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DEPARTMENT OF THE PRIME MINISTER

No. 714. 11 April 1975.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 19 of 1975: Community Development Amendment Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 714. 11 April 1975.

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

No. 19 van 1975: Wysigingswet op Gemeenskapsontwikkeling, 1975.

Act No. 19, 1975

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1975.

ACT

To amend the Community Development Act, 1966, so as to empower the Community Development Board to determine which public places in townships or portions of townships, within which the said Board has acquired all the lots or erven, shall vest in the Board, and from which date; to redefine certain licences in respect of the issuing of which certain restrictions apply; to empower a court convicting a person of an offence under section 50 (1) (i) to issue certain orders against the convicted person regarding the building or portion of a building in respect of which the offence was committed; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 24 March 1975.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 16 of Act 3 of 1966, as amended by section 2 of Act 93 of 1972.

1. Section 16 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Whenever the board has acquired all the lots or erven (other than public places) within any township or portion of a township, the public places determined by the board in that township or portion thereof shall, notwithstanding anything to the contrary contained in any law, vest in the board on a date so determined, and shall be deemed to be closed as from that date, and the board shall be entitled to obtain transfer in respect of the land comprising such lots or erven and public places as if that land had become vested in the board under circumstances contemplated in section 31 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).”;

and

(b) by the substitution for paragraph (c) of the said subsection of the following paragraph:

“(c) Upon the registration of the transfer of land referred to in paragraph (a), the registrar of deeds concerned shall cancel every title deed held by the board in respect of any lot or erf in the township or portion of a township in question and make the necessary consequential endorsements in his registers.”.

WET

Tot wysiging van die Wet op Gemeenskapsontwikkeling, 1966, ten einde die Gemeenskapsontwikkelingsraad bevoegdheid te verleen om te bepaal welke openbare plekke in dorpe of dele van dorpe, waarin genoemde Raad al die persele of erwe verkry het, in die Raad vestig, en vanaf welke datum; sekere lisensies ten opsigte van die uitreiking waarvan sekere beperkings geld, te heromskryf; 'n hof wat iemand skuldig bevind aan 'n misdryf kragtens artikel 50 (1) (i) te magtig om sekere bevels betreffende die gebou of gedeelte van 'n gebou ten opsigte waarvan die misdryf gepleeg is, teen die betrokke veroordeelde persoon uit te reik; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Maart 1975.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 16 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 16 van Wet 3 van 1966, soos gewysig deur artikel 2 van Wet 93 van 1972.

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Wanneer die raad al die persele of erwe (behalwe openbare plekke) in 'n dorp of deel van 'n dorp verkry het, gaan, ondanks andersluidende wetsbepalings, die eiendomsreg in dié openbare plekke deur die raad bepaal in daardie dorp of deel daarvan oor op die raad op 'n datum aldus bepaal, en word hulle geag vanaf daardie datum gesluit te wees, en is die raad geregtig om ten opsigte van die grond wat daardie persele of erwe en openbare plekke uitmaak, oordrag te verkry asof daardie grond onder omstandighede in artikel 31 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), beoog, op die raad oorgegaan het.”;

en

(b) deur paragraaf (c) van genoemde subartikel deur die volgende paragraaf te vervang:

„(c) By registrasie van die oordrag van grond in paragraaf (a) bedoel, moet die betrokke registrateur van aktes elke titelbewys wat ten opsigte van 'n perseel of erf in die betrokke dorp of deel van 'n dorp deur die raad besit word, kanselleer en die nodige gevolglike endossemente in sy registers maak.”.

Act No. 19, 1975

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1975.

Amendment of section 43A of Act 3 of 1966, as inserted by section 6 of Act 58 of 1968.

2. (1) Section 43A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No licence which in terms of any ordinance of a province is required for the carrying on of any trade or occupation shall be issued by the authority concerned to any person for the first time in respect of any premises or land situated in any group area as defined in section 1 of the Group Areas Act, 1966 (Act No. 36 of 1966), if the occupation or use by such person of such premises or land is unlawful in terms of or by virtue of the provisions of the Group Areas Act, 1966, except when it is occupied or used by him by virtue of a permit issued under that Act, unless such person produces a certificate issued by the Minister or a person authorized thereto by the Minister, stating that such a permit has been issued to the applicant for the licence in terms of which he may occupy or use such premises or land.”.

(2) In the application of subsection (1) in any province of the Republic the provisions thereof shall be deemed to have come into operation in the province in question on the date on which the repeal, by an ordinance of that province, of the provisions of the Licences Act, 1962 (Act No. 44 of 1962), to the extent authorized by section 8 of the Financial Relations Further Amendment Act, 1968 (Act No. 69 of 1968), became operative in that province.

Amendment of section 50 of Act 3 of 1966, as substituted by section 14 of Act 42 of 1967.

3. Section 50 of the principal Act is hereby amended by the substitution in subsection (1) for all the words following paragraph (i) of the following words:

“shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and, in addition, the court convicting a person of an offence under paragraph (i) may order such person to demolish the alteration, extension or addition to a building in question, or the new building in question, as the case may be, within a period fixed by the court, or order that person to vacate, within a period fixed by the court that portion of such building which has been altered, extended or added, or such new building, as the case may be, and, if that person fails to comply with the lastmentioned order, further order that he be ejected from that portion or such building.”.

Short title.

4. This Act shall be called the Community Development Amendment Act, 1975.

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1975. Wet No. 19, 1975

2. (1) Artikel 43A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 43A van Wet 3 van 1966, soos ingevoeg deur artikel 6 van Wet 58 van 1968.

„(1) Geen lisensie wat ingevolge 'n ordonnansie van 'n provinsie vereis word vir die dryf of beoefening van enige handelsbesigheid of beroep mag deur die betrokke gesag aan iemand vir die eerste maal ten opsigte van enige perseel of grond geleë in 'n groepsgebied soos omskryf in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), uitgereik word nie indien die okkupasie of gebruik deur so iemand van dié perseel of grond onwettig is ingevolge of uithoofde van die bepalings van die Wet op Groepsgebiede, 1966, behalwe wanneer hy dit okkupeer of gebruik uit hoofde van 'n permit uitgereik kragtens dié Wet, tensy so iemand 'n sertifikaat voorlê wat deur die Minister of iemand deur hom daartoe gemagtig, uitgereik is en waarin verklaar word dat aan die aansoeker om die lisensie so 'n permit uitgereik is uit hoofde waarvan hy daardie perseel of grond mag okkupeer of gebruik.”

(2) By die toepassing van subartikel (1) in 'n provinsie van die Republiek word die bepalings daarvan geag in die betrokke provinsie in werking te getree het op die datum waarop die herroeping, by ordonnansie van daardie provinsie, van die bepalings van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), in die mate by artikel 8 van die Verdere Wysigingswet op Finansiële Verhoudings, 1968 (Wet No. 69 van 1968), gemagtig, in daardie provinsie van krag geword het.

3. Artikel 50 van die Hoofwet word hierby gewysig deur in subartikel (1) al die woorde wat op paragraaf (i) volg deur die volgende woorde te vervang:

Wysiging van artikel 50 van Wet 3 van 1966, soos vervang deur artikel 14 van Wet 42 van 1967.

„is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf, en daarbenewens kan die hof wat 'n persoon skuldig bevind aan 'n misdryf kragtens paragraaf (i) daardie persoon beveel om die betrokke verandering aan of vergroting van of byvoeging tot 'n gebou, of die betrokke nuwe gebou, na gelang van die geval, binne 'n deur die hof bepaalde tydperk te sloop, of daardie persoon beveel om binne 'n deur die hof bepaalde tydperk daardie gedeelte van so 'n gebou wat verander, vergroot of bygevoeg is of so 'n nuwe gebou, na gelang van die geval, te ontruim, en, indien daardie persoon versuim om aan die laasgenoemde bevel te voldoen, verder beveel dat hy uit daardie gedeelte of uit so 'n gebou uitgesit word.”

4. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwikkeling, 1975. Kort titel.

