om sy goedkeuring en die Minister aldus gelas, sonder sy goedkeuring, by ooreenkoms met 'n ander plaaslike bestuur 'n reëling aangaan waarvolgens eersgenoemde plaaslike bestuur binne die regsgebied van laasgenoemde plaaslike bestuur enige van of al die bevoegdhede of werkzaamhede wat deur hierdie Wet aan laasgenoemde plaaslike bestuur verleen of opgedra is, kan uitoefen of verrig.

Oordrag van bevoegdhede en werkzaamhede van een plaaslike bestuur aan 'n ander.

(2) Die eersgenoemde plaaslike bestuur kan dan binne bedoelde gebied sodanige van die bevoegdhede en werkzaamhede as waartoe ooreengekom is, uitoefen of verrig en die toepaslike bepalinge van hierdie Wet is van toepassing op genoemde plaaslike bestuur ten opsigte van die uitoefening of verrigting deur hom van sodanige bevoegdhede en werkzaamhede binne bedoelde gebied asof hy in alle opsigte die ander plaaslike bestuur was.

Local authority may take over interest and liabilities of other persons in respect of schemes.

61. (1) Any local authority may, with the approval of the Administrator and subject to such conditions as the Commission may determine, by agreement with any person who has carried out or is carrying out a scheme within the area under its jurisdiction by means of moneys from the fund, take over the interest and liabilities of such person in respect of such scheme.

(2) When a local authority has so taken over such interest and liabilities the provisions of this Act relating to schemes carried out by local authorities shall apply as if the scheme in question were a scheme carried out by such local authority.

Alienation and use of land by local authority.

62. Notwithstanding anything to the contrary in any law contained, any local authority may, subject to the approval of the Administrator and on such conditions as he may determine—

- (a) sell any land (other than land acquired by it by means of an advance out of the fund) of which it is the owner, 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 utility company or other body to construct a dwelling or to carry out a scheme thereon or of enabling any natural person to construct a dwelling thereon; and
- (b) use any portion of any town lands vested in it, for the construction of approved dwellings or the carrying out of approved schemes.

Utilization of profits derived from the sale of land acquired by means of an advance from the fund.

63. Where any land acquired by a local authority by means of an advance out of the fund is sold by it, any profit derived from the sale of such land shall be utilized by the local authority for such housing purposes as the Commission may determine.

CHAPTER IX.

GENERAL AND MISCELLANEOUS.

Commission may grant loans to certain persons to enable them to make provision for water for domestic purposes.

64. (1) Notwithstanding anything to the contrary in this Act contained, the Commission may, on such conditions as it may determine, approve of a loan, not exceeding two hundred and fifty pounds, to the registered owner of any land who has any water available, to enable him to make provision for an adequate supply of such water for domestic purposes on such land.

(2) Where any such loan has been granted the Commission may in writing direct the Registrar to note, free of charge, the loan on the title deed of the land in question and in the appropriate registers.

(3) The document conveying that direction shall be accompanied by the owner's title deed to the land in question and shall set forth—

- (a) a description of the land in question and the number and date of its title deed;
- (b) the name of the owner of such land;
- (c) the total amount of the loan to be noted;
- (d) the rate of interest payable on that loan;
- (e) the amount and period of the instalments by which that loan is to be repaid.

(4) The making of such a note on the title deed of land shall create a charge upon the land of the amount noted and any interest due thereon, which shall remain attached to the land on transfer thereof and shall bind every successive owner thereof.

(5) Any such charge shall be redeemed within such period and in such instalments as the Commission may, in consultation with the Treasury, determine: Provided that any owner of the land to which the charge attaches, may at any time redeem the charge entirely by the payment of an amount equal to the unredeemed portion of the charge, after deduction therefrom of any interest included therein for the unexpired part of the said period.

(6) No individual portion of any piece of land which is subject to any such charge may be transferred (whether on partition or otherwise) except with the Commission's consent, and the Commission shall in any such case determine what share of the charge shall be allocated to each portion of the land, and the Registrar shall make the necessary notes in accordance with such allocation, free of charge, on the relevant title deeds and in the

61. (1) Enige plaaslike bestuur kan, met die goedkeuring van die Administrateur en onderworpe aan sodanige voorwaardes as wat die Kommissie mag bepaal, by ooreenkoms met enige persoon wat 'n skema binne die plaaslike bestuur se regsgebied uitvoer of uitgevoer het deur middel van gelde uit die fonds, daardie persoon se belange en verpligtings ten opsigte van sodanige skema oorneem.

Plaaslike bestuur kan ander persone se belange en verpligtings ten opsigte van skemas oorneem.

(2) Wanneer 'n plaaslike bestuur sodanige belange en verpligtings aldus oorgeneem het, is die bepalinge van hierdie Wet met betrekking tot skemas wat deur 'n plaaslike bestuur uitgevoer is van toepassing asof die betrokke skema 'n skema was wat deur bedoelde plaaslike bestuur uitgevoer is.

62. Ondanks andersluidende wetsbepalinge, kan enige plaaslike bestuur, onderworpe aan die goedkeuring van die Administrateur en op sulke voorwaardes as wat hy mag bepaal—

Vervreemding en gebruik van grond deur plaaslike bestuur.

(a) enige grond (behalwe grond wat deur die plaaslike bestuur deur middel van 'n voorskot uit die fonds verkry is) waarvan die plaaslike bestuur die eienaar is teen 'n nominale prys verkoop of op 'n ander manier as by openbare veiling of publieke tender verkoop ten einde die Kommissie of enige nutsmaatskappy of ander liggaam in staat te stel om daarop 'n woning te bou of 'n skema uit te voer of ten einde enige natuurlike persoon in staat te stel om daarop 'n woning te bou; en

(b) enige gedeelte van enige dorps- of stadsgronde wat aan die plaaslike bestuur behoort, vir die bou van goedgekeurde wonings of die uitvoering van goedgekeurde skemas gebruik.

63. Waar enige grond wat deur 'n plaaslike bestuur verkry is deur middel van 'n voorskot uit die fonds, deur hom verkoop word, moet enige profyt wat op die verkoop van sodanige grond gemaak word, deur die plaaslike bestuur vir sulke behuisingdoeleindes gebruik word as wat die Kommissie mag bepaal.

Aanwending van profyte gemaak op die verkoop van grond verkry deur middel van voorskotte uit die fonds.

HOOFSTUK IX.

ALGEMEEN EN DIVERSE BEPALINGS.

64. (1) Ondanks andersluidende bepalinge van hierdie Wet, kan die Kommissie, op sulke voorwaardes as wat hy mag bepaal, goedkeuring verleen vir 'n lening van hoogstens tweehonderd-en-veertig pond aan die geregistreerde eienaar van enige grond wat enige water tot sy beskikking het, om hom in staat te stel om voorsiening te maak vir 'n toereikende voorraad van sodanige water vir huishoudelike doeleindes op sodanige grond.

Kommissie kan lenings toestaan aan sekere persone om hulle in staat te stel om voorsiening te maak vir water vir huishoudelike gebruik.

(2) Waar so 'n lening toegestaan is, kan die Kommissie die Registrateur skriftelik gelas om die lening gratis op die titelbewys van die betrokke grond en in die gepaste registers aan te teken.

(3) Die dokument wat die lasgewing bevat, moet van die eienaar se titelbewys van die betrokke grond vergesel gaan en moet aangee—

(a) 'n beskrywing van die betrokke grond en die nommer en datum van die titelbewys daarvan;

(b) die naam van die eienaar van daardie grond;

(c) die totale bedrag van die lening wat aangeteken moet word;

(d) die rentevoet op daardie lening betaalbaar;

(e) die bedrag en tydperk van die paaielemente waarin daardie lening afbetaal moet word.

(4) So 'n aantekening op die titelbewys van grond gemaak, skep 'n las op die grond vir die aangetekende bedrag en enige rente daarop verskuldig, wat by oordrag van die grond daaraan verbonde bly en elke daaropvolgende eienaar daarvan bind.

(5) So 'n las moet in so 'n tydperk en in sulke paaielemente as wat die Kommissie, in oorleg met die Tesourie, mag bepaal, afgeles word: Met dien verstande dat 'n eienaar van die grond waaraan die las verbonde is, te eniger tyd die las in sy geheel kan aflos deur betaling van 'n bedrag gelyk aan die onafgeloste deel van die las, na aftrekking daarvan van daarby ingerekende rente vir die onverstreke gedeelte van bedoelde tydperk.

(6) Geen individuele gedeelte van 'n stuk grond wat aan so 'n las onderworpe is, mag oorgedra word nie (hetsy by verdeling of andersins), behalwe met toestemming van die Kommissie, en die Kommissie bepaal in so 'n geval watter aandeel van die las aan elke gedeelte van die grond toegewys moet word, en die Registrateur moet ooreenkomstig so 'n toewysing die nodige aantekeninge gratis op die betrokke titelbewyse en in die gepaste

appropriate registers, in the manner in which the original charge was noted, and thereupon each such portion shall be charged as if the note had originally been made on its title deed for the amount so allocated.

(7) If any instalment due under the charge is in arrear for more than one month, the Commission may recover from the owner concerned the instalment due or the full amount which the owner would have to pay in terms of sub-section (5) or (6) in order to redeem the charge entirely, and it may in like manner recover that full amount if the owner has failed to comply with any condition of the loan to which the charge relates.

(8) Whenever a charge created under this section has been redeemed in full, the Secretary shall in writing notify the Registrar, who shall thereupon cancel the relevant notes.

Sale of dwelling in respect of which the Commission or a local authority is the holder of a bond.

65. (1) Notwithstanding anything to the contrary in any law contained, no dwelling in respect of which the Commission or a local authority is the holder of a mortgage bond which secures a loan in terms of this Act shall—

- (a) without the consent of the Commission or the local authority concerned, as the case may be, be sold by the trustee of an insolvent estate otherwise than by public auction;
- (b) be sold at a sale in execution or at a sale by public auction by the trustee of an insolvent estate unless at least two weeks notice has been given, by prepaid registered letter, to the Commission or the local authority concerned, as the case may be, of the time and place of the sale.

(2) At any such sale the Commission or the local authority concerned, as the case may be, may, notwithstanding anything to the contrary in any law contained, itself purchase such dwelling if the highest other bid made is less than the amount which is actually owing under the bond.

(3) Any dwelling purchased by the Commission or a local authority in terms of sub-section (2) shall be transferred to the Commission or the local authority concerned, as the case may be, and the provisions of this Act relating to dwellings constructed by the Commission or by a local authority, as the case may be, shall thereafter apply in respect of such dwelling as if it were a dwelling constructed by the Commission or the local authority.

Losses on municipal housing schemes.

66. The Minister may, with the approval of the Minister of Finance, enter into an agreement with any local authority in terms of which any loss incurred by such local authority in carrying out or maintaining any scheme under this Act is to be apportioned between the State and the local authority on a basis specified in the agreement.

Governor-General may make grants of land to the Commission or local authorities.

67. (1) Notwithstanding anything to the contrary in any law contained, the Governor-General may, on such conditions as he may determine, grant to the Commission or to any local authority any Crown land for the purpose of enabling the Commission or such local authority to carry out thereon an approved scheme: Provided that—

- (a) if and when the dwellings forming part of the scheme are sold by the Commission or the local authority, an amount equal to the value (which shall be determined at the time of the grant 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 by the Commission or the local authority, as the case may be, to the Consolidated Revenue Fund;
- (b) during any period within which rentals accrue to the Commission or the local authority in respect of dwellings constructed on such land, interest at the rate determined by the Minister of Finance in consultation with the Minister, on the value (as determined in accordance with paragraph (a)) of the land on which such dwellings have been constructed, shall form a first charge against such accrued rentals and shall be paid by the Commission or the local authority, as the case may be, to the Consolidated Revenue Fund.

registers aanbring op die wyse waarop die oorspronklike las aangeteken was, en daarop is elke bedoelde gedeelte belas asof die aantekening oorspronklik op die titelbewys daarvan vir die aldus toegewese bedrag gemaak was.

(7) Indien 'n paaiement ten opsigte van die las verskuldig meer as een maand agterstallig is, kan die Kommissie die verskuldigde paaiement of die volle bedrag wat die eienaar volgens sub-artikel (5) of (6) sou moes betaal om die las geheel en al af te los op die betrokke eienaar verhaal, en hy kan daardie volle bedrag insgelyks verhaal indien die eienaar in gebreke gebly het om aan enige voorwaarde van die lening waarop bedoelde las betrekking het, te voldoen.

(8) Wanneer 'n las wat ingevolge hierdie artikel geskep is, ten volle afgelos is, moet die Sekretaris daarvan skriftelik kennis gee aan die Registrateur wat daarop die betrokke aantekening rojeer.

65. (1) Ondanks andersluidende wetsbepalings mag geen woning ten opsigte waarvan die Kommissie of 'n plaaslike bestuur die houer van 'n verband is wat 'n lening ingevolge hierdie Wet versekureer—

Verkoop van woning ten opsigte waarvan die Kommissie of 'n plaaslike bestuur die houer van 'n verband is.

(a) sonder die toestemming van die Kommissie of die betrokke plaaslike bestuur, na gelang van die geval, deur die kurator van 'n insolvente boedel op 'n ander wyse dan by openbare veiling verkoop word nie;

(b) by 'n eksekusieverkoping of by 'n openbare veiling deur die kurator van 'n insolvente boedel verkoop word nie, tensy minstens twee weke kennis per vooruitbetaalde aangetekende brief aan die Kommissie of die betrokke plaaslike bestuur, na gelang van die geval, gegee is van die tyd en plek van die verkoping.

(2) By enige sodanige verkoping kan die Kommissie of die betrokke plaaslike bestuur, na gelang van die geval, ondanks andersluidende wetsbepalings, self sodanige woning koop indien die hoogste ander bod gemaak minder is as die bedrag wat werklik uit hoofde van die verband verskuldig is.

(3) Enige woning wat ingevolge sub-artikel (2) deur die Kommissie of 'n plaaslike bestuur gekoop word, moet aan die Kommissie of die betrokke plaaslike bestuur, na gelang van die geval, getransporeer word en die bepalinge van hierdie Wet met betrekking tot wonings wat deur die Kommissie of deur 'n plaaslike bestuur, na gelang van die geval, gebou is, is daarna van toepassing ten opsigte van bedoelde woning asof dit 'n woning was wat deur die Kommissie of die plaaslike bestuur gebou is.

66. Die Minister kan, met die goedkeuring van die Minister van Finansies, 'n ooreenkoms met enige plaaslike bestuur aangaan waarvolgens enige verlies wat deur sodanige plaaslike bestuur gely word by die uitvoer of instandhouding van 'n skema kragtens hierdie Wet, tussen die Staat en die plaaslike bestuur verdeel word op 'n basis in die ooreenkoms vermeld.

Verliese op munisipale behuisingskemas.

67. (1) Ondanks andersluidende wetsbepalings kan die Goewerneur-generaal, op sulke voorwaardes as wat hy mag bepaal, aan die Kommissie of aan enige plaaslike bestuur enige Kroongrond toeken ten einde die Kommissie of sodanige plaaslike bestuur in staat te stel om daarop 'n goedgekeurde skema uit te voer: Met dien verstande dat—

Goewerneur-generaal kan grond aan die Kommissie of plaaslike bestuur toeken.

(a) as en wanneer die wonings wat deel van die skema uitmaak deur die Kommissie of die plaaslike bestuur verkoop word, 'n bedrag gelyk aan die waarde (wat deur 'n bevoegde persoon deur die Minister van Lande aangestel, bepaal moet word ten tyde van die toekening) van die grond waarop sodanige wonings gebou is deur die Kommissie of die plaaslike bestuur, na gelang van die geval, aan die Gekonsolideerde Inkomstefonds betaal moet word;

(b) gedurende enige tydperk gedurende welke huurgelde aan die Kommissie of die plaaslike bestuur toeval ten opsigte van wonings wat op sodanige grond gebou is, rente, teen die koers deur die Minister van Finansies in oorleg met die Minister bepaal, op die waarde (soos ooreenkomstig paragraaf (a) bepaal) van die grond waarop sodanige wonings gebou is 'n preferente vordering teen sodanige toegevalle huurgelde is en deur die Kommissie of die plaaslike bestuur, na gelang van die geval, aan die Gekonsolideerde Inkomstefonds betaal moet word.

(2) The Minister may, subject to the conditions of the grant, set apart any portion or portions of land granted to the Commission or a local authority in terms of sub-section (1) for parks, recreation grounds or other public requirements.

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

Alienation of land by the Commission, a local authority, utility company or other body.

68. (1) No land acquired by the Commission or by a local authority by means of an advance made to it or moneys borrowed by it under this Act or by a utility company or other body by means of a local authority housing loan, and on which no dwelling has been constructed, shall be alienated by the Commission, local authority, utility company or other body, as the case may be, except with the approval of the Minister and on such conditions as he may determine.

(2) The Commission may, with the approval of the Minister, donate to any local authority any land belonging to the Commission which the local authority requires for public purposes or exchange any such land for any land belonging to the local authority: Provided that no such donation shall be made unless the Minister of Finance has first been consulted.

Minister may prohibit construction of works or buildings.

69. (1) Whenever it appears to the Minister that the provision of dwellings within an area under the jurisdiction of a local authority is delayed or is likely to be delayed by a deficiency of labour or material arising out of the employment of labour or material in the construction of any works or buildings, and that the construction of those works or buildings is in the circumstances of the case of less public importance than the provision of dwelling accommodation, the Minister may, by order, prohibit for such time and on such terms and subject to such conditions as he may from time to time prescribe, and either in whole or in part, the construction of those works or buildings.

(2) Any person who acts in contravention of or fails to comply with any of the provisions of an order made under sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding one month, 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 of an order having been made under sub-section (1).

Control of building materials.

70. (1) The Commission may, with the approval of the Minister given after consultation with the Minister of Economic Affairs, by notice in writing direct any person who is in possession of any building material or equipment—

- (a) not to sell or to use any such material or equipment specified in the notice for any purpose other than a purpose stated in the notice; or
- (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 therein.

(2) Any person who contravenes or fails to comply with any notice under sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

Surveys of residential accommodation.

71. (1) The Secretary shall, whenever directed by the Minister to do so, carry out, within any area specified by the Minister, a survey of all accommodation used or capable of being used for residential purposes either generally or by any particular class (including any particular race) of persons.

(2) For the purpose of carrying out any direction under sub-section (1), the Secretary may, with the approval of the Minister—

- (a) in respect of any area under the jurisdiction of a local authority, by notice in writing, call upon the local

(2) Die Minister kan, onderworpe aan die voorwaardes van die toekenning enige gedeelte of gedeeltes van die grond wat ingevolge sub-artikel (1) aan die Kommissie of 'n plaaslike bestuur toegeken is, vir parke, ontspanningsgronde of ander openbare vereistes afsonder.

(3) 'n Beskrywing van enige grond wat kragtens hierdie artikel toegeken is, die naam van die bevoordeelde, die voorwaardes van die toekenning en die datum daarvan, moet so spoedig moontlik na die toekenning gemaak word, in die *Staatskoerant* gepubliseer word.

68. (1) Geen grond wat verkry is deur die Kommissie of deur 'n plaaslike bestuur deur middel van 'n voorskot wat aan hom gemaak is of gelde deur hom geleen kragtens hierdie Wet, of deur 'n nutsmaatskappy of ander liggaam deur middel van 'n plaaslike bestuur-behuisingslening, en waarop geen woning gebou is nie, mag deur die Kommissie, plaaslike bestuur, nutsmaatskappy of ander liggaam, na gelang van die geval, vervreem word nie, behalwe met die goedkeuring van die Minister en op sulke voorwaardes as wat hy mag bepaal.

Vervreemding van grond deur die Kommissie, 'n plaaslike bestuur, nutsmaatskappy of ander liggaam.

(2) Die Kommissie kan met die goedkeuring van die Minister aan enige plaaslike bestuur, enige grond skenk wat aan die Kommissie behoort en wat die plaaslike bestuur vir openbare doeleindes nodig het of enige sodanige grond verruil vir enige grond wat aan die plaaslike bestuur behoort: Met dien verstande dat geen sodanige skenking gemaak mag word nie tensy die Minister van Finansies eers geraadpleeg is.

69. (1) Wanneer dit na die Minister se oordeel blyk dat die verskaffing van wonings binne die regsgebied van 'n plaaslike bestuur vertraag word of waarskynlik vertraag sal word deur 'n tekort aan arbeidskragte of materiaal vanweë die aanwending van arbeidskragte of materiaal by die oprigting van enige werke of geboue en dat die oprigting van daardie werke of geboue onder die heersende omstandighede van minder algemene belang is as die verskaffing van woningakkommodasie, kan die Minister, vir sodanige tyd en met sulke bedinge en onderworpe aan sulke voorwaardes as wat hy van tyd tot tyd mag voorskryf, die oprigting van daardie werke of geboue, hetsy geheel en al of gedeeltelik, by order, verbied.

Minister kan oprigting van werke of geboue verbied.

(2) Iemand wat in stryd met 'n kragtens sub-artikel (1) uitgevaardigde order handel of versuim om aan enige van die bepalinge daarvan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens een maand, vir elke dag wat die misdryf voortduur.

(3) In enige aksie of regsgeding weens breuk van 'n kontrak om enige werke of geboue op te rig, is bewys dat die behoorlike nakoming van die kontrak verhoed was omdat 'n order kragtens sub-artikel (1) uitgevaardig is, 'n geldige verweer.

70. (1) Die Kommissie kan met die goedkeuring van die Minister gegee na oorlegpleging met die Minister van Ekonomiese Sake, by skriftelike kennisgewing enige persoon wat in besit van boumateriaal of -toerusting is, gelas—

Beheer oor boumateriale.

(a) om nie enige sodanige materiaal of toerusting in die kennisgewing vermeld vir enige ander doel as 'n in die kennisgewing genoemde doel, te verkoop of te gebruik nie; of

(b) om enige sodanige materiaal of toerusting in die kennisgewing vermeld teen die heersende pryse op die datum van die kennisgewing, aan 'n daarin genoemde persoon te verkoop.

(2) Iemand wat 'n kennisgewing kragtens sub-artikel (1) oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

71. (1) Die Sekretaris moet, wanneer hy deur die Minister gelas word om dit te doen, binne enige gebied deur die Minister aangedui, 'n opname maak van alle akkommodasie wat vir woondoeleindes gebruik word of geskik is om daarvoor gebruik te word of in die algemeen of deur enige klas van persone (insluitende enige bepaalde ras).

Opnames van woonakkommodasie.

(2) Ten einde uitvoering te gee aan 'n lasgewing kragtens sub-artikel (1) kan die Sekretaris, met die goedkeuring van die Minister—

(a) ten opsigte van enige gebied binne die regsgebied van 'n plaaslike bestuur, by skriftelike kennisgewing die

authority to furnish the Secretary, within a period specified in the notice, with such information as may be so specified;

(b) in respect of any area not within the area of jurisdiction of any local authority—

(i) by notice published in the *Gazette* and in an Afrikaans and an English newspaper circulating in that area, call upon every person of a class specified in the notice, to furnish the Secretary at an address and not later than at a date so specified, with such information as may be so specified;

(ii) by notice in writing call upon any local authority the area of jurisdiction of which adjoins such area to furnish the Secretary within a period specified in the notice, with such information as may be so specified;

(c) in respect of any area, cause house-to-house investigations to be carried out by persons authorized by the Secretary in writing to do so.

(3) A local authority which has, in terms of paragraph (a) or sub-paragraph (ii) of paragraph (b) of sub-section (2), been called upon to furnish any information shall for the purpose of obtaining such information have *mutatis mutandis* the same powers as are conferred upon the Secretary by sub-paragraph (i) of paragraph (b) and paragraph (c) of sub-section (2), and shall be obliged to exercise those powers for the purpose of obtaining any such information which is not in its possession or whenever the Minister so directs.

(4) Subject to the approval of the Minister granted in consultation with the Minister of Finance, all reasonable expenditure incurred by a local authority in the exercise of any power referred to in sub-section (3) shall be recoverable from the Secretary.

(5) Any person authorized in terms of paragraph (c) of sub-section (2) or in terms of the said paragraph read with sub-section (3), to carry out any investigation, may, for the purposes of such investigation, at any reasonable time enter upon and inspect any premises.

(6) Any person who—

(a) fails to comply with any notice under paragraph (a) of sub-section (2) or under sub-paragraph (ii) of paragraph (b) of sub-section (2);

(b) fails to comply with any notice under sub-paragraph (i) of paragraph (b) of sub-section (2), or under the said sub-paragraph read with sub-section (3);

(c) fails to comply with the provisions of sub-section (3); or

(d) hinders or obstructs any authorized person referred to in paragraph (c) of sub-section (2) or in the said paragraph read with sub-section (3), in the exercise of his powers or the performance of his functions and duties in terms of this section,

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a) or (c), to a fine not exceeding one hundred pounds; and

(ii) in the case of an offence referred to in paragraph (b) or (d), to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Prohibition of demolition of dwellings and certain other buildings and of use of dwellings and such buildings for purposes other than residential purposes.

72. (1) No person shall without the written permission of the Minister—

(a) demolish any dwelling lawfully erected within the area of jurisdiction of a local authority; or

(b) use any such dwelling or permit any such dwelling to be used for purposes other than residential purposes.

(2) Every application for such permission shall be addressed to the local authority within the area of jurisdiction of which the dwelling in question is situated and the said local authority shall, within thirty days of receipt thereof, transmit the application (with such comments and recommendations as it may wish to offer) to the Secretary.

(3) No person shall without the written permission of the local authority, or of the Administrator on appeal as provided in sub-section (4), demolish or use or permit to be used otherwise than for residential purposes, any building, other than a

plaaslike bestuur aansê om die Sekretaris, binne 'n in die kennisgewing vermelde tydperk van sodanige inligting as wat aldus vermeld mag word, te voorsien;

(b) ten opsigte van enige gebied wat nie binne die regsgebied van 'n plaaslike bestuur val nie—

(i) by kennisgewing gepubliseer in die *Staatskoerant* en in 'n Afrikaanse en 'n Engelse koerant wat in daardie gebied in omloop is, elke persoon van 'n klas in die kennisgewing vermeld, aansê om die Sekretaris by 'n adres en nie later nie as op 'n datum aldus vermeld van sodanige inligting as wat aldus vermeld mag word, te voorsien;

(ii) by skriftelike kennisgewing enige plaaslike bestuur wie se regsgebied aan bedoelde gebied grens, aansê om die Sekretaris binne 'n tydperk in die kennisgewing vermeld van sodanige inligting as wat aldus vermeld mag word, te voorsien;

(c) ten opsigte van enige gebied ondersoek van huis tot huis laat doen deur persone wat skriftelik deur die Sekretaris daartoe gemagtig is.

(3) 'n Plaaslike bestuur wat ingevolge paragraaf (a) of sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) aangesê is om enige inligting te voorsien, het, ten einde sodanige inligting te bekom, *mutatis mutandis* dieselfde bevoegdhede as wat by sub-paragraaf (i) van paragraaf (b) en paragraaf (c) van sub-artikel (2) aan die Sekretaris verleen word, en moet daardie bevoegdhede uitoefen ten einde enige sodanige inligting wat hy nie het nie te bekom of wanneer die Minister aldus gelas.

(4) Onderworpe aan die goedkeuring van die Minister in ooreenstemming met die Minister van Finansies verleen, kan alle redelike uitgawes deur 'n plaaslike bestuur aangegaan by die uitoefening van enige in sub-artikel (3) bedoelde bevoegdheid, van die Sekretaris verhaal word.

(5) Iemand wat ingevolge paragraaf (c) van sub-artikel (2), of ingevolge genoemde paragraaf saamgelees met sub-artikel (3), gemagtig is om 'n ondersoek te doen, kan, vir die doeleindes van sodanige ondersoek, op enige redelike tyd enige perseel betree en dit inspekteer.

(6) Enige persoon wat—

(a) versuim om aan 'n kennisgewing kragtens paragraaf (a) van sub-artikel (2), of kragtens sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2), te voldoen;

(b) versuim om aan 'n kennisgewing kragtens sub-paragraaf (i) van paragraaf (b) van sub-artikel (2), of kragtens genoemde sub-paragraaf saamgelees met sub-artikel (3), te voldoen;

(c) versuim om aan die bepalinge van sub-artikel (3) te voldoen; of

(d) enige gemagtigde persoon na wie verwys word in paragraaf (c) van sub-artikel (2) of in genoemde paragraaf saamgelees met sub-artikel (3), in die uitoefening van sy bevoegdhede of in die verrigting van sy werksaamhede en pligte ingevolge hierdie artikel, hinder of belemmer,

55 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n in paragraaf (a) of (c) bedoelde misdryf, met 'n boete van hoogstens honderd pond; en

(ii) in die geval van 'n in paragraaf (b) of (d) bedoelde misdryf, met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

72. (1) Niemand mag sonder die skriftelike toestemming van die Minister—

(a) enige woning wat wettiglik gebou is binne die regsgebied van 'n plaaslike bestuur, sloop nie; of

(b) enige sodanige woning vir ander doeleindes as woondoeleindes gebruik nie of toelaat dat enige sodanige woning vir ander doeleindes as woondoeleindes gebruik word nie.

(2) Elke aansoek om sodanige toestemming moet aan die plaaslike bestuur binne wie se regsgebied die betrokke woning geleë is, gerig word en bedoelde plaaslike bestuur moet die aansoek (tesame met sodanige kommentaar en aanbevelings as wat hy wil maak), binne dertig dae vanaf ontvangs daarvan, aan die Sekretaris stuur.

(3) Niemand mag sonder die skriftelike toestemming van die plaaslike bestuur of van die Administrateur na appèl soos in sub-artikel (4) bepaal, enige ander gebou dan 'n woning in die regsgebied van sodanige plaaslike bestuur, wat by die inwerking-

Verbod op sloping van wonings en sekere ander geboue en gebruik van wonings en sulke geboue vir ander doeleindes as woondoeleindes.

dwelling, within the area of jurisdiction of such local authority, which was at the commencement of this Act used for such purposes or which, after such commencement, is constructed for such purposes and which, in the opinion of the local authority, is reasonably fit for human habitation or is reasonably capable of being made fit for such habitation.

(4) An appeal shall lie to the Administrator against the refusal of any local authority to grant such permission and the Administrator's decision shall be final.

(5) Any person who contravenes the provisions of sub-section (1) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(6) The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of this section any area specified in the notice or any area other than an area so specified or any dwelling or building or any class of dwelling, or building and may in like manner amend or repeal any such notice.

Powers of entry and inspection.

73. (1) Any member of the Commission and any person generally or specially authorized thereto by the Commission or the Secretary may at all reasonable times enter—

- (a) upon any land which has been acquired by a local authority by means of an advance from the fund or any dwelling which has been constructed by a local authority by means of such an advance;
- (b) upon any land which has been acquired by means of a housing loan and in respect of which any amount is owing to the fund;
- (c) any dwelling constructed by means of a housing loan and in respect of which any amount is owing to the fund;
- (d) any dwelling which is let by the Commission;
- (e) any dwelling sold by the Commission and in respect of which any amount is owing to the fund;
- (f) any dwelling in respect of which the Commission has a right of pre-emption in terms of this Act,

to make any inspection or to perform any work or to do anything which he is required or authorized to do under this Act.

(2) Any person generally or specially authorized thereto by a local authority may at all reasonable times enter—

- (a) upon any land which has been acquired by means of a local authority housing loan and in respect of which any amount is owing to such local authority;
- (b) any dwelling constructed by means of a local authority housing loan and in respect of which any amount is owing to such local authority;
- (c) any dwelling which is let by such local authority;
- (d) any dwelling sold by such local authority and in respect of which any amount is owing to the local authority; or
- (e) any dwelling in respect of which such local authority has a right of pre-emption in terms of this Act,

to make any inspection or to perform any work or to do anything which he is required or authorized to do under this Act.

(3) Any person who fails to give or refuses access to any person referred to in sub-section (1) or (2) or obstructs or hinders him in the execution of his duties under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Exemption from transfer duty, stamp duty, etc.

74. (1) (a) No transfer duty shall be payable in connection with the transfer to the Commission or to any local authority of any property acquired by it in terms of this Act and no stamp duty or registration fees shall be payable in connection with the transfer by the Commission or by any local authority of any property sold by it in terms of this Act.

treëding van hierdie Wet vir woondoeleindes gebruik is of wat na sodanige inwerkingtreëding vir sodanige doeleindes gebou word en wat, volgens die oordeel van die plaaslike bestuur, redelik geskik is vir bewoning deur mense of wat redelikerwys vir sodanige bewoning geskik gemaak kan word, sloop of vir 'n ander doel as woondoeleindes gebruik of toelaat dat dit daarvoor gebruik word nie.

(4) Daar is 'n reg van appèl na die Administrateur teen die weiering van 'n plaaslike bestuur om bedoelde toestemming te verleen en die Administrateur se beslissing is afdoende.

(5) Iemand wat die bepalings van sub-artikel (1) of (3) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met beide daardie boete en daardie gevangenisstraf.

(6) Die Minister kan by kennisgewing in die *Staatskoerant* enige in die kennisgewing vermelde gebied of enige ander gebied as 'n aldus vermelde gebied of enige woning of gebou of enige klas van wonings of geboue van enige van of al die bepalings van hierdie artikel uitsluit, en kan so 'n kennisgewing insgelyks wysig of intrek.

73. (1) Enige lid van die Kommissie en enige persoon wat in die algemeen of spesiaal daartoe gemagtig is deur die Kommissie of die Sekretaris kan op alle redelike tye— Reg van toegang en inspeksie.

- (a) enige grond betree wat deur 'n plaaslike bestuur verkry is deur middel van 'n voorskot uit die fonds of enige woning binnegaan wat deur 'n plaaslike bestuur gebou is deur middel van so 'n voorskot;
- (b) enige grond betree wat deur middel van 'n behuisingsslening verkry is en ten opsigte waarvan enige bedrag aan die fonds verskuldig is;
- (c) enige woning binnegaan wat deur middel van 'n behuisingsslening gebou is ten opsigte waarvan enige bedrag aan die fonds verskuldig is;
- (d) enige woning binnegaan wat deur die Kommissie verhuur word;
- (e) enige woning binnegaan wat deur die Kommissie verkoop is en ten opsigte waarvan enige bedrag aan die fonds verskuldig is;
- (f) enige woning binnegaan ten opsigte waarvan die Kommissie ingevolge hierdie Wet 'n voorkopsreg het, om enige inspeksie uit te voer of om enige werk te verrig of om enigiets te doen wat hy kragtens hierdie Wet verplig of gemagtig is om te doen.

(2) Enige persoon wat in die algemeen of spesiaal daartoe gemagtig is deur 'n plaaslike bestuur kan op alle redelike tye—

- (a) enige grond betree wat deur middel van 'n plaaslike bestuur-behuisingsslening verkry is en ten opsigte waarvan enige bedrag aan bedoelde plaaslike bestuur verskuldig is;
- (b) enige woning binnegaan wat deur middel van 'n plaaslike bestuur-behuisingsslening gebou is en ten opsigte waarvan enige bedrag aan bedoelde plaaslike bestuur verskuldig is;
- (c) enige woning binnegaan wat deur bedoelde plaaslike bestuur verhuur word;
- (d) enige woning binnegaan wat deur bedoelde plaaslike bestuur verkoop is en ten opsigte waarvan enige bedrag aan die plaaslike bestuur verskuldig is; of
- (e) enige woning binnegaan ten opsigte waarvan bedoelde plaaslike bestuur ingevolge hierdie Wet 'n voorkopsreg het,

om enige inspeksie uit te voer of om enige werk te verrig of om enigiets te doen wat hy kragtens hierdie Wet verplig of gemagtig is om te doen.

(3) Iemand wat versuim of weier om toegang te verleen aan enige in sub-artikel (1) of (2) bedoelde persoon of hom by die verrigting van sy pligte kragtens hierdie Wet hinder of belemmer is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

74. (1) (a) Geen hereregte is betaalbaar nie in verband met die oordrag aan die Kommissie of aan enige plaaslike bestuur van enige eiendom wat ingevolge hierdie Wet deur hom verkry word nie en geen seëlregte of registrasiegelde is betaalbaar nie in verband met die oordrag deur die Kommissie of deur enige plaaslike bestuur van enige eiendom wat ingevolge hierdie Wet deur hom verkoop word nie. Vrystelling van hereregte, seëlregte, ens.

- (b) No fees or other charges shall be payable by the Commission or by any local authority in connection with any endorsements or entries made or alterations or cancellations effected by any Registrar in terms of this Act on any deed, bond or other document or in any register.

(2) No stamp duty or fees shall be payable in connection with the cession to the Commission in terms of sub-section (6) of section *twenty-four* or sub-section (1) of section *twenty-eight* of any bond.

(3) Taxes levied and fees charged by local authorities in respect of properties of which the Commission is the owner, shall not be subject to penalties.

Delegation of powers.

75. The Minister may delegate—

- (a) to the Commission the power conferred upon him by sub-section (1) of section *fifty-nine* to approve of the purchase by a local authority of any land;
- (b) to any member of the Commission the power conferred upon the Minister by sub-section (1) of section *seventy-two*,

and anything done by the Commission or any member thereof under and within the scope of the power so delegated to it or him shall be as valid and effective as if done by the Minister himself.

Cessions and assignments.

76. No cession or assignment by any person of any right he may have or acquire in respect of any housing loan or any portion thereof or in respect of any contract entered into by the Commission under this Act, shall be valid or operative unless such cession or assignment is made with the written consent of the Commission, which shall have absolute discretion in giving or withholding such consent.

Regulations.

77. (1) The Minister may make regulations, not inconsistent with this Act, as to—

- (a) the calling of meetings of the Commission, the procedure at meetings of the Commission and of committees thereof (including the quorum), the circumstances under which a member of the Commission shall vacate his office and the conditions of service of members of the Commission and of committees thereof;
- (b) the manner in which applications for advances, housing loans (including local authority housing loans), building loans and loans in terms of section *sixty-four* shall be made and the information which shall be furnished by applicants;
- (c) the maximum period which may be determined for the repayment of any housing loan (including any local authority housing loan);
- (d) the maximum amounts which may be granted to natural persons by way of housing loans (including local authority housing loans) and which may be different in respect of different classes of persons or areas;
- (e) the nature, cost of construction and size of dwellings which may be constructed by means of advances, housing loans (including local authority housing loans) or building loans and which may be different in respect of different classes of persons or areas;
- (f) the approval of building plans of dwellings by the Commission and the insurance of dwellings constructed by means of advances, housing loans (including local authority housing loans) or building loans;
- (g) the supervision to be exercised by the Commission, local authorities or building societies over the construction of dwellings constructed by means of advances, housing loans (including local authority housing loans) or building loans;
- (h) the sale and letting of dwellings constructed by the Commission or a local authority under this Act, including the determination of the price at which such dwellings may be sold and of the rentals which may be charged for such dwellings which may vary in respect of different classes of persons or dwellings;
- (i) the maintenance, repair and inspection of dwellings constructed by the Commission or a local authority

- (b) Geen gelde of ander bedrae is deur die Kommissie of deur enige plaaslike bestuur betaalbaar nie in verband met enige endossemente, inskrywings, veranderings of kansellerings wat ingevolge hierdie Wet deur 'n Registrateur gemaak of aangebring word op enige akte, verbandakte of ander dokument of in enige register.
- (2) Geen seëlregte of gelde is betaalbaar nie in verband met die sessie aan die Kommissie ingevolge sub-artikel (6) van artikel vier-en-twintig of sub-artikel (1) van artikel agt-en-twintig van enige verband nie.
- (3) Belastings gehef en gelde gevorder deur plaaslike besture ten opsigte van eiendomme waarvan die Kommissie die eienaar is, is nie aan boetes onderhewig nie.

75. Die Minister kan—

Delegasie van bevoegdhede.

- (a) die bevoegdheid wat deur sub-artikel (1) van artikel nege-en-veertig aan hom verleen is om goedkeuring te verleen vir die aankoop van enige grond deur 'n plaaslike bestuur, aan die Kommissie delegeer;
- (b) die bevoegdheid wat deur sub-artikel (1) van artikel twee-en-sewentig aan hom verleen is, aan enige lid van die Kommissie delegeer,

en enigiets wat deur die Kommissie of enige lid daarvan gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is.

76. Geen sessie of oordrag deur enige persoon van enige reg wat hy mag hê of verkry ten opsigte van enige behuising-lening of enige gedeelte daarvan of ten opsigte van enige kontrak wat kragtens hierdie Wet deur die Kommissie aangegaan is, is geldig of van krag nie tensy sodanige sessie of oordrag geskied met die skriftelike toestemming van die Kommissie, wat 'n absolute diskresie het om sodanige toestemming te verleen of te weerhou.

Sessies en oordragte.

77. (1) Die Minister kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, aangaande—

Regulasies.

- (a) die byeenroeping van vergaderings van die Kommissie, die prosedure by vergaderings van die Kommissie en van komitees daarvan (met inbegrip van die kworum), die omstandighede waaronder 'n lid van die Kommissie sy amp ontruim en die diensvoorwaardes van lede van die Kommissie en van komitees daarvan;
- (b) die wyse waarop aansoeke om voorskotte, behuising-lenings (insluitende plaaslike bestuur-behuising-lenings), boulenings en lenings ingevolge artikel vier-en-sestig gedoen moet word en die inligting wat deur applikante verstrekk moet word;
- (c) die maksimum tydperk wat vir die terugbetaling van 'n behuising-lening (insluitende 'n plaaslike bestuur-behuising-lening) bepaal mag word;
- (d) die maksimum bedrae wat aan natuurlike persone by wyse van behuising-lenings (insluitende plaaslike bestuur-behuising-lenings) toegestaan mag word en wat verskillend mag wees ten opsigte van verskillende klasse van persone of gebiede;
- (e) die aard, boukoste en grootte van wonings wat deur middel van voorskotte, behuising-lenings (insluitende plaaslike bestuur-behuising-lenings) of boulenings gebou mag word en wat verskillend mag wees ten opsigte van verskillende klasse van persone of gebiede;
- (f) die goedkeuring van bouplanne van wonings deur die Kommissie en die versekering van wonings wat deur middel van voorskotte, behuising-lenings (insluitende plaaslike bestuur-behuising-lenings) of boulenings gebou word;
- (g) die toesig wat deur die Kommissie, plaaslike besture of bouverenigings gehou moet word oor die bou van wonings wat deur middel van voorskotte, behuising-lenings (insluitende plaaslike bestuur-behuising-lenings) of boulenings gebou word;
- (h) die verkoop en verhuur van wonings wat kragtens hierdie Wet deur die Kommissie of 'n plaaslike bestuur gebou word, insluitende die bepaling van die prys waarteen sulke wonings verkoop mag word en van die huurgeld wat vir sodanige wonings gevra mag word wat kan varieer ten opsigte van verskillende klasse van persone of wonings;
- (i) die instandhouding, herstel en inspeksie van wonings gebou deur die Kommissie of 'n plaaslike bestuur

under this Act or constructed by means of housing loans (including local authority housing loans) or building loans;

- (j) the persons to whom dwellings constructed by the Commission or a local authority under this Act may be sold or let and which may be different in respect of different classes of persons or areas;
- (k) the inspection of the books, records and other documents of any local authority, utility company or other body to which an advance or local authority housing loan has been made;
- (l) surveys by the Commission, the Secretary or local authorities of the incomes of occupiers of dwellings forming part of assisted housing schemes and the powers and duties of the Commission, the Secretary and local authorities in connection therewith;
- (m) the matters in respect of which fees shall be payable to the Commission or a local authority, the amount of such fees, the persons who shall be liable for the payment thereof and the collection and utilization thereof;
- (n) all matters which by this Act are required or permitted to be prescribed; and
- (o) generally, all matters which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved.

(2) No regulations shall be made under paragraph (c), (d), (e), (h), (j) or (m) of sub-section (1) except in consultation with the Minister of Finance.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of fifty pounds or imprisonment for a period of six months.

Repeal of laws.

78. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) All advances made or loans granted or contracts entered into or moneys spent or anything done under any provision of any law repealed by sub-section (1) or under any provision of any regulation made under any such law, shall be deemed to have been made, granted, entered into, spent or done under the corresponding provisions of this Act: Provided that nothing in this Act shall be construed as imposing upon any person any obligation or conferring upon him any right or privilege to which he was not immediately prior to the commencement of this Act subject or entitled by virtue of the operation of any such law or regulation unless such person has, with the consent of the Commission, agreed in writing to be subject to all the applicable provisions of this Act.

(3) Anything purporting to have been done by the National Housing and Planning Commission established by section *eighteen* of the Housing Act, 1920 (Act No. 35 of 1920), the Natal Housing Board established by section *two* of the Natal Housing Ordinance, 1945 (Ordinance No. 22 of 1945) of the province of Natal, or a local authority in terms of any law repealed by sub-section (1), but which was not authorized by that law shall, if it could be done under any provision of this Act, be deemed to have been done under that provision.

Short title and date of commencement.

79. (1) This Act shall be called the Housing Act, 1957, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) The date fixed under sub-section (1) may in respect of the province of Natal, be later than the date so fixed in respect of the rest of the Union and shall not be a date earlier than fourteen days after the date of publication of the relevant proclamation.

- kragtens hierdie Wet of gebou deur middel van behuisingslenings (insluitende plaaslike bestuur-behuisingslenings) of boulenings;
- (j) die persone aan wie wonings gebou deur die Kommissie of 'n plaaslike bestuur kragtens hierdie Wet, verkoop of verhuur mag word en wat verskillend mag wees ten opsigte van verskillende klasse van persone of gebiede;
 - (k) die inspeksie van die boeke, registers en ander stukke van enige plaaslike besture, nutsmaatskappy of ander liggaam waaraan 'n voorskot of plaaslike bestuur-behuisingslening gemaak is;
 - (l) opnames deur die Kommissie, die Sekretaris of plaaslike besture van die inkomstes van okkupeerders van wonings wat deel uitmaak van hulpbehuisingskemas en die bevoegdhede en pligte van die Kommissie, die Sekretaris en plaaslike besture in verband daarmee;
 - (m) die aangeleenthede ten opsigte waarvan gelde aan die Kommissie of 'n plaaslike bestuur betaalbaar is, die bedrag van sulke gelde, die persone wat vir die betaling daarvan aanspreeklik is en die invordering en gebruik daarvan;
 - (n) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
 - (o) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.
- (2) Geen regulasies mag kragtens paragraaf (c), (d), (e), (h), (j) of (m) van sub-artikel (1) uitgevaardig word nie behalwe in oorleg met die Minister van Finansies.
- (3) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen van hoogstens 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande.

78. (1) Behoudens die bepalings van sub-artikel (2), word die in die Bylae vermelde Wette hierby herroep vir sover in die derde kolom daarvan aangedui word. Herroeping van Wette.

(2) Alle voorskotte gemaak of lenings toegestaan of kontrakte aangegaan of geld bestee of enigiets gedoen kragtens enige bepaling van 'n Wet deur sub-artikel (1) herroep of kragtens enige bepaling van 'n regulasie kragtens enige sodanige Wet uitgevaardig, word geag kragtens die ooreenstemmende bepalings van hierdie Wet gemaak, toegestaan, aangegaan, bestee of gedoen te gewees het: Met dien verstande dat niks in hierdie Wet uitgelê word as sou dit op enige persoon enige verpligting plaas of aan hom enige reg of voorreg verleen nie waaraan of waarop hy nie onmiddellik voor die inwerkingtreding van hierdie Wet uit hoofde van die gelding van enige sodanige Wet of regulasie onderhewig of geregtig was nie, tensy sodanige persoon, met die toestemming van die Kommissie, skriftelik onderneem het om aan al die toepaslike bepalings van hierdie Wet onderhewig te wees.

(3) Enigiets wat deur die Nasionale Behuisings- en Planne-kommissie ingestel deur artikel *agtien* van die Woningwet, 1920 (Wet No. 35 van 1920), die Natalse Behuisingsraad ingestel deur artikel *twee* van die Natalse Behuisingsordonnansie, 1945 (Ordonnansie No. 22 van 1945) van die provinsie Natal, of 'n plaaslike bestuur heet gedoen te gewees het ingevolge enige Wet wat deur sub-artikel (1) herroep word, maar wat nie deur daardie Wet gemagtig was nie, indien dit kragtens enige bepaling van hierdie Wet gedoen sou kon word, geag kragtens daardie bepaling gedoen te gewees het.

79. (1) Hierdie Wet heet die Behuisingswet, 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en datum van inwerkingtreding.

(2) Die datum wat kragtens sub-artikel (1) bepaal word, kan, ten opsigte van die provinsie Natal, later wees as die datum wat aldus bepaal word ten opsigte van die res van die Unie en mag nie 'n datum vroeër as veertien dae na die datum van publikasie van die toepaslike proklamasie wees nie.

Schedule.

LAWS REPEALED.

No. and year.	Title.	Extent of repeal.
Act No. 35 of 1920.	Housing Act, 1920	The whole.
Act No. 5 of 1925.	Housing Act, 1920, Amendment Act, 1925.	The whole.
Act No. 68 of 1934.	Housing (Amendment) Act, 1934	The whole.
Act No. 31 of 1936.	Housing Amendment Act, 1936..	The whole.
Act No. 41 of 1937.	Additional Housing Act, 1937 ..	The whole.
Act No. 38 of 1943.	Housing Acts Amendment Act, 1943.	The whole.
Act No. 49 of 1944.	Housing Amendment Act, 1944 ..	The whole.
Act No. 45 of 1945.	Housing (Emergency Powers) Act, 1945.	The whole.
Act No. 57 of 1946.	Finance Act, 1946.. ..	Section <i>eleven</i> .
Act No. 48 of 1947.	Finance Act, 1947	Sections <i>twenty-four</i> and <i>thirty-three</i> .
Act No. 12 of 1948.	Housing Amendment Act, 1948..	The whole.
Act No. 57 of 1949.	Housing Amendment Act, 1949..	The whole.
Ordinance No. 22 of 1945 of the province of Natal.	Natal Housing Ordinance, 1945..	The whole.
Ordinance No. 34 of 1947 of the province of Natal.	Natal Housing Amendment Ordinance, 1947.	The whole.
Ordinance No. 7 of 1950 of the province of Natal.	Natal Housing Amendment Ordinance, 1950.	The whole.

Bylae.
WETTE HERROEP.

No. en jaar.	Titel.	In hoeverre herroep.
Wet No. 35 van 1920.	Woningwet, 1920	Die geheel.
Wet No. 5 van 1925.	„Woningwet, 1920, Wijzigingswet, 1925”.	Die geheel.
Wet No. 68 van 1934.	Woningwysigingswet, 1934 ..	Die geheel.
Wet No. 31 van 1936.	Woning Wysigingswet, 1936 ..	Die geheel.
Wet No. 41 van 1937.	Addisionele Woningwet, 1937 ..	Die geheel.
Wet No. 38 van 1943.	Wysigingswet op die Woningwette, 1943.	Die geheel.
Wet No. 49 van 1944.	Woning-wysigingswet, 1944 ..	Die geheel.
Wet No. 45 van 1945.	Wet op Behuising (Noodmagte), 1945.	Die geheel.
Wet No. 57 van 1946.	Finansiewet, 1946	Artikel <i>elf</i> .
Wet No. 48 van 1947.	Finansiewet, 1947	Artikels <i>vier-en-twintig</i> en <i>drie-en-dertig</i> .
Wet No. 12 van 1948.	Woning-wysigingswet, 1948 ..	Die geheel.
Wet No. 57 van 1949.	Woning-wysigingswet, 1949 ..	Die geheel.
Ordonnansie No. 22 van 1945 van die provinsie Natal.	Natalse Behuisingsordonnansie, 1945.	Die geheel.
Ordonnansie No. 34 van 1947 van die provinsie Natal.	Natalse Behuisingsordonnansie (Wysiging), 1947.	Die geheel.
Ordonnansie No. 7 van 1950 van die provinsie Natal.	Wysigingsordonnansie op Natalse Behuising, 1950.	Die geheel.

No. 12, 1957.]

ACT

To apply a further sum not exceeding sixteen million nine hundred and eight thousand five hundred and eighty-four pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1957.

(Afrikaans text signed by the Governor-General.)
(Assented to 12th March, 1957.)

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:—

Railway and
Harbour Fund
charged with
£16,908,584.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Union for the year ending the thirty-first day of March, 1957, not exceeding in the whole for revenue services the sum of eleven million five hundred and ninety-three thousand two hundred and eighty-four pounds and for capital and betterment services the sum of five million three hundred and fifteen thousand three hundred pounds in addition to the sums provided by the Railways and Harbours Appropriation Act, 1956 (Act No. 20 of 1956).

How moneys to
be applied.

2. The moneys appropriated by this Act shall be applied to the purposes set forth in the First and Second Schedules hereto and more particularly specified in the Estimates of Additional Expenditure [U.G. 3—1957 and U.G. 4—1957] for the said year as approved by Parliament.

Minister may
authorize
variations.

3. (1) With the approval of the Minister of Transport a saving on any of the heads set out in Column 1 of the First Schedule to this Act may be made available for any excess of expenditure on any other head appearing in Column 1 of the First Schedule to Act No. 20 of 1956, and similarly a saving on any one of the heads set out in Column 1 of the Second Schedule to this Act may be made available for any excess of expenditure on any other head appearing in Column 1 of the Second Schedule to Act No. 20 of 1956.

(2) No excess shall be incurred on any sum appearing in Column 2 of either the First or Second Schedule to this Act, and savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in those Schedules.

(3) The amount appearing in Column 3 of the Second Schedule to this Act may be made available for any services falling under heads numbered 2 to 8 of that Schedule and heads numbered 2 to 8 in the Second Schedule to Act No. 20 of 1956.

Lines under
construction.

4. In the case of the service falling under Head No. 1 of the Second Schedule to this Act the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

Sources from
which moneys
appropriated will
be provided.

5. The moneys appropriated by this Act for capital and betterment services shall be provided from the sources set out in the Third Schedule hereto.

Short title.

6. This Act shall be called the Railways and Harbours Additional Appropriation Act, 1957.

No. 12, 1957.]

WET

Tot aanwending van 'n verdere som van hoogstens sestienniljoen negehoonderd en agtduisend vyfhonderd vier-en-tagtig pond uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1957 eindig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Maart 1957.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die dienste van die spoorweë en hawens van die Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1957 eindig, maar gesamentlik ten bedrae van hoogstens elfmiljoen vyfhonderd drie-en-negentigduisend tweehonderd vier-en-tagtig pond vir inkomstediensle en vyfmiljoen driehonderd en vyftienduise driehonderd pond vir kapitaal- en verbeteringsdienste bo en behalwe die bedrae waarvoor voorsiening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1956 (Wet No. 20 van 1956). Spoorweg- en Hawefonds belas met £16,908,584.
2. Die gelde deur hierdie Wet beskikbaar gestel moet aangewend word vir die doeleindes vermeld in die Eerste en Tweede Bylaes by hierdie Wet en nader omskrywe in die Begroting van Addisionele Uitgawe [U.G. 3—1957 en U.G. 4—1957] vir die genoemde jaar soos deur die Parlement goedgekeur. Hoe die gelde bestee moet word.
3. (1) Met die goedkeuring van die Minister van Vervoer kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Eerste Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Eerste Bylae by Wet No. 20 van 1956, en insgelyks kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Tweede Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Tweede Bylae by Wet No. 20 van 1956. Minister kan afwykings magtig.
(2) Geen bedrag wat voorkom in kolom 2 van die Eerste of Tweede Bylae by hierdie Wet mag oorskry word nie, en besparings daarop mag vir geen ander doel as dié waarvoor die geld hiermee beskikbaar gestel word, soos aangetoon in daardie Bylaes, aangewend word nie.
(3) Die bedrag wat voorkom in kolom 3 van die Tweede Bylae by hierdie Wet kan aangewend word vir alle dienste genoem onder hoofde genummer 2 tot 8 van daardie Bylae, en hoofde genummer 2 tot 8 in die Tweede Bylae by Wet No. 20 van 1956.
4. By die diens vermeld onder Hoof No. 1 van die Tweede Bylae by hierdie Wet mag die gesamentlike uitgawe vir 'n lyn wat in aanbou is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word. Lyne in aanbou.
5. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste beskikbaar gestel word, moet uit die in die Derde Bylae by hierdie Wet vermelde bronne verskaf word. Bronne waaruit beskikbaargestelde gelde verskaf sal word.
6. Hierdie Wet heet die Addisionele Spoorweg- en Hawebegrotingswet, 1957. Kort titel.

First Schedule.

REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
		£	£
	RAILWAYS:		
	<i>Transportation Services—</i>		
1	General Charges	141,143	—
2	Maintenance of Permanent Way and Works	2,145,434	—
3	Maintenance of Rolling Stock	1,472,992	—
4	Running Expenses	3,234,698	—
5	Traffic Expenses	3,189,255	—
7	Cartage Services	153,392	—
	<i>Subsidiary Service—</i>		
9	Catering and Bedding Services ..	38,874	—
	<i>Expenditure on Net Revenue Account—</i>		
15	Interest on Superannuation and Other Funds	—	142,500
17	Miscellaneous Expenditure	—	21,996
	HARBOURS:		
	<i>Transportation Services—</i>		
18	Maintenance of Assets	259,022	—
19	Operating Expenses	154,212	—
20	General Charges	4,306	—
	<i>Expenditure on Net Revenue Account—</i>		
24	Interest on Capital	—	28,198
25	Miscellaneous Expenditure	—	97,262
	STEAMSHIPS:		
	<i>Transportation Services—</i>		
26	Working and Maintenance	148,483	—
	<i>Expenditure on Net Revenue Account—</i>		
26/1	Interest on Capital	—	1,500
27	Miscellaneous Expenditure	—	8,017
	AIRWAYS:		
	<i>Transportation Services—</i>		
28	Working and Maintenance	224,730	—
	<i>Expenditure on Net Revenue Account—</i>		
29	Interest on Capital	—	18,103
30	Miscellaneous Expenditure	—	109,167
	TOTAL	£11,593,284	

Second Schedule.

CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.	Column 3.
		£	£	£
1	Construction of Railways	—	100	—
2	New Works on Open Lines	362,550	—	—
3	Rolling Stock	40,300	—	—
4	Road Transport Service	5,000	—	—
5	Harbours	—	26,050	—
6	Steamships	—	80,000	—
7	Airways	—	1,250	—
8	Working Capital	4,600,050	—	—
9	Unforeseen Works	—	—	200,000
	TOTAL	£5,315,300		

SUMMARY.

		£
Revenue Services (First Schedule)	..	11,593,284
Capital and Betterment Services (Second Schedule) ..	..	5,315,300
		<u>£16,908,584</u>

Eerste Bylae.

INKOMSTEDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
		£	£
	SPOORWEE:		
	<i>Vervoerdienste—</i>		
1	Algemene koste	141,143	—
2	Onderhoud van spoorbaan en werke	2,145,434	—
3	Onderhoud van rollende materiaal ..	1,472,992	—
4	Treinlooptkoste	3,234,698	—
5	Verkeerskoste	3,189,255	—
7	Besteldiens	153,392	—
	<i>Hulpdienste—</i>		
9	Verversings- en beddegoeddiens ..	38,874	—
	<i>Uitgawe op netto inkomsterekening—</i>		
15	Rente op superannuasie- en ander fondse	—	142,500
17	Diverse uitgawe	—	21,996
	HAWENS:		
	<i>Vervoerdienste—</i>		
18	Onderhoud van bate	259,022	—
19	Bedryfskoste	154,212	—
20	Algemene koste	4,306	—
	<i>Uitgawe op netto inkomsterekening—</i>		
24	Rente op kapitaal	—	28,198
25	Diverse uitgawe	—	97,262
	STOOMSKEPE:		
	<i>Vervoerdienste—</i>		
26	Eksplorasie en onderhoud	148,483	—
	<i>Uitgawe op netto inkomsterekening—</i>		
26/1	Rente op kapitaal	—	1,500
27	Diverse uitgawe	—	8,017
	LUGDIENS:		
	<i>Vervoerdienste—</i>		
28	Eksplorasie en onderhoud	224,730	—
	<i>Uitgawe op netto inkomsterekening—</i>		
29	Rente op kapitaal	—	18,103
30	Diverse uitgawe	—	109,167
	TOTAAL	£11,593,284	

Tweede Bylae.

KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.	Kolom 3.
		£	£	£
1	Aanleg van spoorweë	—	100	—
2	Nuwe werke aan oopgestelde lyne	362,550	—	—
3	Rollende materiaal	40,300	—	—
4	Padvervoerdien	5,000	—	—
5	Hawens	—	26,050	—
6	Stoomskepe	—	80,000	—
7	Lugdiens	—	1,250	—
8	Bedryfskapitaal	4,600,050	—	—
9	Onvoorsiene werke	—	—	200,000
	TOTAAL	£5,315,300		

SAMEVATTING.

		£
Inkomstediens (Eerste Bylae)	..	11,593,284
Kapitaal- en Verbeteringsdiens (Tweede Bylae)	..	5,315,300
		£16,908,584

Third Schedule.

Sources from which the additional funds for capital and betterment services will be provided:—

	£
Loan from the South West Africa Administration	120,000
Savings on provision made by the Second Schedule to Act No. 20 of 1956:	
Head No. 1: Construction of Railways	385,000
Head No. 2: New Works on Open Lines	1,350,000
Head No. 3: Rolling Stock	2,942,300
Head No. 4: Road Transport Service	68,000
Head No. 5: Harbours	290,000
Head No. 7: Airways	160,000
	<u>£5,315,300</u>

No. 13, 1957.]

ACT

To apply a further sum of money for the purpose of meeting certain unauthorized expenditure incurred on railways and harbours services during the financial year which ended the thirty-first day of March, 1956.

(English text signed by the Governor-General.)
(Assented to 12th March, 1957.)

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:—

Railway and Harbour Fund charged with £1,558,458 19s. 6d. in respect of expenditure of year 1955-'56.

1. The Railway and Harbour Fund is hereby charged with the sum of one million five hundred and fifty-eight thousand four hundred and fifty-eight pounds nineteen shillings and six pence to meet certain expenditure not authorized by the Railways and Harbours Appropriation Act, 1955, the Railways and Harbours Second Additional Appropriation Act, 1955, and the Railways and Harbours Additional Appropriation Act, 1956, for the services of the railways and harbours, during the financial year which ended the thirty-first day of March, 1956. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 9 and 11 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for that year and in the First Report of the Select Committee on Railways and Harbours, 1957.

Short title.

2. This Act shall be called the Railways and Harbours Unauthorized Expenditure Act, 1957.

Schedule.

Service.	Amount.
	£ s. d.
Revenue Services	1,361,820 6 11
Capital and Betterment Services	196,638 12 7
	<u>1,558,458 19 6</u>

Derde Bylae.

Bronne waaruit die addisionele fondse vir kapitaal- en verbeteringsdienste verskaf sal word:—

	£
Lening van die Administrasie van Suidwes-Afrika	120,000
Besparings op die beskikbaarstelling kragtens die Tweede Bylae by Wet No. 20 van 1956:	
Hoof No. 1: Aanleg van spoorweë	385,000
Hoof No. 2: Nuwe werke aan oopgestelde lyne ..	1,350,000
Hoof No. 3: Rollende materiaal	2,942,300
Hoof No. 4: Padvervoerdiens	68,000
Hoof No. 5: Hawens	290,000
Hoof No. 7: Lugdiens	160,000
	<u>£5,315,300</u>

No. 12, 1957.]

WET

Tot aanwending van 'n verdere geldsom ter bestryding van sekere ongemagtigde uitgawe aan spoorweg- en hawedienste gedurende die diensjaar wat op die een-en-dertigste dag van Maart 1956 geëindig het.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Maart 1957.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met die som van eenmiljoen vyfhonderd agt-en-vyftigduisend vierhonderd agt-en-vyftig pond negentien sjielings en ses pennies tot dekking van sekere uitgawe vir die dienste van die spoorweë en hawens gedurende die diensjaar wat op die een-en-dertigste dag van Maart 1956 geëindig het, waartoe die Spoorweg- en Hawebegrotingswet, 1955, die Tweede Addisionele Spoorweg- en Hawebegrotingswet, 1955, en die Addisionele Spoorweg- en Hawebegrotingswet, 1956, geen magtiging verleen het nie. Hierdie uitgawe word in die Bylae by hierdie Wet uiteengesit en nader omskryf op bladsye 8 en 10 van die Verslag (voorgelê aan die Parlement) van die Kontroleur en Ouditeur-generaal oor die rekenings vir daardie jaar en in die Eerste Verslag van die Gekose Komitee oor Spoorweë en Hawens, 1957.

Spoorweg- en
Hawefonds
belas met
£1,558,458 19s. 6d.
ten opsigte van
uitgawe vir die
jaar 1955-'56.

2. Hierdie Wet heet die Wet op Ongemagtigde Uitgawe vir Spoorweë en Hawens, 1957.

Bylae.

Diens.	Bedrag.
	£ s. d.
Inkomstedienste	1,361,820 6 11
Kapitaal- en verbeteringsdienste	196,638 12 7
	<u>1,558,458 19 6</u>

No. 14, 1957.]

ACT

To amend the Hire-Purchase Act, 1942.

*(Afrikaans text signed by the Governor-General.)**(Assented to 12th March, 1957.)*

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:—

Amendment of section 7 of Act 36 of 1942, as substituted by section 2 of Act 46 of 1954.

1. Section seven of the Hire-Purchase Act, 1942, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(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 in the case of—

(a) a notice having the effect of increasing the portion of the purchase price prescribed by or in terms of paragraph (a) of sub-section (1) in respect of any movable;

(b) a notice issued in terms of paragraph (b) of sub-section (1) in respect of any movable in regard to which no such notice is in operation;

(c) a notice having the effect of reducing the period prescribed in terms of paragraph (b) of sub-section (1) in respect of any movable,

not be earlier than three months from the date of the notice.”.

Short title.

2. This Act shall be called the Hire-Purchase Amendment Act, 1957.

No. 14, 1957.]

WET

Tot wysiging van die Wet op Huurkoop, 1942.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Maart 1957.)

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

1. Artikel sewe van die Wet op Huurkoop, 1942, word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

Wysiging van artikel 7 van Wet 36 van 1942, soos vervang deur artikel 2 van Wet 46 van 1954.

„(3) 'n Kennisgewing kragtens sub-artikel (1) uitgereik, tree in werking op 'n deur genoemde Minister in die kennisgewing vasgestelde datum, welke datum in die geval van—

(a) 'n kennisgewing wat die uitwerking het dat dit die gedeelte van die koopprys wat deur of ingevolge paragraaf (a) van sub-artikel (1) ten opsigte van een of ander roerende saak voorgeskryf is, verhoog;

(b) 'n kennisgewing wat ingevolge paragraaf (b) van sub-artikel (1) uitgereik word ten opsigte van een of ander roerende saak met betrekking waartoe daar geen sodanige kennisgewing in werking is nie;

(c) 'n kennisgewing wat die uitwerking het dat dit die tydperk wat ingevolge paragraaf (b) van sub-artikel (1) ten opsigte van een of ander roerende saak voorgeskryf is, verminder,

nie vroeër as drie maande vanaf die datum van die kennisgewing mag wees nie.”.

2. Hierdie Wet heet die Wysigingswet op Huurkoop, 1957. Kort titel.