



Mr. Lang

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 145]

KAAPSTAD, 29 JULIE 1977

CAPE TOWN, 29 JULY 1977

[No. 5678

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1368.

29 Julie 1977.

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

No. 126 van 1977: Wysigingswet op Gemeenskapsontwikkeling, 1977.

No. 1368.

29 July 1977.

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

No. 126 of 1977: Community Development Amendment Act, 1977.

ACT

To amend the Community Development Act, 1966, so as to grant the Community Development Board the power in certain circumstances to compensate lessees; to provide for the transfer of property to the said Board without the submission of an estate duty certificate; and for the transfer of certain public places to the said Board free of all conditions of title; to extend the definition of "township" in the application of section 16; to provide for the summary ejectment of persons who move into, live in or on, occupy or use certain properties; and to amend the provisions relating to the manner in which the compensation payable to certain lessees and occupiers is to be determined; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 11 July 1977.)

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 15 of Act 3 of 1966, as amended by section 2 of Act 42 of 1967, section 1 of Act 58 of 1969, section 2 of Act 74 of 1970, section 24 of Act 80 of 1971 and section 1 of Act 93 of 1972.

1. Section 15 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after paragraph (h) of subsection (2) of the following paragraph:

“(hA) if a lessee of property acquired by the board by agreement has complied with a notice by the board to vacate that property before the expiry of his lease, with the approval of the Minister to compensate such lessee for any loss or inconvenience caused by such vacating in an amount determined by the board and approved by the Minister;” and

(b) by the addition of the following subsection:

“(8) (a) Notwithstanding anything to the contrary in any other law contained, but subject to the provisions of paragraph (c) of this subsection, a deed of transfer of property or interest in property acquired in any manner by the board from a deceased estate may be registered without the certificate referred to in section 22 of the Estate Duty Act, 1955 (Act No. 45 of 1955).

(b) Where the board has acquired any property or interest in property as contemplated in paragraph (a), any compensation payable therefor may be paid over to the Master of the Supreme Court and the latter shall not pay it out to the persons who are or become entitled thereto unless proof is furnished to him that all necessary provision has been made for the payment of any duties payable in terms of the Estate Duty Act, 1955.

WET

Tot wysiging van die Wet op Gemeenskapsontwikkeling, 1966, ten einde aan die Gemeenskapsontwikkelingsraad die bevoegdheid te verleen om huurders onder sekere omstandighede te vergoed; voorsiening te maak vir die oordrag van eiendom aan die bedoelde Raad sonder die voorlegging van 'n boedelbelastingcertifikaat; en vir die oordrag aan bedoelde Raad van sekere openbare plekke vry van alle titelvoorwaardes; die omskrywing van „dorp” by die toepassing van artikel 16 uit te brei; voorsiening te maak vir die summiere uitsetting van persone wat sekere eiendomme betrek, bewoon, okkupeer of gebruik; en die bepalings betreffende die wyse waarop die vergoeding betaalbaar aan sekere huurders en okkupeerders bepaal moet word, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

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

1. Artikel 15 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur na paragraaf (h) van subartikel (2) die volgende paragraaf in te voeg:

„(hA) om, indien 'n huurder van 'n eiendom wat by ooreenkoms deur die raad verkry is, voldoen het aan 'n kennisgewing deur die raad om die eiendom voor die verstryking van sy huur te ontruim, met goedkeuring van die Minister daardie huurder te vergoed vir enige verlies of ongerief wat deur die ontruiming veroorsaak word tot 'n bedrag deur die raad bepaal en deur die Minister goedgekeur;” en
 - (b) deur die volgende subartikel by te voeg:

„(8) (a) Ondanks andersluidende bepalings van die een of ander wet, maar behoudens die bepalings van paragraaf (c) van hierdie subartikel kan 'n transportakte van eiendom of 'n belang in eiendom wat op enige wyse deur die raad uit 'n bestorwe boedel verkry is sonder die in artikel 22 van die Boedelbelastingwet, 1955 (Wet No. 45 van 1955), bedoelde sertifikaat geregistreer word.

(b) Waar die raad 'n eiendom of 'n belang in eiendom soos in paragraaf (a) beoog, verkry het, kan enige vergoeding wat daarvoor betaalbaar is aan die Meester van die Hooggeregshof oorbetaal word en laasgenoemde betaal dit nie uit aan die persone wat daarop geregtig is of word nie tensy daar aan hom bewys gelewer word dat alle nodige voorsiening gemaak is vir die betaling van die belasting wat ingevolge die Boedelbelastingwet, 1955, betaal moet word.

Wysiging van artikel 15 van Wet 3 van 1966, soos gewysig deur artikel 2 van Wet 42 van 1967, artikel 1 van Wet 58 van 1969, artikel 2 van Wet 74 van 1970, artikel 24 van Wet 80 van 1971 en artikel 1 van Wet 93 van 1972.

Act No. 126, 1977

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1977.

- (c) Where the board intends to act in terms of paragraph (b), the registrar of deeds concerned shall not register any deed referred to in paragraph (a) unless there is produced to him a certificate by the board to the effect that such compensation shall after registration be paid over in terms of paragraph (b)."

Amendment of section 16 of Act 3 of 1966, as amended by section 2 of Act 93 of 1972 and section 1 of Act 19 of 1975.

2. Section 16 of the principal Act is hereby amended—

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

"(c) Upon the registration of the transfer of land referred to in paragraph (a), the registrar of deeds concerned shall register that land in the name of the board free of all conditions of title and make such endorsements in his registers as he deems necessary to give effect to this provision."; and

- (b) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

"(b) 'township' means a township as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), and also an agricultural holding."

Amendment of section 18 of Act 3 of 1966.

3. Section 18 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) If a tenant of immovable property belonging to the board fails—"

Insertion of section 18C in Act 3 of 1966.

4. (1) The following section is hereby inserted in the principal Act after section 18B:

"Summary
ejectment of
persons.

18C. (1) If any person moves into, lives in or on, occupies or uses any property erected or acquired with moneys from the fund without the permission of a person authorized by the Secretary, the Secretary or a person authorized by him may, without having obtained any judgment or order of court, summarily enter upon and take possession of that property and employ such force as may be necessary to remove from the property that person with his dependants and their possessions.

(2) Any person who moves into, lives in or on, occupies or uses any property referred to in subsection (1) without the permission referred to in the said subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

(2) Subsection (1) shall be deemed to have come into operation on 1 September 1976.

Amendment of section 21 of Act 3 of 1966, as amended by section 4 of Act 42 of 1967.

5. Section 21 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (5) of the following paragraph:

"(c) If the board or such local authority or statutory body or other body corporate or the said Commission and the lessee or occupier are unable to agree as to the amount of such compensation within a period of sixty days after the termination of the lease, such compensation shall be determined in the manner set out in section 14 and such other provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), as relate to the determination of compensation."

Short title.

6. This Act shall be called the Community Development Amendment Act, 1977.

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1977.

Wet No. 126, 1977

- (c) Waar die raad van voorneme is om ingevolge paragraaf (b) op te tree, registreer die betrokke registrateur van aktes nie 'n in paragraaf (a) bedoelde akte nie tensy daar aan hom 'n sertifikaat deur die raad voorgelê word ten effekte dat sodanige vergoeding na registrasie ingevolge paragraaf (b) oorbetaal sal word."

2. Artikel 16 van die Hoofwet word hierby gewysig—

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

„(c) By registrasie van die oordrag van grond in paragraaf (a) bedoel, moet die betrokke registrateur van aktes daardie grond op naam van die raad registreer vry van alle titelvoorwaardes en die endossemente in sy registers maak wat hy nodig ag om gevolg aan hierdie bepaling te gee."; en

- (b) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

„(b) 'dorp' 'n dorp soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), en ook 'n landbouhoewe."

Wysiging van artikel 16 van Wet 3 van 1966, soos gewysig deur artikel 2 van Wet 93 van 1972 en artikel 1 van Wet 19 van 1975.

3. Artikel 18 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) Indien 'n huurder van onroerende eiendom wat aan die raad behoort, versuim—"

Wysiging van artikel 18 van Wet 3 van 1966.

4. (1) Die volgende artikel word hierby in die Hoofwet na artikel 18B ingevoeg:

Invoeging van artikel 18C in Wet 3 van 1966.

„Summiere
uitsetting
van persone."

18C. (1) Indien iemand 'n eiendom wat opgerig of verkry is met gelde uit die fonds sonder die verlof van 'n persoon deur die Sekretaris gemagtig, betrek, bewoon, okkupeer of gebruik, kan die Sekretaris of iemand deur hom gemagtig sonder om 'n vonnis of bevel van die hof te verkry daardie eiendom summier betree en in besit neem, en die geweld gebruik wat nodig is om daardie persoon met sy afhanklikes en hulle besittings uit of van die eiendom te verwyder.

(2) Iemand wat 'n in subartikel (1) bedoelde eiendom betrek, bewoon, okkupeer of gebruik sonder die toestemming bedoel in die gemelde subartikel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf."

(2) Subartikel (1) word geag op 1 September 1976 in werking te getree het.

5. Artikel 21 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

„(c) Indien die raad of bedoelde plaaslike bestuur of statutêre liggaam of ander regspersoon of bedoelde Kommissie en die huurder of die okkupeerder nie binne 'n tydperk van sestig dae na die datum van beëindiging van die huur oor die bedrag van sodanige vergoeding kan ooreenkom nie, word dié vergoeding op die wyse uiteengesit in artikel 14 en die ander bepalings van die Onteieningswet, 1975 (Wet No. 63 van 1975), wat op die vaststelling van vergoeding betrekking het, bepaal."

Wysiging van artikel 21 van Wet 3 van 1966, soos gewysig deur artikel 4 van Wet 42 van 1967.

6. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwikkeling, 1977. Kort titel.

