



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. 153]

KAAPSTAD, 15 MAART 1978
CAPE TOWN, 15 MARCH 1978

[No. 5923

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 490.

15 Maart 1978.

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 1978: Wysigingswet op Gemeenskapsontwikkeling, 1978.

No. 490.

15 March 1978.

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

No. 19 of 1978: Community Development Amendment Act, 1978.

Wet No. 19, 1978

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Gemeenskapsontwikkeling, 1966, ten einde die betaling van waardevermeerderingskontribusies af te skaf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Maart 1978.)

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

Wysiging van artikel 1 van Wet 3 van 1966, soos gewysig deur artikel 1 van Wet 42 van 1967, artikel 1 van Wet 58 van 1968, artikel 1 van Wet 74 van 1970 en artikel 50 van Wet 63 van 1975.

1. Artikel 1 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1), in die omskrywing van „eienaar”, die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

„en by die toepassing van **[artikel]** artikels 15, **[artikel]** 29 (4), **[en artikels]** 32, 33, 34 **[37]** en 38, ook 'n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwidateur, 10 kurator, administrateur of enige ander persoon wat wettiglik geregtig of verplig is om bedoelde eiendom van die hand te sit.”.

Wysiging van artikel 29 van Wet 3 van 1966, soos gewysig deur artikel 4 van Wet 58 van 1968 en artikel 6 van Wet 74 van 1970.

2. Artikel 29 van die Hoofwet word hierby gewysig deur die invoeging na subartikel (1) van die volgende subartikel: 15

„(1A) Wanneer 'n geaffekteerde eiendom ingevolge hierdie artikel in die lys opgeneem is, stel die raad die eienaar daarvan onverwyld in kennis dat bedoelde eiendom aldus in die lys opgeneem is.”.

Herroeping van artikel 31 van Wet 3 van 1966.

3. Artikel 31 van die Hoofwet word hierby herroep. 20

Wysiging van artikel 34 van Wet 3 van 1966, soos gewysig deur artikel 7 van Wet 42 van 1967, artikel 7 van Wet 74 van 1970, artikel 1 van Wet 68 van 1971, artikel 34 van Wet 94 van 1974 en artikel 54 van Wet 63 van 1975.

4. Artikel 34 van die Hoofwet word hierby gewysig—
(a) deur paragraaf (a) van subartikel (4) te skrap;
(b) deur die tweede voorbehoudsbepaling by subartikel (4) te skrap; en
(c) deur subartikels (6) en (7) te skrap. 25

Wysiging van artikel 35 van Wet 3 van 1966, soos gewysig deur artikel 8 van Wet 42 van 1967, artikel 2 van Wet 68 van 1971, artikel 44 van Wet 94 van 1974 en artikel 55 van Wet 63 van 1975.

5. Artikel 35 van die Hoofwet word hierby gewysig—
(a) deur subparagraaf (i) van paragraaf (a) van subartikel (1) te skrap; en
(b) deur subartikel (2) te skrap.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1978.

Act No. 19, 1978

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Community Development Act, 1966, so as to abolish the payment of appreciation contributions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 7 March 1978.)

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

- 5 **1.** Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) in the definition of "owner", for the words following upon paragraph (b) of the following words:

"and for the purpose of **[section]** sections 15, **[section]** 29 (4), **[and sections]** 32, 33, 34, **[37]** and 38, includes any sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator, administrator or other person lawfully entitled or required to dispose of that property;"

Amendment of section 1 of Act 3 of 1966, as amended by section 1 of Act 42 of 1967, section 1 of Act 58 of 1968, section 1 of Act 74 of 1970 and section 50 of Act 63 of 1975.
- 15 **2.** Section 29 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) Whenever any affected property has been included in the list in terms of this section, the board shall forthwith notify the owner thereof that the said property has been so included in the list."

Amendment of section 29 of Act 3 of 1966, as amended by section 4 of Act 58 of 1968 and section 6 of Act 74 of 1970.
- 20 **3.** Section 31 of the principal Act is hereby repealed.

Repeal of section 31 of Act 3 of 1966.
- 25 **4.** Section 34 of the principal Act is hereby amended—
 - (a) by the deletion of paragraph (a) of subsection (4);
 - (b) by the deletion of the second proviso to subsection (4); and
 - (c) by the deletion of subsections (6) and (7).

Amendment of section 34 of Act 3 of 1966, as amended by section 7 of Act 42 of 1967, section 7 of Act 74 of 1970, section 1 of Act 68 of 1971, section 34 of Act 94 of 1974 and section 54 of Act 63 of 1975.
- 5.** Section 35 of the principal Act is hereby amended—
 - (a) by the deletion of subparagraph (i) of paragraph (a) of subsection (1); and
 - (b) by the deletion of subsection (2).

Amendment of section 35 of Act 3 of 1966, as amended by section 8 of Act 42 of 1967, section 2 of Act 68 of 1971, section 44 of Act 94 of 1974 and section 55 of Act 63 of 1975.

Wet No. 19, 1978

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1978.

Wysiging van
artikel 37 van
Wet 3 van 1966,
soos gewysig deur
artikel 9 van
Wet 42 van 1967,
artikel 3 van
Wet 68 van 1971,
artikel 45 van
Wet 94 van 1974
en artikel 56 van
Wet 63 van 1975.

6. Artikel 37 van die Hoofwet word hierby gewysig—
(a) deur subartikels (1), (2), (3) en (4) te skrap; en
(b) deur subartikel (5) deur die volgende subartikel te
vervang:

„(5) Elke geaffekteerde eiendom— 5
(a) wat ingevolge artikel 15, 34 of 38 deur die raad
verkry is; of
(b) wat na die basiese datum vir teenwaarde van die
hand gesit is of deur die Staat of iemand anders as
die raad onteien is, 10
en ten opsigte waarvan 'n **【waardevermeerderings-
of】** waardeverminderingkontribusie wat ten opsigte
daarvan verskuldig is, betaal of gewaarborg is of **【in
die geval van 'n waardeverminderingkontribusie】**
van die reg daarop afgesien is, of wat teen vergoeding 15
gelyk aan of hoër as die basiese waarde daarvan aan
iemand getranspoteer word, moet uit die lys geskrap
word.”

Wysiging van
artikel 38 van
Wet 3 van 1966,
soos gewysig deur
artikel 10 van
Wet 42 van 1967,
artikel 8 van
Wet 74 van 1970,
artikel 4 van
Wet 68 van 1971,
artikel 46 van
Wet 94 van 1974
en artikel 57 van
Wet 63 van 1975.

7. Artikel 38 van die Hoofwet word hierby gewysig deur
subartikel (2) deur die volgende subartikel te vervang: 20

„(2) Indien die koopprys of die vergoeding wat deur die
raad betaalbaar is ten opsigte van die verkryging kragtens
artikel 15 of subartikel (1) (a) van hierdie artikel van enige
geaffekteerde eiendom, **【die basiese waarde van daardie
eiendom te bowe gaan, word daar van bedoelde koopprys 25
of bedoelde vergoeding—**

- (a) indien sodanige verkryging geskied na die verloop
van honderd-twee-en-dertig maande maar voor die
verloop van honderd-vier-en-veertig maande na die
basiese datum, of die datum van die inwerkingtre- 30
ding van die Wysigingswet op Gemeenskapsontwik-
keling, 1967, watter datum ook al die jongste is, 'n
waardevermeerderingskontribusie afgetrek gelyk aan
vyf-en-twintig persent van die verskil tussen bedoelde
verkoopprys of vergoeding, na gelang van die geval, 35
en die basiese waarde daarvan; of
(b) indien sodanige verkryging geskied na die verloop
van honderd-vier-en-veertig maande na die basiese
datum, of die datum van die inwerkingtreding van
die Wysigingswet op Gemeenskapsontwikkeling, 40
1967, watter datum ook al die jongste is, 'n
waardevermeerderingskontribusie afgetrek gelyk aan
vyftig persent van die verskil tussen bedoelde ver-
koopprys of vergoeding, na gelang van die geval, en
die basiese waarde daarvan; 45

en indien bedoelde koopprys of vergoeding **】** minder is as
die basiese waarde van bedoelde eiendom, word daar,
behalwe waar kragtens artikel 41 van die Wet op Groepsge-
biede, ten opsigte van bedoelde eiendom kennis gegee is en
die kennisgewing nie teruggetrek is nie, by bedoelde 50
koopprys of vergoeding, na gelang van die geval, 'n
waardeverminderingkontribusie gevoeg gelyk aan tagtig
persent van die verskil tussen bedoelde koopprys of vergoe-
ding, na gelang van die geval, en die basiese waarde van
bedoelde eiendom: Met dien verstande dat die eienaar van 55
sodanige geaffekteerde eiendom van sy reg op betaling van
'n waardeverminderingkontribusie kan afstand doen, en
daarop is die raad nie meer vir so 'n kontribusie aanspreeklik
nie **【:Met dien verstande voorts dat waar die Nasionale
Behuisingskommissie in artikel 5 van die Behuisingswet, 60
1966 (Wet No. 4 van 1966), bedoel, geaffekteerde
eiendom vir die doeleindes van daardie Wet verkry, 'n
ingevolge hierdie Wet betaalbare waardevermeerderings-
kontribusie die Nasionale Behuisingsfonds ingestel krag-
tens artikel 2 van die genoemde Wet toeval, maar nogtans 65
geag word deel van die koste van verkryging van sodanige
eiendom deur die Kommissie uit te maak】**”.

Kort titel en
inwerkingtreding.

8. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwik-
keling, 1978, en word geag op 1 Februarie 1978 in werking te
getree het.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1978.

Act No. 19, 1978

6. Section 37 of the principal Act is hereby amended—

- (a) by the deletion of subsections (1), (2), (3) and (4); and
 (b) by the substitution for subsection (5) of the following subsection:

5 “(5) Every affected property—
 (a) acquired by the board in terms of section 15, 34 or 38; or
 (b) which has after the basic date been disposed of for value or expropriated by the State or a person other
 10 than the board,
 and in respect of which any **[appreciation or]** depreciation contribution which may be due in respect thereof has been paid or guaranteed, or the right to which has **[in the case of a depreciation contribution]**
 15 **been waived, or which is transferred to any person for a consideration equal to or higher than the basic value thereof, shall be removed from the list.”**

Amendment of section 37 of Act 3 of 1966, as amended by section 9 of Act 42 of 1967, section 3 of Act 68 of 1971, section 45 of Act 94 of 1974 and section 56 of Act 63 of 1975.

7. Section 38 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

20 “(2) If the purchase price or the compensation payable by the board in respect of the acquisition under section 15 or subsection (1) (a) of this section of any affected property **[exceeds the basic value of that property, there shall be deducted from the said purchase price or the said compensation—**
 25 **(a) if such acquisition takes place after the expiry of one hundred and thirty-two months but before the expiry of one hundred and forty-four months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to twenty-five per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof; or**
 30 **(b) if such acquisition takes place after the expiry of one hundred and forty-four months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to fifty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof;**
 40 **and if the said purchase price or compensation]** is less than the basic value of the said property, there shall, save where notice has been given in respect of the said property in terms of section 41 of the Group Areas Act and such notice has not been withdrawn, be added to the said purchase price or compensation, as the case may be, a depreciation contribution equal to eighty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value of the said property: Provided that the owner of such affected property may waive his right to be paid a depreciation contribution and thereupon the board shall cease to be liable for such contribution **[Provided further that where the National Housing Commission referred to in section 5 of the Housing Act, 1966 (Act No. 4 of 1966), acquires any affected property for the purposes of the said Act, any appreciation contribution payable in terms of this Act shall accrue to the National Housing Fund established in terms of section 2 of the said Act, but shall nevertheless be regarded as part of the cost to the Commission of the acquisition of such property].”**

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967, section 8 of Act 74 of 1970, section 4 of Act 68 of 1971, section 46 of Act 94 of 1974 and section 57 of Act 63 of 1975.

8. This Act shall be called the Community Development
 65 Amendment Act, 1978, and shall be deemed to have come into operation on 1 February 1978.

Short title and commencement.

