



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 472.

14 Maart 1984

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

No. 20 van 1984: Wysigingswet op Gemeenskapsontwikkeling, 1984.

No. 472.

14 March 1984

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

No. 20 of 1984: Community Development Amendment Act, 1984.

Wet No. 20, 1984

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1984

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 Gemeenskapsontwikkelingsraad se regsmiddels teen huurders wat versuim om hulle verpligtinge na te kom, op ander okkupeerders van toepassing te maak; die Raad se reg van summiere uitsetting van persone wat sy onroerende eiendom onregmatig okkupeer, uit te brei; en die bepalinge van die Onteieningswet, 1975, aan te pas in die geval waar 'n plaaslike bestuur namens die Raad optree; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1984.)

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

Wysiging van artikel 18 van Wet 3 van 1966, soos gewysig deur artikel 3 van Wet 126 van 1977 en artikel 1 van Wet 12 van 1980.

1. Artikel 18 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien 'n huurder of ander okkupeerder van onroerende eiendom wat aan die raad behoort, versuim—
(a) om die deur hom betaalbare huurgeld of ander bedrag, na gelang van die geval, op die vervaldag te betaal; of
(b) om die eiendom te ontruim op of voor die datum waarop hy wettiglik deur die raad aangesê is om dit te doen, kan die raad, nadat hy (in die geval van sodanige eiendom wat vir woondoeleindes geokkupeer word) sewe dae kennis of (in die geval van sodanige eiendom wat vir 'n ander doel geokkupeer word) dertig dae kennis gegee het per brief gelewer of aan die huurder of ander okkupeerder persoonlik of aan 'n volwasse persoon wat op die eiendom woonagtig is, of, indien daardie brief nie aldus gelewer kan word nie, per brief aangebring op die buite- of hoof deur van enige gebou wat op daardie eiendom opgerig is, of per aangetekende brief gerig aan die huurder of okkupeerder by die adres waar die eiendom geleë is, sonder om 'n vonnis of bevel van die hof te verkry, by besluit verklaar dat die betrokke eiendom betree en in besit geneem kan word.”

2. Artikel 18C van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien iemand [**n**] onroerende eiendom wat [**opgerig of verkry is met gelde uit die fonds**] aan die raad behoort sonder die [**verlof**] skriftelike toestemming van [**n persoon deur**] die Direkteur-generaal of iemand deur hom gemagtig, betrek, bewoon, okkupeer of gebruik, kan die Direkteur-generaal of iemand deur hom gemagtig, ondanks andersluidende bepalinge van die een of ander wet of die

Wysiging van artikel 18C van Wet 3 van 1966, soos ingevoeg deur artikel 4 van Wet 126 van 1977.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1984

Act No. 20, 1984

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 apply the remedies of the Community Development Board against tenants who fail to meet their obligations, to other occupiers; to extend the Board's power of summary ejectment of persons illegally occupying its immovable property; and to adapt the provisions of the Expropriation Act, 1975, in the case where a local authority acts on behalf of the Board; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 24 February 1984.)*

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

1. Section 18 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a tenant or other occupier of immovable property belonging to the board fails—

 - (a) to pay the rental or other amount, as the case may be, payable by him on the due date; or
 - (b) to vacate such property on or before the date on which he has lawfully been required by the board to do so, the board may, after having given seven days' notice (in the case of any such property occupied for residential purposes), or thirty days' notice (in the case of any such property occupied for any other purpose), by letter delivered either to such tenant or other occupier personally or to some adult person living on the property, or, if such letter cannot be so delivered, by letter affixed to the outer or principal door of any building erected on such property, or by registered letter addressed to such tenant or occupier at the address where the property is situated, without having obtained any judgment or order of court, by resolution declare that such property may be entered upon and taken possession of.”.
2. Section 18C of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If any person moves into, lives in or on, occupies or uses any immovable property [erected or acquired with moneys from the fund] belonging to the board without the [permission] written consent of [a person authorized by] the Director-General or a person authorized by him, the Director-General or a person authorized by him may, notwithstanding anything to the contrary contained in any law

Amendment of section 18 of Act 3 of 1966, as amended by section 3 of Act 126 of 1977 and section 1 of Act 12 of 1980.

Amendment of section 18C of Act 3 of 1966, as inserted by section 4 of Act 126 of 1977.

Wet No. 20, 1984

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1984

gemene reg, 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.”. 5

Wysiging van artikel 38 van Wet 3 van 1966, soos ingevoeg deur artikel 57 van Wet 63 van 1975 en vervang deur artikel 3 van Wet 26 van 1982.

3. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (1B) deur die volgende subartikel te vervang:

„(1B) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, is, behoudens die bepalings van subartikel (2) van hierdie artikel, *mutatis mutandis* van toepassing 10 ten opsigte van die verkryging van onroerende eiendom deur onteiening ingevolge hierdie artikel, en by sodanige toepassing word 'n verwysing—

(a) in genoemde artikels van daardie Wet na „Minister” 15

uitgelê as 'n verwysing na die raad of 'n plaaslike bestuur wat, in 'n gebied deur die Minister aangewys, namens die raad optree in die geval van 'n herontwikkelingskema;

(b) in artikel 12 (5) van daardie Wet na „Staat” uitgelê as 20 'n verwysing ook na die raad of 'n plaaslike bestuur wat, in 'n gebied deur die Minister aangewys, namens die raad optree in die geval van 'n herontwikkelingskema; en

(c) in genoemde artikels van daardie Wet na „artikel 2” 25 uitgelê as 'n verwysing na hierdie artikel.”.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwikkeling, 1984.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1984

Act No. 20, 1984

5 or the common law, 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.”.

3. Section 38 of the principal Act is hereby amended by the substitution for subsection (1B) of the following subsection:

10 “(1B) Subject to the provisions of subsection (2) of this section, the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of immovable property by expropriation in terms of this section, and in such application a reference—

15 (a) in the said sections of that Act to “Minister” and “State” shall, subject to the provisions of paragraph (b), be construed as a reference to the board or a local authority which, in an area designated by the Minister, acts on behalf of the board in the case of a redevelopment scheme;

20 (b) in section 12 (5) of that Act to “State” shall be construed as including a reference to the board or a local authority which, in an area designated by the Minister, acts on behalf of the board in the case of a redevelopment scheme; and

25 (c) in the said sections of that Act to “section 2” shall be construed as a reference to this section.”.

Amendment of section 38 of Act 3 of 1966, as inserted by section 57 of Act 63 of 1975 and substituted by section 3 of Act 26 of 1982.

4. This Act shall be called the Community Development Short title. Amendment Act, 1984.

