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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. 1681.

10 Augustus 1984

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

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

No. 102 van 1984: Wet op die Nasionale Beleid vir Algemene Behuisingsaangeleenthede, 1984.

No. 102 of 1984: National Policy for General Housing Matters Act, 1984.

Wet No. 102, 1984

WET OP DIE NASIONALE BELEID VIR ALGEMENE
BEHUISINGSAANGELEENTHEDE, 1984**WET**

Om voorsiening te maak vir die bepaling van 'n nasionale beleid vir algemene behuisingsaangeleentheid, en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)*

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "adviesraad" die Suid-Afrikaanse Behuisingsadviesraad by artikel 2 ingestel; (i) 5
- (ii) "Minister" die Minister van die Staatsdepartement vir algemene sake verantwoordelik vir behuising. (ii) 10

Instelling van Suid-Afrikaanse Behuisingsadviesraad.

2. (1) Daar word hierby 'n adviesraad ingestel wat die Suid-Afrikaanse Behuisingsadviesraad heet en wat bestaan uit— 10

- (a) 'n voorsitter en 'n ondervoorsitter deur die Minister aangestel; 10
- (b) een persoon wat deur elke Minister van 'n Staatsdepartement verantwoordelik vir behuising aangewys word en deur die Minister aangestel word; 15
- (c) twee persone wat deur die Minister aangestel word uit minstens vier persone wie se name vir dié doel deur die Verenigde Munisipale Bestuur van Suid-Afrika voorgelê is; en
- (d) ses ander persone wat nie in die heelydse diens van die Staat is nie en wat deur die Minister aangestel word, van wie vyf vanweë hul besondere kennis van behuisingsaangeleentheid en een vanweë sy besondere kennis van die finansiering van behuising aldus aangestel word. 25

(2) (a) Iemand wat ingevolge subartikel (1) (b) as 'n lid van die adviesraad aangestel is, kan met die toestemming van die Minister iemand in die diens van die Staat in sy Departement aanwys om in sy plek as 'n plaasvervangende lid van die adviesraad op te tree. 30

(b) Die Minister moet ten opsigte van elke persoon wat ingevolge subartikel (1) (c) as 'n lid van die adviesraad aangestel is, 'n plaasvervangende lid aanstel uit die twee persone wat nie ingevolge daardie subartikel as lede van die adviesraad aangestel is nie. 35

(c) 'n Plaasvervangende lid in paragraaf (a) of (b) vermeld kan 'n vergadering van die adviesraad bywoon en aan die verrigtinge aldaar deelneem wanneer 'n lid ten opsigte van wie hy as plaasvervangende lid aangewys of aangestel is, van sodanige vergadering afwesig is. 40

(3) (a) Die ondervoorsitter van die adviesraad 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. 45

NATIONAL POLICY FOR GENERAL HOUSING MATTERS ACT,
1984

Act No. 102, 1984

ACT**To provide for the determination of a national policy for general housing matters, and for matters connected therewith.***(English text signed by the State President.)
(Assented to 12 July 1984.)***BE IT ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—**1.** In this Act, unless the context indicates otherwise—

Definitions.

- 5 (i) "advisory council" means the South African Housing Advisory Council established by section 2; (i)
- (ii) "Minister" means the Minister of the department of State for general affairs responsible for housing. (ii)

10 **2.** (1) There is hereby established an advisory council to be called the South African Housing Advisory Council, consisting of—

Establishment of South African Housing Advisory Council.

- (a) a chairman and a vice-chairman appointed by the Minister;
- 15 (b) one person designated by every Minister of a department of State responsible for housing, and appointed by the Minister;
- (c) two persons who shall be appointed by the Minister from among at least four persons whose names have been submitted for that purpose by the United Municipal Executive of South Africa; and
- 20 (d) six other persons who are not in the full-time employment of the State and who shall be appointed by the Minister, of whom five shall have special knowledge of housing matters and one shall have special knowledge of the financing of housing.
- 25 (2) (a) Any person appointed a member of the advisory council in terms of subsection (1) (b) may with the consent of the Minister designate any person in the service of the State in his Department to act in his stead as an alternate member of the advisory council.
- 30 (b) The Minister shall appoint in respect of any person appointed a member of the advisory council in terms of subsection (1) (c) an alternate member from among the two persons who have not been appointed members of the advisory council in terms of that subsection.
- 35 (c) Any alternate member mentioned in paragraph (a) or (b) may attend, and take part in the proceedings at, any meeting of the advisory council whenever the member in respect of whom he has been designated or appointed an alternate member is absent from such meeting.
- 40 (3) (a) The vice-chairman of the advisory council 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.

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- (b) In die afwesigheid van sowel die voorsitter as die ondervoorzitter van die adviesraad wys die Minister 'n lid van die adviesraad as waarnemende voorsitter aan.

Ampstermyn van lede van adviesraad.

3. (1) Die lede van die adviesraad wat ingevolge artikel 2 (1) aangestel word, beklee hul amp, behoudens die bepalings van subartikel (2), vir 'n tydperk van drie jaar, maar kan weer aangestel word. 5

(2) Die aanstelling van 'n lid bedoel in artikel 2 (1) kan te eniger tyd deur die Minister beëindig word indien volgens sy oordeel gegronde redes daarvoor bestaan en, in die geval van 'n lid bedoel in artikel 2 (1) (b), na oorlegpleging met die Minister wat ingevolge daardie artikel genoemde lid vir aanstelling aangewys het. 10

(3) Indien die amp van iemand wat ingevolge artikel 2 (1) (c) as lid van die adviesraad aangestel is vakant raak voor die verstryking van sy ampstermyn, moet die Minister 'n ander persoon aanstel uit persone wie se name, behoudens die bepalings 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. 20

(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 2 (1) (c) as lede van die adviesraad aangestel is, ingevolge die bepalings van daardie artikel name voorlê ten einde die Minister in staat te stel om die vakatures te vul. 25

(5) Indien die Verenigde Munisipale Bestuur van Suid-Afrika versuim om ingevolge die bepalings 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 2 (1) (c) of subartikel (3) van hierdie artikel, na gelang van die geval. 30 35

Werkzaamhede van adviesraad.

4. Die adviesraad moet ondersoek instel na, en aan die Minister aanbevelings doen aangaande, behuising vir sover dit betrekking het op norme, standarde en inkomstegroepe vir die finansiering van behuising in die Republiek, met inagneming van die bepalings van paragrawe (a) tot (i) van artikel 6. 40

Komitees van adviesraad.

5. (1) Die Minister kan komitees instel om die adviesraad by die verrigting van sy werkzaamhede by te staan, en kan persone wat nie lede van die adviesraad is nie, of persone wat nie lede van daardie raad is nie sowel as lede van dié raad, as lede van die komitee aanstel. 45

(2) Die voorsitter van so 'n komitee word deur die Minister aangewys.

Bepaling van algemene beleid.

6. Die Minister kan na oorwëging van aanbevelings in artikel 4 bedoel en na oorlegpleging met elke Minister van 'n Staatsdepartement verantwoordelik vir behuising die algemene beleid bepaal wat met betrekking tot behuising in die Republiek gevolg moet word ten opsigte van norme, standarde en inkomstegroepe vir die finansiering van behuising, met inagneming van— 50

- (a) grond en grondvoorsiening vir behuising;
- (b) dorpsbeplanning en dorpsstigting; 55
- (c) behuisingsmetodes;
- (d) koste van behuising en dienste;
- (e) finansieringsmetodes;
- (f) dataverkryging en -verwerking met die oog op vooruitbeplanning; 60
- (g) navorsing in verband met behuisingsvoorsiening;
- (h) die koördinering van behuisingsaangeleenthede in die algemeen;
- (i) enige ander aangeleentheid aangaande behuising wat aldus gevolg moet word en wat die Minister of 'n Minister 65

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- (b) In the absence of both the chairman and the vice-chairman of the advisory council, the Minister shall designate any member of the advisory council as acting chairman.
- 5 3. (1) The members of the advisory council appointed in terms of section 2 (1) shall, subject to the provisions of subsection (2) of this section, hold office for a period of three years, but shall be eligible for reappointment. Period of office of members of advisory council.
- (2) The Minister may at any time terminate the appointment of a member referred to in section 2 (1) if, in his opinion, good cause exists therefor and, in the case of any member referred to in section 2 (1) (b), after consultation with the Minister who in terms of that section designated the said member for appointment.
- 10 (3) If the office of any person appointed a member of the advisory council in terms of section 2 (1) (c) 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 expiration of the term of office of the persons appointed members of the advisory council in terms of section 2 (1) (c), in terms of the provisions of that section submit names so as to enable the Minister to fill the vacancies.
- 20 (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 2 (1) (c) or subsection
- 25 (3) of this section, as the case may be.
4. The advisory council shall inquire into and make recommendations to the Minister as to norms, standards and income groups for the financing of housing in the Republic, with due regard to the provisions of paragraphs (a) to (i) of section 6. Functions of advisory council.
- 30 5. (1) The Minister may establish committees to assist the advisory council in the performance of its functions, and may appoint persons who are not members of the advisory council or persons who are not members of that council as well as members of that council, to be members of those committees. Committees of advisory council.
- 35 (2) The chairman of any such committee shall be designated by the Minister.
6. The Minister may, after consideration of any recommendations referred to in section 4, and after consultation with every Minister of a department of State responsible for housing, determine the general policy to be applied in relation to housing in the Republic in respect of norms, standards and income groups for the financing of housing, with due regard to— Determination of general policy.
- 40 (a) land and the provision of land for housing;
- (b) township planning and township establishment;
- 45 (c) methods of housing;
- (d) cost of housing and services;
- (e) methods of financing;
- (f) the obtaining and processing of data with a view to advance planning;
- 50 (g) research regarding the provision of housing;
- (h) the co-ordination of housing matters generally;
- (i) any other matter as to housing to be so applied which the Minister or a Minister of a department of State re-

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van 'n Staatsdepartement verantwoordelik vir behuising na die adviesraad verwys of wat die adviesraad uit eie beweging ondersoek.

Uitvoering van beleid.

7. (1) Elke Minister van 'n Staatsdepartement verantwoordelik vir behuising moet die beleid wat ingevolge artikel 6 bepaal is, vir sover dit op die betrokke bevolkingsgroep van toepassing is, uitvoer. 5

(2) By die voorbereiding van 'n konsepwetsontwerp wat bestem is vir indiening in die Parlement en wat handel oor die beleid in artikel 6 bedoel, moet daar raadpleging wees tussen die Minister en elke Minister van 'n Staatsdepartement verantwoordelik vir behuising. 10

Vergaderings van adviesraad.

8. (1) Vergaderings van die adviesraad word gehou op die tye en plekke wat die voorsitter van die adviesraad bepaal.

(2) Die kworum vir 'n vergadering van die adviesraad is die meerderheid van die lede van die adviesraad soos op die datum van daardie vergadering. 15

(3) Die verrigtinge van die adviesraad is nie ongeldig bloot op grond van die feit dat daar 'n vakature in die adviesraad bestaan nie. 20

(4) Die adviesraad kan die prosedure op sy vergadering na goëddunke bepaal.

Toelaes en besoldiging van lede van adviesraad en komitees.

9. Daar kan aan 'n lid van die adviesraad of aan 'n persoon kragtens artikel 5 as lid van 'n komitee aangestel wat nie in die heeltidse diens van die Staat is nie, ten opsigte van die dienste deur so 'n lid of persoon in verband met die sake van die adviesraad of komitee gelewer, uit geld deur die Parlement vir dié doel bewillig— 25

(a) die reis-, verblyf en ander toelaes; en

(b) in die geval van enige sodanige lid of persoon wat nie in die heeltidse diens van die Staat is nie, daarbenevens die besoldiging, 30

betaal word wat die Minister, met die instemming van die Minister van Finansies, bepaal.

Administratiewe werksaamhede van adviesraad en komitees.

10. (1) Die administratiewe werksaamhede van die adviesraad en 'n komitee kragtens artikel 5 ingestel, word deur beamptes van die Staatsdepartement vir algemene sake verantwoordelik vir behuising verrig onderworpe aan die beheer en voorskrifte van so 'n beampte deur die Minister as uitvoerende beampte aangewys. 40

(2) Genoemde uitvoerende beampte moet jaarliks aan die Minister 'n verslag voorlê oor—

(a) die werksaamhede van die adviesraad ingevolge artikel 4 gedurende die voorafgaande jaar; en

(b) die uitvoering ingevolge artikel 7 (1) gedurende die voorafgaande jaar van beleid wat ingevolge artikel 6 bepaal is. 45

Herroeping van Wet 66 van 1978.

11. Die Wet op Koördinering van Behuisingsaangeleenthede, 1978, word hierby herroep.

Kort titel en inwerkingtreding.

12. Hierdie Wet heet die Wet op die Nasionale Beleid vir Algemene Behuisingsaangeleenthede, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 50

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sponsible for housing refers to the advisory council or into which the advisory council inquires of its own accord.

7. (1) Every Minister of a department of State responsible for housing shall carry out the policy determined in terms of section 6 in so far as it applies to the population group concerned. Carrying out of policy.

(2) In the preparation of any draft bill intended to be introduced in Parliament and dealing with the policy referred to in section 6, there shall be consultation between the Minister and every Minister of a department of State responsible for housing.

8. (1) Meetings of the advisory council shall be held at such times and places as the chairman of the advisory council may determine. Meetings of advisory council.

(2) The quorum for a meeting of the advisory council shall be the majority of the members of the advisory council as at the date of that meeting.

(3) The proceedings of the advisory council shall not be invalid merely by virtue of the fact that there is a vacancy in the advisory council.

(4) The advisory council may determine the procedure at its meetings as it thinks fit.

9. A member of the advisory council or any person appointed under section 5 as a member of a committee and who is not in the full-time employment of the State may, in respect of the services rendered by that member or person in connection with the affairs of the advisory council or committee, from moneys appropriated for that purpose by Parliament be paid— Allowances and remuneration of members of advisory council and committees.

(a) such travelling and subsistence and other allowances; and

(b) in the case of any such member or person who is not in the full-time employment of the State, such remuneration in addition,

as the Minister may with the concurrence of the Minister of Finance determine.

10. (1) The administrative functions of the advisory council and any committee established under section 5 shall be performed by officers of the department of State for general affairs responsible for housing, subject to the control and directions of any such officer designated by the Minister as executive officer. Administrative functions of advisory council and committees.

(2) The said executive officer shall submit annually to the Minister a report on—

(a) the functions of the advisory council in terms of section 4 during the preceding year; and

(b) the carrying out in terms of section 7 (1) during the preceding year of any policy determined in terms of section 6.

11. The Co-ordination of Housing Matters Act, 1978, is hereby repealed. Repeal of Act 66 of 1978.

12. This Act shall be called the National Policy for General Housing Matters Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

1. The Minister of Housing may, in his or her discretion, refer to the advisory council any matter which the advisory council may, in its own opinion, be able to advise on.

2. (1) Every Minister of a department of state responsible for housing shall carry out the policy determined in terms of section 1 of this Act in accordance with the recommendations of the advisory council.
(2) In the preparation of any bill intended to be introduced in Parliament and dealing with the policy referred to in section 1, there shall be consultation between the Minister and the advisory council of a department of state responsible for housing.

3. (1) Meetings of the advisory council shall be held at such times and places as the chairman of the advisory council may determine.
(2) The Minister for a meeting of the advisory council shall be the Minister of the department of state responsible for housing.
(3) The proceedings of the advisory council shall not be held in public and no member of the advisory council shall be held liable in respect of any statement made by him or her in the proceedings of the advisory council.
(4) The advisory council may determine the procedure at its meetings and the rules of procedure.

4. A member of the advisory council or any person appointed under section 5 as a member of a committee who is not in the full-time employment of the State may, in respect of the services rendered by him or her as a member of the advisory council or as a member of a committee, claim reimbursement of expenses incurred for that purpose by Parliament.
(a) such travelling and subsistence and other allowances; and
(b) in the case of any such member or person who is not in the full-time employment of the State, such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine.

5. (1) The administrative functions of the advisory council and any committee established under section 5 shall be performed by officers of the department of state for general affairs responsible for housing, subject to the control and direction of the Minister or of the Minister as executive officer.
(2) The said executive officer shall submit annually to the Minister a report on—
(a) the functions of the advisory council in terms of section 1 during the preceding year; and
(b) the carrying out in terms of section 1 of the policy determined in terms of section 1 of this Act during the preceding year.

6. The Co-ordination of Housing Matters Act, 1978, is hereby repealed.

7. This Act shall be called the National Policy for General Housing Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.