



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 492.

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. 21 van 1978: Behuisingswysigingswet, 1978.

No. 492.

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. 21 of 1978: Housing Amendment Act, 1978.

Wet No. 21, 1978

BEHUISINGSWYSIGINGSWET, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Behuisingswet, 1966, ten einde die sloping, sonder die toestemming van die Minister, van sekere geboue te verbied; 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 85 van
Wet 4 van 1966,
soos gewysig deur
artikel 9 van
Wet 80 van 1968
en artikel 13 van
Wet 73 van 1970.

1. Artikel 85 van die Behuisingswet, 1966, word hierby gewysig—

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

„(1) Niemand mag sonder die skriftelike toestemming van die Minister en behalwe ooreenkomstig die voorwaardes (as daar is) waarop daardie toestemming verleen is—

(a) 'n 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; of

(c) enige ander gebou as 'n woning, in die regsgebied van 'n plaaslike bestuur, wat by die inwerkingtreding van die Behuisingswysigingswet, 1978, vir woondoeleindes gebruik is of wat na sodanige inwerkingtreding vir sodanige doeleindes gebou word en wat, volgens die oordeel van die Minister, redelik geskik is vir bewoning deur mense of wat redelikerwys vir sodanige bewoning geskik gemaak kan word, sloop nie.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Elke aansoek om sodanige toestemming moet aan die plaaslike bestuur binne wie se regsgebied die betrokke woning of ander gebou, bedoel in subartikel (1), geleë is, gerig word en bedoelde plaaslike bestuur moet die aansoek (tesame met die kommentaar en aanbevelings wat hy wil maak), binne dertig dae vanaf ontvangs daarvan, aan die Sekretaris stuur.”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Niemand mag sonder die skriftelike toestemming van die plaaslike bestuur of van die betrokke Administrateur na appèl soos in subartikel (5) bepaal, en behalwe ooreenkomstig die voorwaardes (as daar is) waarop so 'n toestemming verleen is, enige ander gebou

HOUSING AMENDMENT ACT, 1978

Act No. 21, 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 Housing Act, 1966, so as to prohibit the demolition, without the permission of the Minister, of certain buildings; 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:—

1. Section 85 of the Housing Act, 1966, is hereby amended—
 - 5 (a) by the substitution for subsection (1) of the following subsection:

“(1) No person shall without the written permission of the Minister and otherwise than in accordance with the conditions (if any) subject to which such permission has been granted—

 - 10 (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; or
 - 15 (c) demolish any building, other than a dwelling, within the area of jurisdiction of a local authority which was at the commencement of the Housing Amendment Act, 1978, used for residential purposes or which, after such commencement, is constructed for such purposes and which in the opinion of the Minister, is reasonably fit for human habitation or is reasonably capable of being made fit for such habitation.”;
 - 20 (b) by the substitution for subsection (3) of the following subsection:

“(3) Every application for such permission shall be addressed to the local authority within the area of jurisdiction of which the dwelling, or other building referred to in subsection (1), 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.”; and
 - 25 (c) by the substitution for subsection (4) of the following subsection:

“(4) No person shall, without the written permission of the local authority, or of the Administrator concerned on appeal as provided in subsection (5), and otherwise than in accordance with the conditions (if any) subject to which any such permission has been granted, **[demolish**

Amendment of section 85 of Act 4 of 1966, as amended by section 9 of Act 80 of 1968 and section 13 of Act 73 of 1970.

Wet No. 21, 1978

BEHUISINGSWYSIGINGSWET, 1978.

as 'n woning in die regsgebied van sodanige plaaslike bestuur, wat by die inwerkingtreding van die Behuisingswet, 1957 (Wet No. 10 van 1957), vir woondoeleindes gebruik is of wat na sodanige inwerkingtreding vir sodanige doeleindes gebou is of 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.''. 5 10

Kort titel.

2. Hierdie Wet heet die Behuisingswysigingswet, 1978.

HOUSING AMENDMENT ACT, 1978

Act No. 21, 1978

5 or] use or permit to be used, otherwise than for residential purposes, any building, other than a dwelling, within the area of jurisdiction of such local authority, which was at the commencement of the Housing Act, 1957 (Act No. 10 of 1957), used for such purposes or which, after such commencement, was or is constructed for such purposes and which in the opinion of the local authority, is reasonably capable of being made fit for such habitation.”.

10 2. This Act shall be called the Housing Amendment Act, 1978. Short title.

