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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 965.

17 May 1978.

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

No. 66 of 1978: Co-ordination of Housing Matters Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 965.

17 Mei 1978.

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

No. 66 van 1978: Wet op Koördinering van Behuisings-aangeleenthede, 1978.

Wet No. 66, 1978

WET OP KOÖRDINERING VAN
BEHUISINGSAANGELEENTHEDE, 1978.

WET

Ter bevordering van behuising en die voorsiening van grond vir behuising in die algemeen vir die inwoners van die Republiek; en om voorsiening te maak vir die koördinering van sodanige behuisingsaangeleenthede en aangeleenthede wat daarmee in verband staan; vir die instelling van 'n Behuisingsbeleidsraad en 'n Adviserende Komitee vir Behuisingsaangeleenthede; en vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1978.)

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

Woordskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „Administrateur” die Administrateur van 'n provinsie handelende met die instemming van die betrokke Uitvoerende Komitee; (i) 5
 - (ii) „komitee” die Adviserende Komitee vir Behuisingsaangeleenthede bedoel in artikel 2; (ii) 10
 - (iii) „Minister” die Minister van Gemeenskapsbou; (iii)
 - (iv) „raad” die Behuisingsbeleidsraad bedoel in artikel 9; (iv)
 - (v) „Sekretaris” die Sekretaris van Gemeenskapsbou. (v)

Instelling van
Adviserende Komitee
vir Behuisingsaan-
geleenthede.

2. Daar word hierby 'n komitee by name die Adviserende Komitee vir Behuisingsaangeleenthede ingestel wat die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet aan hom verleen of opgelê word.

Werkzaamhede van
komitee.

3. (1) Die werkzaamhede van die komitee is om ondersoek in te stel na en aanbevelings aan die Minister te doen aangaande—
- (a) die formulering van 'n nasionale beleid met betrekking tot behuisingsaangeleenthede met inbegrip van grond vir behuising; 20
 - (b) die koördinering deur die Departement van Gemeenskapsbou en die provinsiale administrasies van die volgende aangeleenthede, naamlik—
 - (i) die bevordering, stroombelyning en bespoediging van dorpstigtingsprosedures in die algemeen;
 - (ii) die voorsiening en groottes van woonpersele;
 - (iii) standarde en koste van behuising en noodsaaklike dienste wat daarmee in verband staan; 30
 - (iv) die toepassing van maatreëls wat op die dorpstigtingsbedryf betrekking het;
 - (c) die koördinering van behuisingsaangeleenthede in die algemeen; 35
 - (d) enige ander aangeleentheid betreffende behuising wat deur die Minister of 'n Administrateur na die komitee verwys word.

ACT

To promote housing and the provision of land for housing in general for the inhabitants of the Republic; and to provide for the co-ordination of such housing matters and matters connected therewith; for the establishment of a Housing Policy Council and a Housing Matters Advisory Committee; and for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 2 May 1978.)*

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

1. In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "Administrator" means the Administrator of a province acting with the consent of the Executive Committee in question; (i)
- (ii) "committee" means the Housing Matters Advisory Committee referred to in section 2; (ii)
- 10 (iii) "council" means the Housing Policy Council referred to in section 9; (iv)
- (iv) "Minister" means the Minister of Community Development; (iii)
- 15 (v) "Secretary" means the Secretary for Community Development. (v)
2. There is hereby established a committee to be known as the Establishment of Housing Matters Advisory Committee.
- Housing Matters Advisory Committee, which shall exercise the powers and perform the duties conferred or imposed upon it by this Act.
- 20 3. (1) The functions of the committee shall be to investigate and Functions of committee.
to make recommendations to the Minister as to—
- (a) the formulation of a national policy in regard to housing matters including land for housing;
- 25 (b) the co-ordination by the Department of Community Development and the provincial administrations of the following matters, namely—
- (i) the promotion, streamlining and speeding up of township establishment procedures in general;
- 30 (ii) the provision and sizes of residential premises;
- (iii) standards and costs of housing and essential services relating thereto;
- (iv) the application of measures relating to the township establishment industry;
- 35 (c) the co-ordination of housing matters generally;
- (d) any other matter concerning housing referred to the committee by the Minister or any Administrator.

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WET OP KOÖRDINERING VAN
BEHUISINGSAANGELEENTHEDE, 1978.

(2) 'n Afskrif van elke aanbeveling wat die komitee ingevolge subartikel (1) aan die Minister doen, moet onverwyld deur die komitee aan elke Administrateur vir sy inligting en kommentaar gestuur word.

(3) Die komitee het geen bevoegdhede aangaande enige behuisingsaangeleentheid waarop die bepalings van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), of die Behuisingswet, 1966 (Wet No. 4 van 1966), van toepassing is nie.

(4) Die komitee kan na goëddunke, met betrekking tot enige aangeleentheid wat binne die bestek van sy werksaamhede val, enige persoon, liggaam of gesag raadpleeg, en kan getuienis van of vertoë deur sodanige persoon, liggaam of gesag afneem of aanhoor.

Samestelling van
komitee.

4. (1) Die komitee bestaan uit die volgende lede, naamlik—
 - (a) die Sekretaris wat voorsitter van die komitee is; 15
 - (b) drie persone wat elk 'n pos van ten minste die rang van 'n Adjunk-sekretaris of 'n gelykwaardige rang in die Departement van Gemeenskapsbou beklee en wat deur die Minister aangewys word;
 - (c) een persoon wat 'n pos van ten minste die rang van 'n Adjunk-sekretaris of 'n gelykwaardige rang in die Departement van Beplanning en die Omgewing beklee en wat deur die Minister van Beplanning en die Omgewing aangewys word;
 - (d) die Direkteur van Plaaslike Bestuur in elke provinsiale administrasie; 25
 - (e) die Voorsitter van die Nasionale Behuisingskommissie bedoel in artikel 5 van die Behuisingswet, 1966;
 - (f) twee persone wat deur die Minister aangestel word uit minstens agt persone wie se name vir dié doel deur die Verenigde Munisipale Bestuur van Suid-Afrika voorgelê is; 30
 - (g) ses ander persone wat deur die Minister aangestel word, van wie vyf vanweë hulle besondere kennis van behuisingsaangeleenthede en een met die instemming van die Minister van Finansies aldus aangestel word. 35
 - (2) (a) Iemand wat ingevolge subartikel (1) (b), (c), (d) of (e) as 'n lid van die komitee aangestel is, kan, met die toestemming van die Minister, iemand in diens van die Staat in sy Departement van Gemeenskapsbou of Departement van Beplanning en die Omgewing of iemand in diens van die betrokke provinsiale administrasie of 'n lid van die Nasionale Behuisingskommissie bedoel in artikel 5 van die Behuisingswet, 1966, na gelang van die geval, aanwys om in sy plek as 'n plaasvervangende lid van die komitee op te tree. 40
 - (b) Die Minister moet ten opsigte van elke persoon wat ingevolge subartikel (1) (f) as 'n lid van die komitee aangestel is, 'n plaasvervangende lid aanstel uit die ses persone wat nie ingevolge daardie subartikel as lede van die komitee aangestel is nie. 50
 - (c) Ten opsigte van elke persoon wat ingevolge subartikel (1) (g) as 'n lid van die komitee aangestel is, moet 'n plaasvervangende lid op dieselfde wyse as bedoelde persoon aangestel word. 55
 - (d) 'n Plaasvervangende lid wat ingevolge hierdie subartikel aangewys of aangestel is, kan 'n vergadering van die komitee bywoon en aan die verrigtings aldaar deelneem wanneer 'n lid ten opsigte van wie hy as plaasvervangende lid van die komitee aangewys of aangestel is, van bedoelde vergadering afwesig is. 60
- (3) Die lede van die komitee moet op die eerste vergadering van die komitee en daarna wanneer dit nodig word, 'n ondervoorsitter van die komitee uit hul midde kies en die ondervoorsitter beklee sy amp vir die tydperk wat die komitee van tyd tot tyd bepaal. 65
- (4) Die ondervoorsitter van die komitee neem waar as voorsitter tydens die afwesigheid van die voorsitter en terwyl hy aldus waarneem, het die ondervoorsitter al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

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(2) A copy of every recommendation made by the committee in terms of subsection (1) to the Minister, shall be sent forthwith by the committee to every Administrator for his information and comment.

5 (3) The committee shall not have any powers as to any housing matter to which the provisions of the Community Development Act, 1966 (Act No. 3 of 1966), or the Housing Act, 1966 (Act No. 4 of 1966), apply.

10 (4) The committee may in its discretion, in regard to any matter falling within the scope of its functions, consult any person, body or authority and may take evidence from or hear representations by such person, body or authority.

4. (1) The committee shall consist of the following members, Constitution of committee.
namely—

15 (a) the Secretary who shall be chairman of the committee;
(b) three persons each holding the rank of a Deputy-Secretary or equivalent rank in the Department of Community Development and who shall be designated by the Minister;

20 (c) one person holding the rank of a Deputy-Secretary or equivalent rank in the Department of Planning and the Environment and who shall be designated by the Minister of Planning and the Environment;

25 (d) the Director of Local Government in every provincial administration;

(e) the Chairman of the National Housing Commission referred to in section 5 of the Housing Act, 1966;

30 (f) two persons who shall be appointed by the Minister from among at least eight persons whose names have been submitted for that purpose by the United Municipal Executive of South Africa;

(g) six other persons who shall be appointed by the Minister, of whom five shall have special knowledge of housing matters and one with the concurrence of the Minister of Finance.

35 (2) (a) Any person who has been appointed a member of the committee in terms of subsection (1) (b), (c), (d) or (e) may, with the consent of the Minister, designate any person in the service of the State in its Department of Community Development or its Department of Planning and the Environment or any person in the service of the provincial administration in question or any member of the National Housing Commission referred to in section 5 of the Housing Act, 1966, as the case may be, to act in his stead as an alternate member of the committee.

40 (b) The Minister shall appoint in respect of any person appointed a member of the committee in terms of subsection (1) (f) an alternate member from among the six persons who have not been appointed members of the committee in terms of that subsection.

45 (c) In respect of every person appointed a member of the committee in terms of subsection (1) (g), there shall be appointed an alternate member in the same manner as such person.

50 (d) Any alternate member designated or appointed in terms of this subsection, may attend, and take part in the proceedings at, any meeting of the committee whenever the member in respect of whom he has been designated or appointed an alternate member of the committee is absent from such meeting.

55 (3) The members of the committee shall, at the first meeting of the committee and thereafter as the occasion arises, out of their number elect a vice-chairman of the committee and the vice-chairman shall hold office for such period as the committee may
60 from time to time determine.

(4) The vice-chairman of the committee shall act as chairman during the absence of the chairman and shall, while so acting, have all the powers and perform all the functions of the chairman.

Wet No. 66, 1978

WET OP KOÖRDINERING VAN
BEHUISINGSAAANGELEENTHEDE, 1978.

Ampstermyn en
toelaes van
lede van komitee.

5. (1) Die lede van die komitee wat ingevolge artikel 4 (1) (f) aangestel word, beklee hul amp, behoudens die bepalinge van subartikel (2), vir 'n tydperk van drie jaar, maar kan weer aangestel word.
- (2) (a) 'n Lid bedoel in subartikel (1) ontruim sy amp indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is.
- (b) Die aanstelling van 'n lid bedoel in subartikel (1) kan te eniger tyd deur die Minister beëindig word indien, na sy oordeel, gegronde redes daarvoor bestaan.
- (3) Indien die amp van iemand wat ingevolge artikel 4 (1) (f) as lid van die komitee aangestel is vakant raak voor die verstryking van sy ampstermyn, stel die Minister 'n ander persoon aan uit persone wie se name, behoudens die bepalinge van daardie artikel maar binne twee maande na die datum waarop die vakature ontstaan het, vir dié doel voorgelê is deur die Verenigde Munisipale Bestuur van Suid-Afrika om die amp te beklee vir die onverstreke deel van die termyn waarvoor sy voorganger aangestel was.
- (4) Die Verenigde Munisipale Bestuur van Suid-Afrika moet nie later nie as een maand voor die datum van verstryking van die ampstermyn van die persone wat ingevolge artikel 4 (1) (f) as lede van die komitee aangestel is, ingevolge die bepalinge van daardie artikel name voorlê ten einde die Minister in staat te stel om die vakatures te vul.
- (5) Indien die Verenigde Munisipale Bestuur van Suid-Afrika versuim om ingevolge die bepalinge van subartikel (3) of (4) name voor te lê, word die nodige aanstelling deur die Minister gedoen en 'n aanstelling wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevolge artikel 4 (1) (f) of subartikel (3), na gelang van die geval.
- (6) Die aanstelling van 'n lid bedoel in artikel 4 (1) (b), (c) of (g) kan te eniger tyd deur die Minister beëindig word indien, na sy oordeel, gegronde redes daarvoor bestaan en daarop moet die Minister, in die geval van 'n lid bedoel in artikel 4 (1) (b) of (g), of die Minister van Beplanning en die Omgewing, in die geval van 'n lid bedoel in artikel 4 (1) (c), met behoorlike inagneming van die bepalinge van die betrokke artikel, iemand as opvolger van daardie lid aanstel.
- (7) 'n Lid van die komitee, uitgesonderd 'n lid wat heeltyds in diens van die Staat is, word, terwyl hy besig is met die sake van die komitee, die reis- en verblyfstoelae betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

Vergaderings van
komitee en
kworum.

6. (1) Die eerste vergadering van die komitee word gehou op die tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word minstens vier keer in elke jaar gehou op die tyd en plek wat deur die voorsitter bepaal word.
- (2) Die kworum vir 'n vergadering van die komitee is die meerderheid van die lede van die komitee soos op die datum van daardie vergadering.

Tussentydse
vakature of
onreëlmatige
aanstelling
maak nie
handeling
of besluit
deur meerderheid van
komitee ongeldig nie.

7. Geen besluit van of handeling wat op gesag van die komitee verrig is, is ongeldig nie bloot vanweë 'n tussentydse vakature in die komitee of omdat iemand wat nie geregtig was om as 'n lid van die komitee sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die komitee wat op daardie tydstip aanwesig was en geregtig was om as lede sitting te neem.

Aanwysing van
sekretaris van
komitee.

8. Die Minister wys 'n beamppte van die Departement van Gemeenskapsbou aan om as sekretaris van die komitee op te tree.

Instelling en
samestelling van
Behuisingsbeleidsraad.

9. Daar word hierby 'n raad by name die Behuisingsbeleidsraad ingestel wat uit die volgende lede bestaan, naamlik—
- (a) die Minister wat voorsitter van die raad is;
- (b) een lid van die Uitvoerende Komitee van elke provinsie wat deur die betrokke Administrateur aangewys word.

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5. (1) The members of the committee appointed in terms of section 4 (1) (f), shall, subject to the provisions of subsection (2), hold office for a period of three years, but shall be eligible for reappointment. Period of office and allowances of members of committee.
- 5 (2) (a) A member referred to in subsection (1) shall vacate his office if he ceases to hold any qualification necessary for his appointment.
- (b) The Minister may at any time terminate the appointment of a member referred to in subsection (1) if, in his opinion, good cause exists therefor.
- 10 (3) If the office of any person appointed a member of the committee in terms of section 4 (1) (f) becomes vacant before the expiration of his period of office, the Minister shall appoint another person from among persons whose names have, subject to the provisions of that section but within two months after the date on which such vacancy occurred, been submitted for that purpose by the United Municipal Executive of South Africa to hold office for the unexpired portion of the period for which his predecessor was appointed.
- 15 (4) The United Municipal Executive of South Africa shall, not later than one month prior to the date of expiry of the term of office of the persons appointed members of the committee in terms of section 4 (1) (f), in terms of the provisions of that section submit names so as to enable the Minister to fill the vacancies.
- 25 (5) If the United Municipal Executive of South Africa fails to submit names in terms of the provisions of subsection (3) or (4), the Minister shall make the necessary appointment, and any appointment so made by the Minister shall be deemed to have been properly made in terms of section 4 (1) (f) or subsection (3), as the case may be.
- 30 (6) The appointment of any member referred to in section 4 (1) (b), (c) or (g) may at any time be terminated by the Minister if, in his opinion, good cause exists therefor and thereupon the Minister, in the case of a member referred to in section 4 (1) (b) or (g), or
- 35 the Minister of Planning and the Environment, in the case of a member referred to in section 4 (1) (c), with due regard to the provisions of the section in question, shall appoint a person as successor to such member.
- (7) A member of the committee, excluding a member in the full-time service of the State, shall, while he is engaged on the business of the committee, be paid such travelling and subsistence allowances as the Minister, with the concurrence of the Minister of Finance, may determine.
- 40 6. (1) The first meeting of the committee shall be held at a time and place determined by the Minister, and subsequent meetings shall be held at least four times in every year at a time and place determined by the chairman. Meetings of committee and quorum.
- (2) The quorum for any meeting of the committee shall be the majority of the members of the committee as at the date of that meeting.
- 50 7. No decision taken by the committee or act performed under the authority of the committee, shall be invalid by reason only of an interim vacancy on the committee or of the fact that a person who was not entitled to sit as a member of the committee, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the committee who were present at the time and entitled to sit as members. Interim vacancy or irregular appointment not to invalidate act or decision by majority of committee.
8. The Minister shall designate an officer of the Department of Community Development to act as secretary of the committee. Designation of secretary of committee.
- 60 9. There is hereby established a council to be known as the Housing Policy Council consisting of the following members, namely—
- (a) the Minister who shall be chairman of the council;
- 65 (b) one member of the Executive Committee of each province who is designated by the Administrator concerned. Establishment and constitution of Housing Policy Council.

Wet No. 66, 1978

WET OP KOÖRDINERING VAN
BEHUISINGSAANGELEENTHEDE, 1978.Werksaamhede van
raad.

10. Die werksaamhede van die raad is om 'n aanbeveling wat ingevolge artikel 3 deur die komitee aan die Minister gedoen is en enige kommentaar wat deur 'n Administrateur ten opsigte van daardie aanbeveling gelewer is, te oorweeg.

Sekretaris van
raad.

11. Die Sekretaris tree as sekretaris van die raad op:

5

Beslissing deur
Minister.

12. (1) Na oorweging deur die raad van 'n aanbeveling en die kommentaar bedoel in artikel 10, moet die Minister, behoudens die bepalinge van subartikel (2), wanneer hy dit doenlik ag en na oorleg met die Administrateurs, 'n beslissing daaroor neem, en 'n beslissing aldus deur die Minister geneem, is afdoende.

10

(2) 'n Beslissing bedoel in subartikel (1) ten opsigte van 'n aanbeveling wat betrekking het op 'n aangeleentheid rakende fisiese beplanning, word deur die Minister met die instemming van die Minister van Beplanning en die Omgewing geneem.

(3) 'n Beslissing wat ingevolge hierdie artikel geneem is, word bekend gemaak en in werking gestel op die wyse wat deur die Minister of, in die geval van 'n beslissing ten opsigte van 'n aanbeveling bedoel in subartikel (2), deur die Minister met die instemming van die Minister van Beplanning en die Omgewing bepaal word.

20

Kort titel.

13. Hierdie Wet heet die Wet op Koördinering van Behuisingsaangeleenthede, 1978.

CO-ORDINATION OF HOUSING MATTERS ACT, 1978.

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10. The functions of the council shall be to consider any recommendation made by the committee to the Minister in terms of section 3 and any comments by any Administrator in respect of such recommendation.

Functions of council.

5 11. The Secretary shall act as secretary of the council.

Secretary of council.

12. (1) After consideration by the council of any recommendation and the comments referred to in section 10, the Minister shall, subject to the provisions of subsection (2), at such time as he may deem expedient and after consultation with the Administrators, make a decision thereon, and any decision so made by the Minister shall be final.

Decision by Minister.

(2) Any decision referred to in subsection (1) in respect of a recommendation relating to any matter concerning physical planning, shall be made by the Minister with the concurrence of the Minister of Planning and the Environment.

(3) Any decision made in terms of this section shall be made known and put into operation in such manner as the Minister or, in the case of a decision in respect of a recommendation referred to in subsection (2), the Minister with the concurrence of the Minister of Planning and the Environment may determine.

13. This Act shall be called the Co-ordination of Housing Matters Act, 1978.

Short title.

