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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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No. 9864

STATE PRESIDENT'S OFFICE

No. 1632.

31 July 1985

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

No. 103 of 1985: Development and Housing Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1632.

31 Julie 1985

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

No. 103 van 1985: Wet op Ontwikkeling en Behuising, 1985.

ACT

To provide for the establishment of a Development and Housing Board and a Development and Housing Fund in order to effect or promote in a declared area the acquisition and alienation of land for the purposes of township development, the provision of housing, and the performance of functions connected therewith such as the granting of loans to natural persons to enable them to construct or purchase dwellings, and to local authorities, utility companies and other bodies to enable them to acquire land and buildings for the purposes of township development and the provision of housing and to carry out approved projects; and to regulate the utilization of certain dwelling units; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 10 July 1985.)*

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WET

Om voorsiening te maak vir die instelling van 'n Raad op Ontwikkeling en Behuising en 'n Ontwikkelings- en Behuisingsfonds ter bewerkstelling of bevordering in 'n verklaarde gebied van die verkryging en vervreemding van grond vir doeleindes van dorpsontwikkeling, die voorsiening van behuising, en die verrigting van verbandhoudende werksaamhede soos die toestaan van lenings aan natuurlike persone om hulle in staat te stel om wonings te bou of aan te koop, en aan plaaslike besture, nutsmaatskappye en ander liggame om hulle in staat te stel om grond en geboue vir doeleindes van dorpsontwikkeling en die voorsiening van behuising te verkry en om goedgekeurde projekte uit te voer; en om die benutting van sekere wooneenhede te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Julie 1985.)*

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17. Afsonderlike state van inkomste en uitgawe moet ten opsigte van elke lening deur plaaslike besture, nutsmaatskappye, behuisingsnutsmaatskappye en ander persone en liggame bygehou word.
18. Aanwending van bedrag waarmee inkomste uitgawe te bowe gaan ten opsigte van onroerende eiendom wat met geld bekom uit fonds verkry of verbeter is.

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25. Verandering van naam van dorp of gedeelte daarvan en toekenning en verandering van straatname.
26. Oorgang op raad van gedeeltes van dorpe wat vir openbare doeleindes opsygesit is.
27. Opheffing of wysiging van sekere beperkings op grond.
28. Minister kan uitlegplan en ontwikkeling van dorp in afgagting van proklamasie goedkeur.
29. Plaaslike besture kan wonings bou en projekte uitvoer en wonings wat deur hulle gebou is, verkoop of verhuur.

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40. Summiere uitsetting van persone.
41. Verstrekking van sekere inligting aan raad en versuim van 'n plaaslike bestuur om inligting te verstrek of om met bou van 'n woning of uitvoering van 'n projek te begin.
42. Minister kan plaaslike besture gelas om projekte uit te voer of projekte deur raad uitgevoer, oor te neem.
43. Beheer oor projekte.
44. Toepassing van sekere bepalinge op projekte uitgevoer en lenings toegestaan deur plaaslike besture.
45. Behuisingsnutsmaatskappye.
46. Hulpverlening.

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47. Prohibition of demolition of dwellings and certain other buildings and of use of dwellings and such buildings for purposes other than residential purposes.
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54. Pre-emptive right of board in respect of immovable property sold to a natural person for residential purposes or in regard to which a loan has been granted.
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56. Certain dwellings not to be sold without approval of Minister.
57. Local authority, utility company, housing utility company, natural person or other person or body may be exempted from certain measures.
58. Exemption from transfer duty, stamp duty and certain fees.
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60. Sale of dwelling in respect of which board or a local authority is the holder of a bond.
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63. Savings.
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BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Administrator", in relation to any province or any local authority established within any province, means the Administrator of that province acting on the advice of the Executive Committee thereof; (i)
 - (ii) "approved dwelling" means a dwelling approved by the board; (x)
 - (iii) "approved project" means a project approved by the board; (ix)
 - (iv) "board" means the Development and Housing Board established by section 2; (xviii)
 - (v) "construct" includes alter, enlarge, rebuild, repair or adapt; and "construction" has a corresponding meaning; (iii)
 - (vi) "declared area" means an area referred to in paragraph 5(2) of Schedule 1 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), which has been declared for the use of the White population 20 group; (xxii)
 - (vii) "Department" means the Department of Local Government, Housing and Works of the Administration: House of Assembly; (iv)
 - (viii) "Director-General" means the Director-General: Administration: House of Assembly; (vi)
 - (ix) "dwelling" means—
 - (a) any building which after its construction, adaptation or enlargement does not or will not contain more than five living rooms with or without a kitchen and the usual appurtenances, outbuildings,

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47. Verbod op sloping van wonings en sekere ander geboue en op gebruik van wonings en sulke geboue vir ander doeleindes as woondoeleindes.
48. Bevoegdheid van Departementshoof met betrekking tot ongeokkupeerde wonings.
49. Reg van toegang en inspeksie.
50. Uitvoering van Wet.
51. Regulasies van die Staatstenderraad van toepassing ten opsigte van aankope en kontrakte.
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54. Voorkoopreg van raad ten opsigte van onroerende eiendom aan 'n natuurlike persoon vir woondoeleindes verkoop of met betrekking waartoe 'n lening toegestaan is.
55. Vervreemding van grond deur raad, 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuurlike persoon.
56. Sekere wonings mag nie sonder goedkeuring van Minister verkoop word nie.
57. Plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy, natuurlike persoon of ander persoon of liggaam kan van sekere maatreëls onthef word.
58. Vrstelling van hereregte, seëlregte en sekere gelde.
59. Sessies en oordragte.
60. Verkoop van woning ten opsigte waarvan raad of 'n plaaslike bestuur die houer van 'n verband is.
61. Ondersoeke met betrekking tot behuising.
62. Regulasies.
63. Voorbehoude.
64. Kort titel en inwerkingtreding.

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

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) "Administrateur", met betrekking tot 'n provinsie of 'n plaaslike bestuur wat binne 'n provinsie ingestel is, die Administrateur van daardie provinsie handelende op advies van die Uitvoerende Komitee daarvan; (i)
 - 10 (ii) "behuisingsnutsmaatskappy" 'n maatskappy geregistreer kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), of die Maatskappywet, 1973 (Wet No. 61 van 1973), sowel as ingevolge artikel 45 van hierdie Wet, en waarvan die statute of konstitusie verbied dat hy wins verklaar of op 'n ander wyse verdeel onder of ten bate van sy lede; (xii)
 - 15 (iii) "bou" ook verander, vergroot, herbou, herstel of verbou; en het "die bou" 'n ooreenstemmende betekenis; (v)
 - 20 (iv) "Departement" die Departement van Plaaslike Bestuur, Behuising en Werke van die Administrasie: Volksraad; (vii)
 - (v) "Departementshoof" die beampte in die Departement, of sy gevolmagtigde, wat deur die Minister van Begroting as hoof van die Departement aangewys is; (xi)
 - 25 (vi) "Direkteur-generaal" die Direkteur-generaal: Administrasie: Volksraad; (viii)
 - (vii) "eienaar", met betrekking tot onroerende eiendom of 'n reg op onroerende eiendom, die persoon op wie se naam daardie eiendom of ten gunste van wie daardie reg op onroerende eiendom geregistreer is; (xvii)
 - 30 (viii) "fonds" die by artikel 12 ingestelde Ontwikkelings- en Behuisingsfonds; (x)

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- fences and permanent provision for lighting, water supply, drainage and sewerage, whether such building is or is to be constructed as a detached or semi-detached building or is or is to be contained in a block of buildings; 5
- (b) any building which is required in connection with a hostel or other institution intended for the accommodation of young persons who have been committed thereto under any law and which has been recognized as being suitable for such accommodation by a member of the Ministers' Council by a certificate signed by him in terms of any law relating to juvenile delinquents or to the protection and welfare of children; 10
- (c) any building which is required in connection with a "hostel" as defined in the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971); 15
- (d) any building in respect of which the board is satisfied that it is intended to be used as a hostel or other institution under proper management and control, for the purpose of providing, without profit, a residence in common for persons who would otherwise be unable to obtain other suitable accommodation within their means: Provided that for the purpose of this definition "profit" does not include any sums which, with the approval of the board, may be derived from the use of the building and set apart for— 25
- (i) the repayment of any loan granted under this Act or of any other sum expended upon the construction of the building; 30
- (ii) the repayment of interest on such loan;
- (iii) the payment of interest on any such other sum at a rate to be determined by the board, not exceeding that payable on such loan; and 35
- (iv) a general reserve fund; and includes the site on which any dwelling has been or is to be constructed; (xxiii)
- (x) "fund" means the Development and Housing Fund established by section 12; (viii) 40
- (xi) "Head of the Department" means the officer of the Department, or his deputy, designated by the Minister of the Budget as the head of the Department; (v) 45
- (xii) "housing utility company" means a company registered in terms of the Companies Act, 1926 (Act No. 46 of 1926), or the Companies Act, 1973 (Act No. 61 of 1973), as well as in terms of section 45 of this Act, and the articles of association or constitution of which forbids it to declare or otherwise divide profits among or for the benefit of its members; (ii) 50
- (xiii) "local authority" means any body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); (xvi) 55
- (xiv) "Minister" means the Minister of Local Government, Housing and Works of the Ministers' Council; (xii)
- (xv) "Minister of the Budget" means the Minister of the Budget of the Ministers' Council; (xiv)
- (xvi) "Ministers' Council" means the Ministers' Council of the House of Assembly; (xiii) 60
- (xvii) "owner" means, in relation to immovable property or any interest in immovable property, the person in whose name that property or in whose favour that interest in immovable property is registered; (vii)
- (xviii) "project" means— 65
- (a) a proposal to develop land and to establish a township on such land, *inter alia* as contemplated in section 10(2)(c); or
- (b) a proposal for the construction or purchase of one or more approved dwellings, whether or not the

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- (ix) "goedgekeurde projek" 'n projek deur die raad goedgekeur; (iii)
- (x) "goedgekeurde woning" 'n woning deur die raad goedgekeur; (ii)
- 5 (xi) "hierdie Wet" ook enige regulasie; (xxi)
- (xii) "Minister" die Minister van Plaaslike Bestuur, Behuissing en Werke van die Ministersraad; (xiv)
- (xiii) "Ministersraad" die Ministersraad van die Volksraad; (xvi)
- 10 (xiv) "Minister van Begroting" die Minister van Begroting van die Ministersraad; (xv)
- (xv) "nutsmaatskappy of ander liggaam"—
 - (a) 'n maatskappy geregistreer kragtens die Maatskappyywet, 1926 (Wet No. 46 van 1926), of die Maatskappyywet, 1973 (Wet No. 61 van 1973); of
 - 15 (b) 'n liggaam geregistreer kragtens die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), waarvan die statute of konstitusie verbied dat hy wins verklaar of op 'n ander wyse verdeel onder of ten bate van sy lede, en ook 'n deur die Minister op aanbeveling van die raad goedgekeurde inrigting wat kragtens artikel 42 van die Kinderwet, 1960 (Wet No. 33 van 1960), geregistreer is; (xxiii)
 - 20 (xvi) "plaaslike bestuur" enige liggaam wat in artikel 84(1)(f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), beoog word; (xiii)
 - 25 (xvii) "projek"—
 - (a) 'n plan om grond te ontwikkel en 'n dorp daarop uit te lê, onder andere soos beoog in artikel 10(2)(c); of
 - 30 (b) 'n plan vir die bou of aankoop van een of meer goedgekeurde wonings, hetsy die plan verkryging van grond vir sodanige wonings of die aanleg, herbeplanning, onderverdeling of ontwikkeling van die grond vir boudoeleindes insluit al dan nie en sluit dit ook alle geboue of ander werke in wat na die oordeel van die raad nodig is vir die behoorlike beheer van sodanige wonings of vir die verskaffing van dienste aan sodanige wonings of geboue of vir die gesondheid, welsyn en onderwys van hulle bewoners en ook grond afgesonder, gereserveer of verkry as oop terreine vir ontspannings- en speeldoeleindes asook vir enige ander doeleindes waarvoor daar in 'n dorpsaanlegskema voorsiening gemaak word; of
 - 35 (c) 'n plan vir die aanskaffing van materiaal vir die bou van een of meer goedgekeurde wonings of vir die verkoop daarvan aan natuurlike persone vir die bou van goedgekeurde wonings; of
 - 40 (d) 'n plan vir die herbeplanning en herontwikkeling van 'n gebied deur die Minister vir hierdie doel aangewys waarin fisiese verval voorkom of wat tot verval neig, wat insluit die toestaan van lenings ingevolge artikel 10(2)(b)(iii) aan eienaars van wonings in sodanige gebied vir doeleindes van die opknapping daarvan; of
 - 45 (e) 'n plan vir die bou of aankoop van 'n gebou of grond vir—
 - (i) 'n dienssentrum vir die beskikbaarstelling of verskaffing op 'n gereelde grondslag van ontspannings-, opvoedkundige, gesondheids- en maatskaplike hulpdienste aan bejaarde persone wat nie noodwendig inwoners van 'n tehuis vir bejaarde persone is nie;
 - 50 (ii) 'n versorgingsoord vir die opname, beskerming en tydelike of gedeeltelike versorging van 'n kind of kinders van 'n moeder of stiefmoeder of wewenaar of geskeide vader wat buitenshuise werk verrig, maar wat nie 'n kos-
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- proposal includes the acquisition of land for such dwellings or the laying out, replanning, subdivision or development of the land for building purposes, and includes all buildings or other works which in the opinion of the board are necessary for the proper management of such dwellings or for the provision of services to such dwellings or buildings or for the health, welfare and education of their occupants, and land set apart, reserved or acquired as open spaces for the purposes of recreation and play as well as for any other purposes for which provision is made in a town planning scheme; or
- (c) a proposal for the procurement of material for the construction of one or more approved dwellings or for the sale of such material to natural persons for the construction of approved dwellings; or
- (d) a proposal for the replanning or redevelopment of any area designated by the Minister for this purpose and in which physical decay is prevalent or which is inclined to decay, which proposal includes the granting of loans in terms of section 10(2)(b)(iii) to owners of dwellings in such an area for their repair; or
- (e) a proposal for the construction or purchase of a building or land for—
- (i) a service centre for making available to or providing for elderly persons who are not necessarily inmates of a home for the aged, recreational, educational, health and welfare auxiliary services, on a regular basis;
 - (ii) a place of care for the reception, protection and temporary or partial care of a child or children of a mother or stepmother or widower or divorced father who does work away from home, but which is not a boarding school, a hostel or an establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by a Government or provincial authority;
 - (iii) a protective workshop for persons who are handicapped to such an extent that they cannot be admitted to sheltered employment with the Department of Manpower; or
- (f) a proposal for the acquisition or setting apart of land or any building for habitation, subject to such conditions as may be approved by the Minister, by persons for whom no other suitable housing is available, whether such housing entails the erection of dwellings or other structures for habitation by such persons or not; or
- (g) a proposal for the provision of facilities for community development; (xvii)
- (xix) "Registrar" means a registrar of deeds and, when used in relation to any deeds registry, means the registrar in charge of that deeds registry and, when used in relation to a document, means the registrar in charge of the deeds registry in which that document is registered or registrable or intended to be used or filed; (xix)
- (xx) "regulation" means a regulation made under this Act; (xx)
- (xxi) "this Act" includes any regulation; (xi)
- (xxii) "Treasury" means the Treasury as defined in section 1(1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975); (xxi)
- (xxiii) "utility company or other body" means—
- (a) any company registered under the Companies Act, 1926 (Act No. 46 of 1926), or the Companies Act, 1973 (Act No. 61 of 1973); or

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- skool, 'n koshuis of 'n instelling is nie wat hoofsaaklik vir die onderrig en opleiding van kinders in stand gehou word of aangewend word en wat deur 'n Regerings- of provinsiale owerheid beheer word of deur hom geregistreer of goedgekeur is;
- (iii) 'n beskermingswerkplek vir persone wat sodanig gestrem is dat hulle nie in beskutte werk by die Departement van Mannekrag opgeneem kan word nie; of
- (f) 'n plan vir die verkryging of afsondering van grond of 'n gebou vir bewoning, behoudens voorwaardes deur die Minister goedgekeur, deur persone vir wie geen ander geskikte huisvesting beskikbaar is nie, hetsy sodanige huisvesting die oprigting van wonings of ander bouwerke vir bewoning deur sodanige persone meebring al dan nie; of
- (g) 'n plan vir die voorsiening van fasiliteite vir gemeenskapsontwikkeling; (xviii)
- (xviii) "raad" die by artikel 2 ingestelde Raad op Ontwikkeling en Behuising; (iv)
- (xix) "Registrateur" 'n registrator van aktes en, wanneer gebruik met betrekking tot 'n registrasiekantoor, die registrator aan die hoof van daardie registrasiekantoor, en wanneer gebruik met betrekking tot 'n dokument, die registrator aan die hoof van die registrasiekantoor waarin daardie dokument geregistreer of registreerbaar of bestem is om gebruik of bewaar te word; (xix)
- (xx) "regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xx)
- (xxi) "Tesourie" die Tesourie soos omskryf in artikel 1(1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975); (xxii)
- (xxii) "verklaarde gebied" 'n in paragraaf 5(2) van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), bedoelde gebied wat vir die gebruik van die Blanke bevolkingsgroep verklaar is; (vi)
- (xxiii) "woning"—
- (a) 'n gebou wat na die bou, verbouing of vergroting daarvan nie meer as vyf woonvertrekke met of sonder 'n kombuis en die gebruiklike toebehore, buitegeboue, omheinings en permanente voorsiening vir beligting, water, dreinerings en riolering bevat of sal bevat nie, hetsy sodanige gebou as vrystaande of half-vrystaande gebou gebou is of gebou gaan word of deel uitmaak of gaan uitmaak van 'n blok geboue;
- (b) 'n gebou wat nodig is in verband met 'n tehuis of ander inrigting bestem vir die huisvesting van jeugdige persone wat kragtens die een of ander wet daarheen verwys is en wat deur 'n lid van die Ministersraad deur middel van 'n sertifikaat deur hom onderteken ingevolge die wetsbepalings met betrekking tot jeugdige misdadigers of die beskerming en welsyn van kinders, erken is as geskik vir sodanige huisvesting;
- (c) 'n gebou wat nodig is in verband met 'n "tehuis" soos omskryf in die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971);
- (d) 'n gebou ten opsigte waarvan die raad oortuig is dat dit bestem is om as 'n tehuis of ander inrigting onder behoorlike bestuur en toesig gebruik te word met die doel om, sonder wins, 'n gemeenskaplike woonplek te verskaf aan persone wat andersins nie in staat sou wees om ander geskikte huisvesting binne hulle vermoë te verkry nie: Met dien verstande dat vir die doel van hierdie om-

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(b) any body registered under the National Welfare Act, 1978 (Act No. 100 of 1978), the articles of association or constitution of which forbids it to declare or otherwise divide profits amongst or for the benefit of its members, and includes any institution, approved by the Minister on the recommendation of the board, which has been registered under section 42 of the Children's Act, 1960 (Act No. 33 of 1960).
(xv)

CHAPTER I

10

DEVELOPMENT AND HOUSING BOARD

Establishment of
Development and
Housing Board.

2. (1) There is hereby established, with effect from a date fixed by the State President by proclamation in the *Gazette*, a board to be known as the Development and Housing Board, which shall be a juristic person. 15

(2) The board shall not be liable for any tax, duty, fee or other charge imposed by or under any law for the benefit of the State Revenue Fund or a provincial revenue fund.

(3) The Rent Control Act, 1976 (Act No. 80 of 1976), and the Alienation of Land Act, 1981 (Act No. 68 of 1981), shall not apply in relation to any immovable property acquired by the board under this Act or in respect of which a local authority has in terms of section 33 concluded a loan for the acquisition thereof. 20

Constitution of
board.

3. (1) The board shall consist of not more than six members appointed by the Minister. 25

(2) The Minister shall designate one of the members of the board as the chairman and another member as the vice-chairman of the board.

(3) Whenever both the chairman and the vice-chairman of the board are absent or unable to fulfil any of the functions of chairman, the Minister may designate another member of the board to act as chairman during such absence or incapacity. 30

(4) The name of every person appointed as a member of the board, together with the date from which the appointment takes effect, shall be notified in the *Gazette*. 35

Tenure of office of
members of board.

4. (1) A member of the board shall be appointed for such period as the Minister may in each case determine, and shall on the termination of his period of office be eligible for reappointment.

(2) A member of the board shall vacate his office— 40

- (a) if he resigns or dies;
- (b) if his estate is sequestrated or he applies for assistance contemplated in section 10 (1) (c) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);
- (c) if he becomes of unsound mind; 45
- (d) if he is convicted of any offence and sentenced to imprisonment without the option of a fine;
- (e) if he seeks election at any party or official nomination of candidates for the House of Assembly or attempts to have himself nominated at any such nomination; or 50
- (f) if he has absented himself from three consecutive meetings of the board without its leave, which shall not be granted for a period exceeding six months in any period of 12 months.

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skrywing "wins" nie bedrae insluit nie wat met die goedkeuring van die raad uit die gebruik van die gebou verkry word en opsygesit word vir—

- 5 (i) die terugbetaling van 'n lening kragtens hierdie Wet toegestaan of van enige ander bedrag aan die bou van die geboue bestee;
 - (ii) die betaling van rente op sodanige lening;
 - 10 (iii) die betaling van rente op enige sodanige ander bedrag teen 'n rentekoers deur die raad bepaal te word, wat dié wat op sodanige lening betaalbaar is nie te bowe mag gaan nie; en
 - (iv) 'n algemene reserwefonds,
- en ook die bouterrein waarop die woning gebou is of gebou staan te word. (ix)

15

HOOFSTUK I

RAAD OP ONTWIKKELING EN BEHUISING

2. (1) Daar word hierby met ingang van 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, 'n raad ingestel wat die Raad op Ontwikkeling en Behuising heet, wat 'n regspersoon is.

Instelling van
Raad op Ontwikke-
ling en Behuising.

- (2) Die raad is nie vir 'n belasting, reg, gelde of ander heffing deur of kragtens enige wet ten bate van die Staatsinkomstefonds of 'n provinsiale inkomstefonds opgelê, aanspreeklik nie.

- (3) Die Wet op Huurbeheer, 1976 (Wet No. 80 van 1976), en die Wet op die Vervreemding van Grond, 1981 (Wet No. 68 van 1981), is nie van toepassing nie met betrekking tot grond wat die raad ingevolge hierdie Wet verkry het of ten opsigte waarvan 'n plaaslike bestuur ingevolge artikel 33 'n lening aangegaan het vir die verkryging daarvan.

- 30 3. (1) Die raad bestaan uit hoogstens ses lede, wat deur die Minister aangestel word.

Samestelling van
raad.

- (2) Die Minister moet een van die lede van die raad as die voorsitter en 'n ander lid as die vise-voorsitter van die raad aanwys.

- 35 (3) Wanneer sowel die voorsitter as die ondervoorsitter van die raad afwesig is of nie in staat is om enige van die werksaamhede van die voorsitter te verrig nie, kan die Minister 'n ander lid van die raad aanwys om gedurende bedoelde afwesigheid of onvermoë as voorsitter op te tree.

- 40 (4) Die naam van elke persoon wat as lid van die raad aangestel word en die datum vanaf wanneer die aanstelling geld, moet in die *Staatskoerant* afgekondig word.

4. (1) 'n Lid van die raad word aangestel vir die tydperk wat die Minister in elke geval bepaal, en kan by verstryking van sy ampstermyn weer aangestel word.

Ampstermyn van
lede van raad.

- (2) 'n Lid van die raad ontruim sy amp—

- (a) indien hy bedank of te sterwe kom;
- (b) indien sy boedel gesekwestreer word of hy om in artikel 10 (1) (c) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), bedoelde bystand aansoek doen;
- (c) indien hy geestelik versteurd raak;
- (d) indien hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- 55 (e) indien hy hom verkiesbaar stel by 'n party- of amptelike benoeming van kandidate vir die Volksraad of 'n poging aanwend om hom by so 'n benoeming te laat benoem; of
- 60 (f) indien hy van drie agtereenvolgende vergaderings van die raad afwesig was sonder verlof van die raad, wat nie vir 'n langer tydperk as ses maande in enige tydperk van 12 maande toegestaan word nie.

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(3) The Minister may at any time remove a member of the board from office if in the opinion of the Minister sufficient reasons exist for doing so.

Meetings of board.

5. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the chairman of the board may determine. 5

(2) The chairman of the board may at any time call a special meeting of the board and shall call such meeting within 14 days after receipt of a written request signed by not fewer than three members of the board desiring such a meeting to be called. 10

(3) Three members of the board shall form a quorum for a meeting of the board.

(4) The decision of the majority of the members of the board present at any meeting thereof shall be deemed to be the decision of the board: Provided that in the event of an equality of votes on any matter before a meeting of the board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote. 15 20

(5) A member of the board shall not be present at or take part in the discussion of or vote upon any matter before the board or any committee thereof in which he or his spouse, or his partner or employer, other than the State, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest. 25

Remuneration, allowances and conditions of service of members of board.

6. (1) A member of the board (other than a person who is in the full-time employment of the State) shall receive such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine: Provided that the remuneration and allowances of such members may differ according as to whether they serve in a full-time or part-time capacity. 30

(2) The conditions of service of a member of the board who is not an officer as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984), shall be determined by the Minister, with the concurrence of the Minister of Finance. 35

Appointment and powers of executive committee.

7. (1) The Minister may appoint an executive committee consisting of the chairman and vice-chairman of the board and so many other members of the board as the Minister may determine. 40

(2) Any two members of the executive committee shall form a quorum.

(3) The chairman of the board shall be the chairman of the executive committee.

(4) Whenever the chairman of the board is absent or unable to perform any of the functions of the chairman, the Minister may designate any other member of the board to act as chairman of the executive committee during such absence or incapacity. 45

(5) The executive committee may exercise all the powers and perform all the functions of the board between meetings of the board, but shall not have the power, save in so far as the board otherwise directs, to set aside or vary any decision of the board, and all steps taken or decisions made by the executive committee shall be subject to confirmation by the board. 50

(6) The executive committee shall meet at such times and places as the chairman of the board may direct. 55

Appointment of regional and *ad hoc* committees of board.

8. (1) The Minister may appoint one or more regional committees to perform, subject to such conditions as the Minister may determine, such of the functions of the board as the Minister may specify, and any such regional committee may for the proper performance of such functions exercise all the powers and perform all the duties which have in relation to the performance of those functions been conferred or imposed upon the board. 60

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(3) Die Minister kan te eniger tyd 'n lid van die raad van sy amp onthef indien na die oordeel van die Minister daar gegronde redes bestaan om dit te doen.

5 (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings word, behoudens die bepalings van subartikel (2), gehou op die tye en plekke wat die voorsitter bepaal. Vergaderings van raad.

(2) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die raad byeenroep, en moet so 'n vergadering byeenroep binne 10 14 dae na ontvangs van 'n skriftelike versoek wat deur minstens drie lede van die raad onderteken is en waarin die byeenroeping van so 'n vergadering verlang word.

(3) Drie lede van die raad maak 'n kworum vir 'n vergadering van die raad uit.

15 (4) Die besluit van 'n meerderheid van die aanwesige lede van die raad op 'n vergadering van die raad word geag 'n besluit van die raad te wees: Met dien verstande dat by 'n staking van stemme oor 'n aangeleentheid voor 'n vergadering van die raad, die persoon wat op daardie vergadering voorsit benewens sy be- 20 raadslagende stem ook 'n beslissende stem het.

(5) 'n Lid van die Raad mag nie aanwesig wees by of deelneem aan die bespreking van of stem oor 'n aangeleentheid voor die raad of 'n komitee daarvan waarin hy of sy gade of sy vennoot of werkgewer, behalwe die Staat, of die vennoot of werkgewer van sy gade regstreeks of onregstreeks 'n geldelike belang 25 het nie.

6. (1) 'n Lid van die raad (uitgesonderd 'n persoon wat heeltyds in diens van die Staat is) ontvang die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies bepaal: Met dien verstande dat die besoldiging en toelaes 30 van sodanige lede kan verskil na gelang hulle in 'n heeltydse of deeltydse hoedanigheid dien. Besoldiging, toelaes en diensvoorwaardes van lede van raad.

(2) Die diensvoorwaardes van 'n lid van die raad wat nie 'n in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 35 1984), omskrewe beampte is nie, word deur die Minister met die instemming van die Minister van Finansies bepaal.

7. (1) Die Minister kan 'n uitvoerende komitee aanstel wat bestaan uit die voorsitter en die ondervoorsitter van die raad en soveel ander lede van die raad as wat die Minister bepaal. Aanstelling en bevoegdhede van uitvoerende komitee.

40 (2) Enige twee lede van die uitvoerende komitee maak 'n kworum uit.

(3) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.

(4) Wanneer die voorsitter van die raad afwesig is of nie in 45 staat is om enige van die werksaamhede van die voorsitter te verrig nie, kan die Minister 'n ander lid van die raad aanwys om gedurende bedoelde afwesigheid of onvermoë as voorsitter van die uitvoerende komitee op te tree.

(5) Die uitvoerende komitee kan tussen vergaderings van die 50 raad al die bevoegdhede van die raad uitoefen en al die raad se werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie, en alle stappe deur die uitvoerende komitee gedoen of besluite deur hom geneem, is onderworpe aan bekragtiging 55 deur die raad.

(6) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van die raad gelas.

8. (1) Die Minister kan een of meer streekkomitees aanstel 60 om, onderworpe aan die voorwaardes wat die Minister bepaal, die werksaamhede van die raad te verrig wat die Minister vermeld, en so 'n streekkomitee kan vir die behoorlike verrigting van bedoelde werksaamhede al die bevoegdhede uitoefen en al die pligte verrig wat met betrekking tot die verrigting van daar- 65 die werksaamhede aan die raad verleen of hom opgelê is. Aanstelling van streek- en ad hoc-komitees van raad.

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(2) Any such regional committee shall consist of one or more members of the board or of one or more officers of the Department, and the Minister may dissolve or reconstitute a regional committee.

(3) The Minister shall appoint one of the members of any such regional committee as the chairman thereof and determine the number of members thereof that shall form a quorum for any meeting thereof.

(4) The board may with the concurrence of the Minister rescind or alter a decision of a regional committee: Provided that the board shall not rescind or alter any such decision under or pursuant to which any person has acquired any right or incurred any obligation or liability, unless such person has consented thereto.

(5) A regional committee shall perform its functions subject to the directions of the board or the executive committee, and steps taken or decisions made by a regional committee shall be subject to confirmation by the executive committee.

(6) The Minister may appoint a committee consisting of one or more members of the board or of one or more officers of the Department or of so many other persons as he may deem fit, to perform any such particular function of the board as the Minister may determine, and any such committee may for the proper performance of such function, exercise all the powers and perform all the duties which have in relation to the performance of that function been conferred or imposed upon the board.

(7) The board shall not be divested of any function to be performed by any committee by virtue of the provisions of this section.

(8) Members of any committee appointed under this section who are not in the full-time employment of the State, shall as such members be paid such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance determine.

Prohibition of receiving fees or rewards, and preservation of secrecy.

9. (1) Any member of the board who directly or indirectly receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board, shall be guilty of an offence and liable on conviction to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, and shall be precluded thereafter from holding office under this Act.

(2) Any member of the board who discloses, except with the consent of the Minister or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding two years, and shall be precluded thereafter from holding office under this Act.

Objects and general powers of board.

10. (1) The objects for which the board is established shall, subject to the directions of the Minister, be—

- (a) to acquire and alienate land in a declared area for purposes of township development and the provision of housing, including community facilities, and so as to enable a person who owns land in a declared area and who in regard to such an area is disqualified, to dispose of such land;
- (b) to develop a declared area or to assist in the development of such an area and, after consultation with the local authority concerned, to take steps to prevent decay in any such area or to rehabilitate or to assist with the rehabilitation of any such area or any portion thereof which tends to decay;
- (c) in a declared area to assist natural persons to purchase or hire immovable property or to construct or repair dwellings in so far as in the opinion of the board it may be necessary or expedient for the achievement of the objects mentioned in paragraph (b); and

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(2) So 'n streekkomitee bestaan uit een of meer lede van die raad of uit een of meer beamptes in die Departement, en die Minister kan so 'n streekkomitee ontbind of hersaamstel.

(3) Die Minister wys een van die lede van so 'n streekkomitee as sy voorsitter aan en bepaal hoeveel lede daarvan 'n kworum vir 'n vergadering daarvan uitmaak.

(4) Die raad kan met die instemming van die Minister 'n besluit van 'n streekkomitee herroep of wysig: Met dien verstande dat die raad nie so 'n besluit waarkragtens of ingevolge waarvan iemand 'n reg verkry het of 'n verbintenis of verpligting opgeloopt het, kan herroep of wysig nie, tensy so iemand daartoe ingestem het.

(5) 'n Streekkomitee verrig sy werksaamhede onderworpe aan die voorskrifte van die raad of die uitvoerende komitee, en stappe deur 'n streekkomitee gedoen of besluite deur hom geneem, is onderworpe aan bekragtiging deur die uitvoerende komitee.

(6) Die Minister kan vir 'n bepaalde doel 'n komitee aanstel wat uit een of meer lede van die raad of een of meer beamptes in die Departement en soveel ander persone as wat hy goedvind, bestaan, om 'n besondere werksaamheid van die raad te verrig wat die Minister bepaal, en so 'n komitee kan vir die behoorlike verrigting van bedoelde werksaamheid al die bevoegdhede uitoefen en al die pligte uitvoer wat met betrekking tot die verrigting van daardie werksaamheid aan die raad verleen of hom opgelê is.

(7) Die raad word nie onthef van 'n werksaamheid wat uit hoofde van die bepalings van hierdie artikel deur enige komitee uitgevoer moet word nie.

(8) Aan lede van 'n komitee wat kragtens hierdie artikel aangestel word en wat nie in die heeltidse diens van die Staat is nie, word as sodanig die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

9. (1) 'n Lid van die raad wat regstreeks of onregstreeks geld of beloning van iemand ontvang in verband met enige aangeleentheid hoegenaamd wat deur die raad behandel word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R6 000 of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel sodanige boete as sodanige gevangenisstraf, en mag daarna nie 'n amp ingevolge hierdie Wet beklee nie.

Verbod op ontvangs van gelde of belonings, en bewaring van geheimhouding.

(2) 'n Lid van die raad wat, behalwe met die toestemming van die Minister of by die uitvoering van sy pligte of as 'n getuie in 'n gereghof, inligting in die loop van sy pligte deur hom ingewin, bekend maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en mag daarna nie 'n amp ingevolge hierdie Wet beklee nie.

10. (1) Die oogmerke waarmee die raad ingestel word, is om, onderworpe aan die voorskrifte van die Minister—

Oogmerke en algemene bevoegdhede van raad.

(a) grond in 'n verklaarde gebied te verkry en te vervreem vir doeleindes van dorpsontwikkeling en die verskaffing van behuising, met inbegrip van gemeenskapsfasiliteite, en ten einde 'n persoon wat grond in 'n verklaarde gebied besit en wat ten aansien van so 'n gebied onbevoeg is, in staat te stel om sodanige grond van die hand te sit;

(b) 'n verklaarde gebied te ontwikkel of met die ontwikkeling daarvan behulpsaam te wees en om, na oorlegpleging met die betrokke plaaslike bestuur, stappe te doen om verval in so 'n gebied te voorkom of om so 'n gebied of 'n deel daarvan wat tot verval neig, te rehabiliteer of met die rehabilitasie daarvan behulpsaam te wees;

(c) in 'n verklaarde gebied aan natuurlike persone hulp te verleen by die verkryging of huur van onroerende eiendom of die oprigting of opknapping van wonings vir sover dit na die raad se oordeel vir die verwesenliking van die oogmerke in paragraaf (b) vermeld, nodig of dienstig is; en

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- (d) in general to do all that is necessary or considered by the board to be expedient to ensure that persons in a declared area are properly housed and that deficient living conditions in such areas are removed.

(2) For the purpose of achieving its objects the board shall, in addition to any other powers vested in it by this Act, in regard to a declared area have power—

- (a) in respect of movable and immovable property—
- (i) to acquire it by means of purchase, exchange or otherwise; 10
 - (ii) which belongs to or vests in the board, to sell, hypothecate or otherwise dispose of it or to exchange it for other immovable property and to let it to any person or with the approval of the Treasury to donate it for any purpose or to deal therewith in any other manner as the board may deem fit; and 15
 - (iii) which the board has hired, to sublet it to any person;
- (b) with the approval of the Minister given either generally or in a particular case, and subject to such conditions as he may determine— 20
- (i) to alienate land, or a right therein, for purposes of the carrying out of an approved project;
 - (ii) to approve projects and grant loans for the execution of projects so approved to a local authority, utility company, housing utility company or any other person or body, or to a local authority for re-issue to a utility company, housing utility company or any other person or body; 25
 - (iii) to grant loans to natural persons, either direct or through a local authority, for the construction, purchase or repair of an approved dwelling or for building material to construct an approved dwelling; 30
 - (iv) to enter into contracts with the Government of the Republic of South Africa, including the South African Transport Services and any provincial administration, or any statutory or other body or person, for the performance of an act which the board is empowered to perform or the rendering of any service to the board; 40
 - (v) to sell or otherwise dispose of land which belongs to or vests in the board; and
 - (vi) to demolish, alter or reconstruct any building or other structure on land which belongs to or vests in the board; 45
- (c) subject to such conditions as may be determined by the Minister, either generally or in a particular case, to—
- (i) subdivide, lay out, plan and develop or establish a township on, any land, or a portion thereof, which belongs to or vests in the board or any portions thereof;
 - (ii) cause surveys, plans, maps, diagrams or drawings to be made in respect thereof;
 - (iii) construct roads, streets, thoroughfares, bridges, subways, drains, sewers, aqueducts, conduits, water and other mains, power lines and such other works, including buildings, on or over such land, as the board may deem necessary; 55
 - (iv) reserve or set aside any portion thereof for streets, open spaces or other public purposes, community facilities, businesses or other uses; and 60
 - (v) construct dwellings or other structures or carry out a project thereon;
- (d) to construct and maintain on any land any roads, drains, sewers, aqueducts, conduits, water and other 65

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- (d) in die algemeen alles te doen wat nodig is of deur die raad dienstig geag word om seker te maak dat persone in 'n verklaarde gebied behoorlik behuis is en dat gebrekkige woontoestande in sodanige gebiede uit die weg geruim word.
- 5 (2) Vir die bereiking van sy oogmerke is die raad, benewens enige ander bevoegdheid by hierdie Wet aan hom verleen, in 'n verklaarde gebied bevoeg—
- (a) om roerende en onroerende eiendom—
- 10 (i) deur aankoop, ruil of andersins te verkry;
- (ii) wat aan die raad behoort of by hom berus, te verkoop, te verhipotekeer of andersins daaroor te beskik of dit andersins te beswaar of vir ander onroerende eiendom te verruil of dit aan enige persoon te verhuur of met die goedkeuring van die Tesourie dit vir enige doel te skenk of op enige wyse daarmee te handel soos die raad goedvind; en
- 15 (iii) wat die raad gehuur het, aan enige persoon te onderverhuur;
- 20 (b) om met die goedkeuring van die Minister verleen hetsy in die algemeen of in enige besondere geval, en onderworpe aan die voorwaardes wat hy bepaal—
- (i) grond, of 'n reg daarop, te vervreem vir doeleindes van die uitvoering van 'n goedgekeurde projek;
- 25 (ii) projekte goed te keur en lenings vir die uitvoering van projekte aldus goedgekeur, toe te staan aan 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of 'n ander persoon of liggaam, of aan 'n plaaslike bestuur vir heruitreiking aan 'n nutsmaatskappy, behuisingsnutsmaatskappy of 'n ander persoon of liggaam;
- 30 (iii) lenings vir die bou, aankoop of opknapping van 'n goedgekeurde woning of vir boumateriaal vir die bou van 'n goedgekeurde woning aan 'n natuurlike persoon toe te staan, hetsy direk of deur bemiddeling van 'n plaaslike bestuur;
- 35 (iv) kontrakte aan te gaan met die Regering van die Republiek van Suid-Afrika, met inbegrip van die Suid-Afrikaanse Vervoerdienste en 'n provinsiale administrasie, of 'n statutêre liggaam of ander liggaam of persoon vir die verrigting van enige handeling wat die raad gemagtig is om te verrig of die lewering van enige diens aan die raad;
- 40 (v) grond wat aan die raad behoort of by hom berus, te verkoop of andersins daaroor te beskik; en
- 45 (vi) enige gebou of ander bouwerk op grond wat aan die raad behoort of by hom berus, te sloop, te verander of te herbou;
- (c) om, onderworpe aan die voorwaardes wat die Minister bepaal, hetsy in die algemeen of in enige besondere geval—
- 50 (i) grond wat aan die raad behoort of by hom berus of 'n gedeelte daarvan te onderverdeel, uit te lê, te beplan en te ontwikkel, of om 'n dorp daarop uit te lê;
- 55 (ii) opmetings, planne, kaarte, verdelingskaarte of tekenings ten opsigte daarvan te laat maak;
- (iii) paaie, strate, deurgange, brûe, duikweë, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings, kraglyne en die ander werke, met inbegrip van geboue, wat die raad nodig ag, op of oor sodanige grond aan te lê of te bou;
- 60 (iv) enige gedeelte daarvan vir strate, oop terreine of ander openbare doeleindes, gemeenskapsfasiliteite, besighede of ander gebruike uit te hou of opsy te sit; en
- 65 (v) daarop wonings of ander bouwerke te bou of 'n projek uit te voer;
- (d) om op enige grond paaie, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings en kraglyne

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- mains and power lines to connect with roads, drains, sewers, aqueducts, conduits, water and other main and power lines constructed or to be constructed under subparagraph (iii) of paragraph (c), and for such purposes, subject to the provisions of paragraph (a) (i) of this subsection and of section 21, acquire any interest in immovable property wherever situated;
- (e) if it is satisfied that it is expedient to do so in furtherance of slum clearance or urban renewal, by notice published in the *Gazette* and at least once in a newspaper circulating in the district in which the area defined in the notice is situated, to prohibit, for such period as may be specified in the notice, the subdivision, except with the prior written approval of the board, of land or stands within that area or the erection or alteration, except with such approval, of any building or structure within that area or the use, except with such approval, of any building or structure within that area for a purpose other than the purpose for which such building or structure was being used on the date of the publication of the notice; and
- (f) notwithstanding anything to the contrary contained in any law, at any time, with the approval of the Minister, granted with the concurrence of the Minister of Finance, to borrow money from any source in or outside the Republic to finance capital works, either by agreement or by issuing debentures, bills or stocks on such terms and conditions as the Minister may determine with the concurrence of the Minister of Finance, and may furnish any security required to be lodged therefor or which is considered necessary.
- (3) (a) Any owner of immovable property in an area in respect of which any notice under subsection (2) (e) is in operation who desires to dispose of such property, shall offer such property for sale to the board, and the board shall thereupon have a preferent right to purchase such property at a price agreed upon between it and the owner concerned, or (if within 60 days after the date on which the offer was made the board and such owner fail to agree as to the price to be paid) at a price fixed as if the provisions of section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), were applicable in respect thereof.
- (b) Any owner who disposes of immovable property referred to in this subsection in respect of which the board has not advised him in writing that it does not propose to exercise its preferent right to purchase such property in terms of this subsection, to any person other than the board, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or, in default of payment, to imprisonment for a period not exceeding 12 months.
- (c) The price referred in this subsection shall not exceed the market value of the property in question as at the date on which the notice referred to in subsection (2) (e) was published in the *Gazette* or as at the date on which the board exercised its preferent right, whichever market value is the greater.

Assets of board.

11. (1) The assets of the board shall consist of—
- (a) land or any interest in land acquired by the board for the achievement of its objects;
- (b) State land granted to the board for the purposes of this Act;

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aan te lê of te bou en in stand te hou om aan te sluit by paaie, afvoerslote, riole, waterleidings, pype, water- en ander hoofleidings en kraglyne wat ingevolge subparagraaf (iii) van paragraaf (c) aangelê of gebou is of aangelê of gebou staan te word, en om vir sodanige doeleindes, behoudens die bepalings van paragraaf (a) (i) van hierdie subartikel en van artikel 21, 'n reg op onroerende eiendom, waar ook al geleë, te verkry;

(e) om, indien die raad oortuig is dat dit ter bevordering van slumopruiming of stadshernuwing raadsaam is, by kennisgewing gepubliseer in die *Staatskoerant* en minstens een keer in 'n nuusblad in omloop in die distrik waarin die gebied geleë is wat in die kennisgewing omskryf word, die onderverdeling, behalwe met die voorgaande skriftelike goedkeuring van die raad, van grond of standplase binne daardie gebied, of die oprigting of verandering, behalwe met sodanige goedkeuring, van 'n gebou of bouwerk binne daardie gebied, of die gebruik, behalwe met sodanige goedkeuring, van 'n bestaande gebou of bouwerk binne daardie gebied vir 'n ander doel as die doel waarvoor so 'n gebou of bouwerk op die datum van publikasie van die kennisgewing gebruik is, te verbied vir die tydperk in die kennisgewing vermeld; en

(f) ondanks andersluidende bepalings van die een of ander wet, om te eniger tyd met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, geld uit enige bron in of buite die Republiek te leen om kapitaalwerke te finansier, hetsy by ooreenkom of deur die uitreiking van skuldbriewe, wissels of effekte op die bedinge en voorwaardes wat die Minister met die instemming van die Minister van Finansies bepaal, en om enige sekuriteit te verstrek wat daarvoor verstrek moet word of wat nodig geag word.

(3) (a) 'n Eienaar van onroerende eiendom in 'n gebied ten opsigte waarvan 'n kennisgewing kragtens subartikel (2) (e) in werking is wat dié eiendom van die hand wil sit, moet bedoelde eiendom aan die raad te koop aanbied, en die raad het daarop 'n voorkoopreg oor daardie eiendom teen 'n prys waarop die raad en die betrokke eienaar ooreenkom of (indien die raad en dié eienaar nie binne 'n tydperk van 60 dae na die datum waarop die aanbod gedoen is, ooreenkom aangaande die prys wat betaal moet word nie) teen 'n prys vasgestel asof die bepalings van artikel 14 van die Ontieningswet, 1975 (Wet No. 63 van 1975), ten opsigte daarvan van toepassing was.

(b) 'n Eienaar wat in hierdie subartikel bedoelde onroerende eiendom ten opsigte waarvan die raad hom nie skriftelik in kennis gestel het dat die raad nie voornemens is om sy voorkoopreg ten opsigte van daardie eiendom ingevolge hierdie subartikel uit te oefen nie, aan iemand anders as die raad van die hand sit, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(c) Die in hierdie subartikel bedoelde prys gaan nie die markwaarde van die betrokke eiendom soos op die datum waarop die in subartikel (2) (e) bedoelde kennisgewing in die *Staatskoerant* gepubliseer is of soos op die datum waarop die raad sy voorkoopreg uitgeoefen het, watter markwaarde ook al die grootste is, te bowe nie.

11. (1) Die bates van die raad bestaan uit—

Bates van raad.

(a) grond of 'n belang in grond deur die raad verkry ter bereiking van sy oogmerke;

(b) Staatsgrond wat vir doeleindes van hierdie Wet aan die raad toegeken is;

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(c) land or any interest in land vesting in the board from any other source; and

(d) the outstanding balances of loans granted by the board.

(2) The Registrar shall make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him as he may deem necessary in order to give effect to the provisions of subsection (1). 5

CHAPTER II

FINANCIAL MATTERS

Establishment of Development and Housing Fund.

12. There is hereby established a fund to be known as the Development and Housing Fund into which shall be deposited all moneys which become payable to the board and from which shall be met all expenditure incurred by the board in the exercise of its powers and the performance of its functions and duties. 15

Moneys of fund.

13. The fund shall consist of—

- (a) all moneys which may from time to time be appropriated by the House of Assembly for the purposes of this Act;
- (b) moneys borrowed by the board in terms of section 10 (2) (f); and
- (c) any other moneys accruing to the board in terms of this Act or from any other source.

Use of moneys in fund and management of fund.

14. (1) Notwithstanding anything to the contrary contained in the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), all 25 available moneys of the fund may be utilized for the purposes set out in this Act.

(2) Any moneys in the fund which are not required for immediate use, shall be invested in such manner as may be determined by the Minister with the concurrence of the Minister of Finance.

(3) The Minister may with the concurrence of the Minister of the Budget prescribe—

- (a) the details of the management of the fund;
- (b) the procedure relating to issues from the fund and the repayment to the fund of amounts issued therefrom;
- (c) the rates of interest to be charged in respect of moneys issued out of the fund, which may vary according to the purpose for which such moneys are to be used;
- (d) the manner in which the accounts of the fund are to be kept; and
- (e) any other matter which he considers it necessary or expedient to prescribe in relation to the control of the fund.

(4) The Director-General shall be responsible for the administration of the fund and in particular for—

- (a) all expenditure out of the fund; and
- (b) the collection for the credit of the fund of all moneys due or accruing to the board and the prosecution of all claims in favour of the board, whether under a contract or otherwise,

and shall, for the purposes of the regulations framed under the Exchequer and Audit Act, 1975, be the accounting officer in relation to the moneys in the fund.

(5) If the proceeds from rent determined in terms of section 30 (2) (c) in respect of dwellings which are part of an approved project amount to less than the amount of interest which is due on the loan utilized for the carrying out of such project, the Director-General may in any year from moneys specially voted by the House of Assembly for this purpose or, with the approval of the Minister with the concurrence of the Minister of the Budget, from the moneys of the fund— 60

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- (c) grond of 'n belang in grond wat uit enige ander bron op die raad oorgaan; en
 - (d) die batige saldo's van lenings deur die raad toegestaan.
- (2) Die Registrateur moet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (1) gevolg te gee, in of op enige tersaaklike register, titelbewys of ander stuk in sy kantoor aan hom voorgelê, maak.

HOOFSTUK II

FINANSIËLE AANGELEENTHEDE

- 10 12. Hierby word 'n fonds wat die Ontwikkelings- en Behuisingfonds heet, ingestel waarin alle geld wat aan die raad betaalbaar word, gestort moet word, en waaruit alle uitgawes wat deur die raad aangegaan word by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte bestry 15 moet word.
- Instelling van Ontwikkelings- en Behuisingfonds.
13. Die fonds bestaan uit—
- (a) alle geld wat van tyd tot tyd vir die doeleindes van hierdie Wet deur die Volksraad bewillig word;
 - (b) geld deur die raad geleen ingevolge artikel 10 (2) (f); en
 - (c) enige ander geld wat ingevolge hierdie Wet of uit enige ander bron die raad toeval.
- Geld van fonds.
14. (1) Ondanks andersluidende bepalings van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), kan alle beskikbare geld 25 van die fonds aangewend word vir die doeleindes in hierdie Wet uiteengesit.
- (2) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet belê word op die wyse wat die Minister met die instemming van die Minister van Finansies bepaal.
- 30 (3) Die Minister kan, met die instemming van die Minister van Begroting—
- (a) die besonderhede van die beheer van die fonds;
 - (b) die prosedure met betrekking tot uitgifte uit die fonds en die terugbetaling aan die fonds van bedrae daaruit uitgereik;
 - (c) die rentekoers wat bereken moet word ten opsigte van geld wat uit die fonds uitgereik word, wat kan varieer na gelang van die doel waarvoor sulke geld gebruik staan te word;
 - (d) die wyse waarop die rekeninge van die fonds gehou moet word; en
 - (e) enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf met betrekking tot die beheer van die fonds,
- 45 voorskryf.
- (4) Die Direkteur-generaal is verantwoordelik vir die administrasie van die fonds en in die besonder vir—
- (a) alle uitgawes uit die fonds; en
 - (b) die invordering ten bate van die fonds van alle geld wat 50 aan die raad verskuldig is of die raad toeval en die deurvoering van alle vorderings ten gunste van die raad, hetsy kragtens kontrak of andersins,
- en is by die toepassing van die regulasies uitgevaardig kragtens die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), die re- 55 kenpligtige beaampte met betrekking tot die geld van die fonds.
- (5) Indien die opbrengs uit huurgeld bepaal ingevolge artikel 30 (2) (c) ten opsigte van wonings wat deel uitmaak van 'n goedgekeurde projek minder bedra as die bedrag rente wat verskuldig is op die lening waarmee die projek uitgevoer is, kan die 60 Direkteur-generaal in enige jaar uit geld wat spesiaal deur die Volksraad vir hierdie doel beskikbaar gestel is of, met die goedkeuring van die Minister, met die instemming van die Minister van Begroting, uit geld van die fonds—
- Gebruik van geld in fonds en beheer oor fonds.

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- (a) compensate a local authority for the shortfall between the amount of such proceeds and the amount of such due interest; and
- (b) recover the shortfall contemplated in paragraph (a) in respect of dwellings in a project carried out by the board itself.

Auditing of accounts.

15. (1) The books and statements of account and balance sheet of the fund shall be audited annually by the Auditor-General.

(2) The Auditor-General may require any person (including any local authority, utility company, housing utility company or other body or any person in the employ of such an authority, company or body) to make available for examination all books, registers and documents in his possession or under his control which would, in the opinion of the Auditor-General, facilitate the carrying out of the audit referred to in subsection (1).

(3) Any person who fails to comply with a requirement under subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months.

Statements of account of fund to be laid upon Table.

16. The Head of the Department shall as soon as possible after the thirty-first day of March in each year submit detailed statements signed by him showing the result of the previous year's transactions and the balance sheet of the fund to the Minister, who shall lay such statements and balance sheet upon the Table in the House of Assembly within 14 days of receipt thereof by him, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

Separate statements of income and expenditure to be kept in respect of each loan by local authorities, utility companies, housing utility companies and other persons and bodies.

17. (1) A local authority, utility company, housing utility company or other person or body to which a loan out of the fund has been granted for the acquisition of land or the carrying out of an approved project, shall in respect of each separate loan establish and keep separate statements of income and expenditure and any other statements which it may be required to keep by law or the conditions of the loan, and shall on demand make such statements available to the Head of the Department or an officer of the Department duly authorized by him, for inspection.

(2) Loans which have been consolidated with the approval of the board shall, for the purposes of this section, be deemed to be one loan.

(3) The provisions of this section shall apply *mutatis mutandis* to any utility company or other body to which a local authority has granted a loan from moneys borrowed by it in terms of section 33 (2) (b), and for the purposes of such application any reference in this section to the "board" or "Head of the Department" shall be deemed to be a reference to the local authority concerned.

Utilization of amount by which income exceeds expenditure in respect of immovable property which was acquired or improved with moneys obtained from fund.

18. (1) A local authority, utility company, housing utility company or other person or body shall, in respect of a loan granted out of the fund for the acquisition of land, the construction of approved dwellings or the carrying out of an approved project—

- (a) pay over the amount by which income derived from such acquisition or construction of approved dwellings or carrying out of such project exceeds the relevant expenditure to the fund; or
- (b) utilize such amount only for the purposes and in the manner which the board, with the concurrence of the Treasury, shall determine—
 - (i) if the land or any portion thereof is sold without an approved dwelling being built or an approved project being carried out thereon;

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- (a) 'n plaaslike bestuur vergoed vir die verskil tussen die bedrag van sodanige opbrengs en die bedrag van sodanige verskuldigde rente; en
- (b) die in paragraaf (a) bedoelde verskil ten opsigte van wonings in 'n projek wat die raad self uitgevoer het, verhaal.

15. (1) Die rekeningboeke en -state en balansstaat van die fonds word jaarliks deur die Ouditeur-generaal geouditeer. Ouditering van rekenings.

- (2) Die Ouditeur-generaal kan 'n persoon (met inbegrip van 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of iemand in die diens van so 'n plaaslike bestuur, maatskappy of liggaam) gelas om alle boeke, registers en stukke in sy besit of onder sy beheer wat, volgens die oordeel van die Ouditeur-generaal, die in subartikel (1) bedoelde oudi-

15 tering sal vergemaklik, vir ondersoek beskikbaar te stel.

(3) Iemand wat versuim om aan 'n lasgewing kragtens subartikel (2) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

- 20 16. Die Departementshoof moet so spoedig moontlik na die een-en-dertigste dag van Maart in elke jaar, state deur hom onderteken wat volledige besonderhede gee van die resultaat van die vorige jaar se transaksies, en die balansstaat van die fonds, aan die Minister voorlê, wat sodanige state en balansstaat in die Volksraad ter Tafel moet lê binne 14 dae na ontvangs daarvan deur hom as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie. Tertafellegging van rekeningstate van fonds.

17. (1) 'n Plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander persoon of liggaam aan wie 'n lening uit die fonds vir die aankoop van grond of die uitvoering van 'n goedgekeurde projek toegestaan is, moet ten opsigte van elke afsonderlike lening afsonderlike state van inkomste en uitgawe en enige ander state wat hy ingevolge 'n wet of die voorwaardes van die lening moet hou, instel en byhou, en moet dit op aanvraag aan die Departementshoof of 'n beampte in die Departement wat behoorlik deur hom gemagtig is, ter insae beskikbaar stel. Afsonderlike state van inkomste en uitgawe moet ten opsigte van elke lening deur plaaslike bestuure, nutsmaatskappye, behuisingsnutsmaatskappye en ander persone en liggame bygehou word.

- (2) Lenings wat met die goedkeuring van die raad gekonsolideer is, word by die toepassing van hierdie artikel geag een lening te wees.

- (3) Die bepaling van hierdie artikel is *mutatis mutandis* van toepassing op 'n nutsmaatskappy of ander liggaam aan wie 'n plaaslike bestuur uit geld deur hom ingevolge artikel 33 (2) (b) geleen, 'n lening toegestaan het, en vir die doeleindes van dié toepassing word 'n verwysing in hierdie artikel na die "raad" of "Departementshoof" uitgelê as 'n verwysing na die betrokke plaaslike bestuur.

18. (1) 'n Plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander persoon of liggaam moet ten opsigte van 'n lening wat uit die fonds toegestaan is vir die verkryging van grond, die bou van goedgekeurde wonings of die uitvoering van 'n goedgekeurde projek— Aanwending van bedrag waarmee inkomste uitgawe te bowe gaan ten opsigte van onroerende eiendom wat met geld bekom uit fonds verkry of verbeter is.

- (a) die bedrag waarmee inkomste ontstaande uit sodanige verkryging of bou van goedgekeurde wonings of uitvoering van sodanige projek die betrokke uitgawe oorskry, aan die fonds oorbetal; of

- (b) sodanige bedrag slegs vir die doeleindes en op die wyse aanwend wat die raad met die instemming van die Tesourie bepaal—

- (i) indien die grond of enige gedeelte daarvan verkoop word sonder dat 'n goedgekeurde woning daarop gebou is of 'n goedgekeurde projek daarop uitgevoer is;

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- (ii) on the sale of any portion of such land for purposes of the construction of a dwelling or other building or the carrying out of an approved project or on the sale of a dwelling constructed on any portion of such land; or
- (iii) after the loan has been repaid in full and for so long as an approved dwelling is still being let.

(2) In calculating the amount by which income so exceeds expenditure, profits derived from rentals received in respect of a dwelling which, before it was sold by any of the persons or bodies referred to in subsection (1), was let by him or it, shall also be taken into account.

(3) Surplus income in reserve funds which is not utilized for the purpose of meeting the expenditure for which such reserve funds were established, shall be taken into account in determining the amount by which income so exceeds expenditure, regardless of whether or not the loan has been repaid in full.

(4) The provisions of section 35 shall *mutatis mutandis* apply to the recovery of the amount referred to in subsection (1) in the event of failure by a local authority, utility company, housing utility company or other person or body to pay such amount over to the fund or to utilize it for purposes determined in terms of subsection (1) (b).

CHAPTER III

ACQUISITION OF LAND AND TOWNSHIP ESTABLISHMENT AND DEVELOPMENT

Access to land to determine whether it is suitable for building purposes.

19. (1) For the purpose of ascertaining whether any land is suitable for building purposes any person generally or specially authorized thereto by the Head of the Department may, subject to the provisions of subsection (2)—

- (a) enter upon the land with the necessary workmen, equipment and means of transport;
- (b) survey and take levels of the land;
- (c) dig or bore on or into the land;
- (d) do all other acts necessary to ascertain whether the land is suitable for building purposes; and
- (e) demarcate the boundaries of the land required.

(2) No person shall, by virtue of the provisions of subsection (1), without the consent of the owner or occupier enter any dwelling-house which is occupied, or enter upon any enclosed yard or garden attached to any such house, unless he has given the owner or occupier of such house at least 24 hours' notice of his intention to do so.

(3) If, in exercising any of the powers conferred by this section, any damage is done to any land or to any improvements thereon and the board does not thereafter acquire such land, compensation shall be paid for any such damage to the person entitled thereto.

(4) Any person who hinders or obstructs any authorized person in the exercise of his powers or the performance of his functions in terms of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Acquisition of immovable property by local authorities.

20. (1) Any local authority may, subject to the prior approval of the Minister, by means of moneys borrowed under this Act, purchase or in any other manner acquire immovable property for use for purposes determined in this Act, or where necessary otherwise to develop or dispose of it, subject to such conditions as the board may in each case prescribe.

(2) Any dwelling acquired by a local authority under subsection (1) shall be deemed to have been constructed by the local

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(ii) by die verkoop van enige gedeelte van die grond vir doeleindes van die oprigting van 'n woning of ander gebou of die uitvoering van 'n goedgekeurde projek of die verkoop van 'n woning gebou op enige gedeelte van die grond; of

(iii) nadat die lening ten volle terugbetaal is en vir so lank 'n goedgekeurde woning nog verhuur word.

(2) By die berekening van die bedrag waarmee inkomste uitgawe aldus oorskry, word daar ook in verrekening gebring die winste wat verkry is uit huurgelde ontvang ten opsigte van 'n woning wat voordat dit deur enige van die in subartikel (1) bedoelde persone of liggame verkoop is, deur hom verhuur was.

(3) Surplus-inkomste in reserwefondse wat nie aangewend word vir die bestryding van die uitgawe waarvoor sodanige reserwefondse ingestel is nie moet in verrekening gebring word by die bepaling van die bedrag waarmee inkomste uitgawe aldus oorskry, ongeag of die lening ten volle terugbetaal is al dan nie.

(4) Die bepalings van artikel 35 is *mutatis mutandis* van toepassing op die verhaal van die in subartikel (1) bedoelde bedrag by die versuim van 'n plaaslike bestuur, nutsmaatskappy, behuisingnutsmaatskappy of ander persoon of liggaam om dit aan die fonds oor te betaal of om dit aan te wend vir die doeleindes ingevolge subartikel (1) (b) bepaal.

HOOFSTUK III

25 GRONDVERKRYGING EN DORPSTIGTING EN -ONTWIKKELING

19. (1) Ten einde vas te stel of grond vir boudoeleindes geskik is, kan 'n persoon wat in die algemeen of spesiaal deur die Departementshoof daartoe gemagtig is, behoudens die bepalings van subartikel (2)—

Toegang tot grond om te bepaal of dit vir boudoeleindes geskik is.

30 (a) die grond met die nodige werksmense, toerusting en vervoermiddels betree;

(b) die grond opmeet en die hoogtes daarvan vasstel;

(c) op of in die grond grawe of boor;

35 (d) alle ander handelinge verrig wat nodig is om vas te stel of die grond vir boudoeleindes geskik is; en

(e) die grense van die benodigde grond afbaken.

(2) Niemand mag, uit hoofde van die bepalings van subartikel (1), sonder die toestemming van die eienaar of okkupeerder 'n woonhuis wat bewoon word, binnegaan nie of 'n omheinde werf of tuin verbonde aan so 'n huis betree nie, tensy hy die eienaar of okkupeerder van bedoelde huis minstens 24 uur kennis van sy voorneme om dit te doen, gegee het.

45 (3) Indien by die uitoefening van enige van die bevoegdhede deur hierdie artikel verleen, enige skade berokken word aan grond of aan verbeterings daarop en die raad nie die grond daarna verkry het nie, moet vergoeding vir sodanige skade aan die persoon wat daarop geregtig is, betaal word.

50 (4) Iemand wat 'n gemagtigde persoon by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge subartikel (1) hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel sodanige boete as sodanige gevangenisstraf.

55 20. (1) 'n Plaaslike bestuur kan deur middel van geld deur hom geleen kragtens hierdie Wet, onderworpe aan die voorafgaande goedkeuring van die Minister onroerende eiendom koop of op enige ander wyse verkry om dit te gebruik vir doeleindes soos in hierdie Wet bepaal, of om dit waar nodig andersins te ontwikkel of te vervreem, onderworpe aan die voorwaardes wat die raad in elke geval voorskryf.

Verkryging van onroerende eiendom deur plaaslike besture.

(2) 'n Woning wat deur 'n plaaslike bestuur kragtens subartikel (1) verkry is, word geag deur die plaaslike bestuur ingevolge artikel 29 gebou te gewees het, en die bepalings van hierdie Wet

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authority under section 29, and the provisions of this Act applicable in respect of a dwelling so constructed by a local authority shall apply *mutatis mutandis* in respect of a dwelling so acquired.

Acquisition of immovable property by expropriation.

21. (1) (a) The board may with the written approval of the Minister, if it is satisfied that it is expedient to do so for the attainment of any of its objects, acquire any immovable property by expropriation: Provided that immovable property shall be expropriated within six months after receipt of the approval of the Minister or such longer period as the Minister may in writing allow. 5
- (b) If any immovable property acquired under paragraph (a) has already been surveyed, the board shall be entitled to the delivery to it by the owner of any plans, diagrams, subdivisional diagrams or sketches made in respect thereof, against payment of an amount not exceeding the expenditure incurred by the owner in connection therewith. 10
- (c) The provisions of sections 6 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of the acquisition of immovable property by expropriation in terms of this subsection, and in such application a reference in the said sections of that Act— 15
- (i) to "Minister" and "State" shall be construed as a reference to the board; and 25
- (ii) to "section 2" shall be construed as a reference to this subsection.
- (d) (i) If the board has, in terms of this Act, purchased any immovable property from any person and such person cannot thereafter be found to effect transfer of such property to the board within such period as the board may deem reasonable, the board may by resolution, cancel the contract of purchase and sale concerned. 30
- (ii) If any contract is so cancelled the immovable property concerned shall be deemed to have been expropriated in terms of this subsection and on the date on which it was so purchased by the board, and the compensation payable therefor in terms of this Act shall be the amount of the purchase price stipulated in that contract. 35
- (iii) A copy of a relevant resolution referred to in subparagraph (i) shall for the purposes of the Expropriation Act, 1975, be deemed to be a copy of the notice by which the expropriation of the property concerned has taken place. 40
- (2) (a) Notwithstanding anything to the contrary contained in any law, a local authority may, with the written approval of the Minister, expropriate any land (whether situated within or outside its area of jurisdiction) which it requires for the purpose of carrying out thereon an approved project: Provided that no expropriation shall take place in terms of this subsection unless the local authority concerned is satisfied that it is unable to purchase such land on reasonable terms and that no other suitable land is available to it and that it is unable to purchase other suitable land on reasonable terms: Provided further that land shall be expropriated within six months after receipt of the relative approval of the Minister or such longer period as the Minister may in writing allow. 50
- (b) The provisions of subsection (1) (c) of this section as well as those of sections 19, 22 and 27 shall *mutatis mutandis* apply with reference to the expropriation of any land under paragraph (a) of this subsection by a local authority and with reference to land belonging to or to 65

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wat van toepassing is ten opsigte van 'n woning wat aldus deur 'n plaaslike bestuur gebou is, is *mutatis mutandis* van toepassing ten opsigte van 'n woning aldus verkry.

- 5 21. (1) (a) Die raad kan met die skriftelike toestemming van die Minister, indien die raad oortuig is dat dit raadsaam is om dit te doen vir die bereiking van enige van sy oogmerke, enige onroerende eiendom deur onteiening verkry: Met dien verstande dat onroerende eiendom onteien moet word binne ses maande na ontvangs van die betrokke goedkeuring van die Minister of die langer tydperk wat die Minister skriftelik toelaat.
- 10 (b) Indien onroerende eiendom wat ingevolge paragraaf (a) verkry is reeds opgemeet is, is die raad geregtig op lewering aan hom deur die eienaar van planne, kaarte, verdelingskaarte of tekenings wat ten opsigte daarvan gemaak is, teen betaling van vergoeding hoogstens gelyk aan die uitgawes deur die eienaar daaraan bestee.
- 15 (c) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), is *mutatis mutandis* van toepassing ten opsigte van die verkryging van onroerende eiendom deur onteiening ingevolge hierdie subartikel, en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet—
- 20 (i) na "Minister" en "Staat" uitgelê as 'n verwysing na die raad; en
- 25 (ii) na "artikel 2" uitgelê as 'n verwysing na hierdie subartikel.
- (d) (i) Indien die raad onroerende eiendom van iemand ingevolge hierdie Wet gekoop het en so iemand daarna nie gevind kan word om, binne 'n tydperk wat die raad as redelik beskou, oordrag van dié eiendom aan die raad te bewerkstellig nie, kan die raad die betrokke koopkontrak by besluit opsê.
- 30 (ii) Indien 'n koopkontrak aldus opgesê word, word die betrokke onroerende eiendom geag ingevolge hierdie subartikel onteien te wees, en wel op die datum waarop dit aldus deur die raad gekoop is, en die vergoeding wat ingevolge hierdie Wet daarvoor betaalbaar is, is die bedrag van die koopsom wat in daardie kontrak beding is.
- 35 (iii) 'n Afskrif van 'n tersaaklike besluit bedoel in subparagraaf (i) word by die toepassing van die bepalings van die Onteieningswet, 1975, geag 'n afskrif te wees van die kennisgewing waarby die onteiening van die betrokke eiendom plaasgevind het.
- 40 (2) (a) Ondanks andersluidende bepalings van die een of ander Wet kan 'n plaaslike bestuur, met die skriftelike goedkeuring van die Minister, enige grond (hetsy dit binne sy regsgebied geleë is of daarbuite) wat hy nodig het ten einde 'n goedgekeurde projek daarop uit te voer, onteien: Met dien verstande dat geen onteiening ingevolge hierdie subartikel plaasvind nie tensy die betrokke plaaslike bestuur oortuig is dat hy nie in staat is om sodanige grond op redelike voorwaardes te koop nie en dat geen ander geskikte grond aan hom beskikbaar is nie en dat hy nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie: Met dien verstande voorts dat grond onteien moet word binne ses maande na ontvangs van die betrokke goedkeuring van die Minister of die langer tydperk wat die Minister skriftelik toelaat.
- 45 (b) Die bepalings van subartikel (1) (c) van hierdie artikel asook dié van artikels 19, 22 en 27 is *mutatis mutandis* van toepassing met betrekking tot die onteiening van grond ingevolge paragraaf (a) van hierdie subartikel
- 50 deur 'n plaaslike bestuur en met betrekking tot grond wat aan 'n plaaslike bestuur behoort of deur hom ver-
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be acquired by a local authority, and for the purpose of such application any reference in the said sections to the board and the Head of the Department shall be deemed to be a reference to the local authority.

Registration of
transfer of land.

22. (1) The board shall have the right to appoint a conveyancer to act for it in connection with the transfer of land acquired by it and shall be responsible for the costs of transfer. 5

(2) Notwithstanding anything to the contrary contained in any law, the Registrar may, on being satisfied that the title deeds of any land are not available, register the transfer to the board of such land without the production of such title deeds or the authority of any order of court. 10

(3) (a) Notwithstanding anything to the contrary contained in any law, but subject to the provisions of paragraph (c) of this subsection, a deed of transfer of property or interest in property acquired in any manner by the board from a deceased estate may be registered without the certificate referred to in section 22 of the Estate Duty Act, 1955 (Act No. 45 of 1955). 15

(b) Where the board has acquired any property or interest in property as contemplated in paragraph (a) any compensation payable therefor may be paid out to the Master of the Supreme Court, and the latter shall not pay it out to the persons who are or become entitled thereto unless proof is furnished to him that all necessary provision has been made for the payment of any duties payable in terms of the Estate Duty Act, 1955. 20

(c) Where the board intends to act in terms of paragraph (b), the Registrar shall not register any deed referred to in paragraph (a) unless there is produced to him a certificate by the board to the effect that the compensation referred to in paragraph (b) shall after registration be paid over in terms of that paragraph. 25

(4) Notwithstanding the provisions of section 16 of the Deeds Registry Act, 1937 (Act No. 47 of 1937), the transfer to the board of any immovable property acquired by it from the State, the Community Development Board established by section 2 (1) of the Community Development Act, 1966 (Act No. 3 of 1966), or the National Housing Commission referred to in section 5 (1) of the Housing Act, 1966 (Act No. 4 of 1966), or the transfer by the board of any immovable property to the State, the said Community Development Board or the said National Housing Commission may upon application to the Registrar be effected by endorsement by him upon the title deed of such property, and any such endorsement shall for all purposes be sufficient evidence of the fact that ownership of the property concerned is vested in the board or the State, the said Community Development Board or the said National Housing Commission, as the case may be, by virtue of the said endorsement. 30 35 40 45

Township establishment on land in which board has an interest.

23. (1) If any township or portion of any township consisting of land which belongs to or is to be acquired by the board or which was either entirely or partly acquired or developed with moneys from the fund, has not been approved in terms of an ordinance in relation to the laying out and establishment of townships of the province in which the township or portion of a township is situate, and which requires such approval, the Minister may request the Administrator concerned to approve such township or portion of a township with due regard to the existing rights and uses involved, and— 50 55

(a) on submission to the Administrator of the plan or layout plan (in this section called the general plan) and the diagrams in connection therewith which the Surveyor-General concerned may require (if any), and the conditions of establishment of the township or the portion 60

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kry staan te word, en vir die doel van sodanige toepassing word 'n verwysing na die raad en die Departementshoof in vermelde artikels geag 'n verwysing na die plaaslike bestuur te wees.

- 5 22. (1) Die raad het die reg om 'n transportbesorger aan te stel om namens hom op te tree in verband met die oordrag van grond deur hom verkry, en is vir die oordragkoste aanspreeklik. Registrasie van oordrag van grond.
- (2) Ondanks andersluidende bepalings van die een of ander wet kan die Registrateur, indien hy oortuig is dat die transportakte van grond nie beskikbaar is nie, die oordrag van daardie grond aan die raad sonder voorlegging van sodanige transportakte of magtiging deur 'n hofbevel, registreer.
- 10 (3) (a) Ondanks andersluidende bepalings van die een of ander wet, maar behoudens die bepalings van paragraaf (c) van hierdie subartikel, kan 'n transportakte van eiendom of 'n belang in eiendom wat op enige wyse deur die raad uit 'n bestorwe boedel verkry is sonder die in artikel 22 van die Boedelbelastingwet, 1955 (Wet No. 45 van 1955), bedoelde sertifikaat geregistreer word.
- 15 (b) Waar die raad 'n eiendom of 'n belang in eiendom soos in paragraaf (a) beoog, verkry het, kan enige vergoeding wat daarvoor betaalbaar is, aan die Meester van die Hooggeregshof oorbetaal word, en laasgenoemde betaal dit nie uit aan die persone wat daarop geregtig is of word nie tensy daar aan hom bewys gelewer word dat alle nodige voorsiening gemaak is vir die betaling van die belasting wat ingevolge die Boedelbelastingwet, 1955, betaal moet word.
- 20 (c) Waar die raad van voorneme is om ingevolge paragraaf (b) op te tree, registreer die Registrateur nie 'n in paragraaf (a) bedoelde akte nie, tensy daar aan hom 'n sertifikaat deur die raad voorgelê word ten effekte dat die vergoeding in paragraaf (b) bedoel na registrasie ingevolge daardie paragraaf oorbetaal sal word.
- 25 (4) Ondanks die bepalings van artikel 16 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), kan die oordrag aan die raad van onroerende eiendom deur hom van die Staat, die Gemeenskapsontwikkelingsraad ingestel by artikel 2 (1) van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), of die Nasionale Behuisingskommissie bedoel in artikel 5 (1) van die Behuisingswet, 1966 (Wet No. 4 van 1966), verkry, of die oordrag deur die raad van onroerende eiendom aan die Staat, genoemde Gemeenskapsontwikkelingsraad of genoemde Nasionale Behuisingskommissie op aansoek by die Registrateur, deur middel van endossement deur hom op die transportakte van daardie eiendom bewerkstellig word, en so 'n endossement is vir alle doeleindes voldoende bewys van die feit dat eiendomsreg in die betrokke eiendom uit hoofde van genoemde endossement by die raad, die Staat, genoemde Gemeenskapsontwikkelingsraad of genoemde Nasionale Behuisingskommissie, na gelang van die geval, berus.
- 30 23. (1) Indien 'n dorp, of 'n gedeelte van 'n dorp wat bestaan uit grond wat aan die raad behoort of deur hom verkry staan te word of wat geheel en al of gedeeltelik met geld uit die fonds verkry of ontwikkel is, nie ooreenkomstig 'n ordonnansie met betrekking tot die uitleg en stigting van dorpe van die provinsie waarin die dorp of gedeelte van 'n dorp geleë is, en wat so 'n goedkeuring vereis, goedgekeur is nie, kan die Minister die betrokke Administrateur versoek om sodanige dorp of gedeelte van 'n dorp met inagneming van bestaande regte en gebruike wat daarby betrokke is, goed te keur en—
- 35 (a) by voorlegging aan die Administrateur van die plan of uitlegplan (in hierdie artikel die algemene plan genoem) en die kaarte in verband daarmee wat die betrokke Landmeter-generaal vereis (as daar is) en die stigtingsvoorwaardes van sodanige dorp of gedeelte van
- 65 Dorpstigting op grond waarby raad belang het.

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of a township, he shall, notwithstanding anything to the contrary in any law contained, approve such township or portion of a township;

- (b) such approval shall be deemed to be an approval in terms of the relevant applicable ordinance; and 5
- (c) the Administrator shall inform the Surveyor-General concerned and the Registrar of the approval.

(2) No provision of—

- (a) section 9, 9A or 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940); 10
- (b) section 12 of the National Roads Act, 1971 (Act No. 54 of 1971); and
- (c) section 6 (2) of the Urban Transport Act, 1977 (Act No. 78 of 1977),

in so far as it relates to a prohibition of the deviation from a town planning scheme referred to therein, and which, if this subsection had not been enacted, would have applied in respect of land in a township or portion of a township referred to in subsection (1), shall apply to any such land or any part of such land in any such township or portion of a township in respect of which a notice in terms of subsection (4) has not yet been published. 20

(3) As soon as an approval has in terms of subsection (1) been granted in respect of any particular township or portion of a township— 25

- (a) the local authority within the area of jurisdiction of which the township or portion of a township is situate, shall take such steps as may be required or may be necessary to amend the relevant town planning scheme (if any), or cause it to be amended, to make provision for the approved township or portion of a township concerned; 30
- (b) the Surveyor-General concerned shall approve the general plan if it complies with the requirements of the Land Survey Act, 1927 (Act No. 9 of 1927); and 35
- (c) the Registrar shall open the required township register after the general plan has been approved in terms of paragraph (b).

(4) As soon as a township register has been opened in terms of subsection (3) (c), the Administrator shall, by notice in the 40 *Provincial Gazette* concerned, make known—

- (a) that the township or portion of a township concerned has been approved in terms of subsection (1); and
- (b) what the conditions of establishment are which are applicable to the township or portion of a township. 45

(5) A notice in terms of subsection (4) shall for all purposes be deemed to be a proclamation or a notice, as the case may be, in terms of a relevant ordinance referred to in subsection (1) whereby the relevant township or portion of a township is declared to be an approved township or portion of a township. 50

(6) A notice in terms of subsection (4) may be issued notwithstanding the fact that amendments of a relevant town planning scheme contemplated in subsection (3) (a) have not yet been finalized or come into operation.

(7) Whenever any condition of establishment contemplated in subsection (4) (b) is in conflict with any by-law or regulation of a local authority, such condition of establishment shall prevail. 55

(8) (a) On publication of a notice in terms of subsection (4) in respect of any township or portion of a township, the ownership of all public places in any such township or portion of a township shall vest in the local authority concerned. 60

(b) Such vesting shall be recorded by the Registrar in any manner deemed fit by him.

(c) For the purposes of paragraph (a) "public place", in relation to any township or portion of a township referred to in that paragraph, shall mean any public place or street as defined or contemplated in any ordinance of the relevant province referred to in subsection (1). 65

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- 'n dorp, keur hy ondanks andersluidende bepalings van die een of ander wet daardie dorp of gedeelte van 'n dorp goed;
- 5 (b) word sodanige goedkeuring geag 'n goedkeuring te wees wat ingevolge die betrokke toepaslike ordonnansie verleen is; en
- (c) stel die Administrateur die betrokke Landmeter-generaal en die Registrateur van die goedkeuring in kennis.
- (2) Geen bepaling van—
- 10 (a) artikel 9, 9A of 11 van die Wet op Adverteer langs en Toebou van Paaie, 1940 (Wet No. 21 van 1940);
- (b) artikel 12 van die Wet op Nasionale Paaie, 1971 (Wet No. 54 van 1971); en
- 15 (c) artikel 6 (2) van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977),
- vir sover dit betrekking het op 'n verbod op die afwyking van 'n daarin bedoelde dorpsbeplanningskema, en wat, indien hierdie subartikel nie verorden was nie, van toepassing sou wees ten opsigte van grond in 'n dorp of 'n gedeelte van 'n dorp in subartikel
- 20 (1) bedoel, is van toepassing op sodanige grond of enige deel van sodanige grond in so 'n dorp of gedeelte van 'n dorp ten opsigte waarvan 'n kennisgewing ingevolge subartikel (4) nog nie gepubliseer is nie.
- (3) Sodra 'n goedkeuring ingevolge subartikel (1) verleen is
- 25 ten opsigte van 'n bepaalde dorp of gedeelte van 'n dorp—
- (a) doen die plaaslike bestuur binne wie se regsgebied die dorp of gedeelte van 'n dorp geleë is, die stappe wat vereis word of nodig mag wees om die betrokke dorpsaanlegskema of -beplanningskema (as daar is) te wysig of te laat wysig, om voorsiening te maak vir die betrokke goedgekeurde dorp of gedeelte van 'n dorp;
- 30 (b) keur die betrokke Landmeter-generaal die algemene plan goed indien dit aan die vereistes van die Opmetingswet, 1927 (Wet No. 9 van 1927), voldoen; en
- 35 (c) open die Registrateur nadat die algemene plan ooreenkomstig paragraaf (b) goedgekeur is, 'n toepaslike dorpsregister.
- (4) Sodra 'n dorpsregister ooreenkomstig subartikel (3) (c)
- 40 geopen is, maak die Administrateur by kennisgewing in die betrokke *Provinsiale Koerant* bekend—
- (a) dat die betrokke dorp of gedeelte van 'n dorp goedgekeur is ingevolge subartikel (1); en
- (b) wat die stigtingsvoorwaardes is wat op die dorp of
- 45 gedeelte van 'n dorp van toepassing is.
- (5) 'n Kennisgewing ingevolge subartikel (4) word vir alle doeleindes geag 'n proklamasie of kennisgewing, na gelang van die geval, ingevolge 'n in subartikel (1) bedoelde betrokke ordonnansie te wees waarby die betrokke dorp of gedeelte van 'n
- 50 dorp tot 'n goedgekeurde dorp verklaar word.
- (6) 'n Kennisgewing ingevolge subartikel (4) kan uitgereik word ondanks die feit dat wysigings aan 'n betrokke dorpsaanlegskema of -beplanningskema beoog in subartikel (3) (a) nog nie afgehandel is of in werking getree het nie.
- 55 (7) Wanneer 'n stigtingsvoorwaarde in subartikel (4) (b) bedoel strydig is met 'n verordening of regulasie van 'n plaaslike bestuur, geld sodanige stigtingsvoorwaarde.
- (8) (a) By publikasie van 'n kennisgewing ingevolge subartikel
- (4) ten opsigte van 'n dorp of gedeelte van 'n dorp bet
- 60 rus die eiendomsreg op alle openbare plekke in so 'n dorp of gedeelte van 'n dorp by die betrokke plaaslike bestuur.
- (b) Sodanige berusting word deur die Registrateur aange
- teken op die wyse wat hy geskik ag.
- 65 (c) By die toepassing van paragraaf (a) beteken "openbare plek", met betrekking tot 'n dorp of gedeelte van 'n dorp in daardie paragraaf bedoel, 'n openbare plek of straat soos omskryf of bedoel in 'n ordonnansie van die betrokke provinsie in subartikel (1) bedoel.

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(9) Any reference in any ordinance referred to in subsection (1) to any township approved in terms of any such ordinance, and to the general plan or conditions of establishment in respect of any such township, shall, subject to the provisions of this section and any other applicable provision of this Act, be construed as including a reference to any township or portion of a township in respect of which a notice referred to in subsection (4) has been published, and to a general plan and conditions of establishment thereof mentioned in this section, respectively. 5

(10) Subject to the provisions of subsections (1) to (8) of this section and of sections 24 to 28, the board shall, in exercising its powers under section 10 (2) (c), comply with any applicable provisions of any law regarding townships and the laying out of townships, save in so far as the Minister after consultation with the Administrator concerned directs otherwise. 15

Board exempt from certain ordinances, by-laws and regulations.

24. (1) The board shall be exempt from the provisions of any ordinance and of any by-law or regulation of a local authority and the conditions of establishment of a township prescribed by any Administrator, townships board or townships commission relating to— 20

- (a) the lodging or approval of subdivisional diagrams of land and of plans of proposed buildings or other structures;
- (b) the type of building or structure to be constructed or the value thereof or the materials to be used in the construction thereof or the number of dwellings or other structures which may be erected on a single lot or erf or the subdivision of any lot or erf and the payment of an endowment or enhancement levy or other contribution in respect of the subdivision of a lot or erf; 30
- (c) the siting of a building or structure or any portion thereof, on the site on which it is to be constructed;
- (d) the permission of the local authority or owner of an approved township to commence building operations;
- (e) any restriction in terms of which the transfer of land or any particular land in a township or any part of a township is subject to the condition that prescribed requirements must first be complied with in respect of— 35
 - (i) the construction of streets;
 - (ii) the provision of water, electricity or gas; 40
 - (iii) the removal of rubbish; or
 - (iv) the disposal of sewage or night soil.

(2) The Minister may, after consultation with the Administrator and local authority concerned, exempt the board—

- (a) from the provisions of any town planning scheme; and 45
- (b) from the provisions of any ordinance in terms of which approval must be obtained from a local authority for the subdivision of land.

Change of name of a township or part thereof and assigning and changing street names.

25. (1) Notwithstanding anything to the contrary in any law contained but subject to the provisions of subsection (2), the board may with the approval of the Minister change the name of any township or part of a township if the board owns all or the majority of the erven or lots in such township or part of a township, or if it is requested thereto by a local authority which is carrying out or has carried out a project in such township by means of a loan from the fund. 55

(2) The board shall not exercise its powers under subsection (1) unless it has consulted the Administrator of the province in which the township concerned is situated, and, if such township falls within the area of jurisdiction of a local authority, also such local authority, and has considered any representations which may have been made to it by that Administrator or such local authority. 60

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(9) 'n Verwysing in 'n ordonnansie van 'n provinsie in subartikel (1) bedoel, na 'n dorp wat ingevolge so 'n ordonnansie goedgekeur is, en na 'n algemene plan of stigtingsvoorwaardes ten opsigte van so 'n dorp, word, behoudens die bepalinge van hierdie artikel en enige ander toepaslike artikel van hierdie Wet, uitgelê om 'n verwysing in te sluit na onderskeidelik 'n dorp, of 'n gedeelte van 'n dorp, ten opsigte waarvan 'n in subartikel (4) bedoelde kennisgewing gepubliseer is, en na 'n algemene plan en stigtingsvoorwaardes daarvan in hierdie artikel genoem.

(10) Behoudens die bepalinge van subartikels (1) tot (8) van hierdie artikel en van artikels 24 tot 28, moet die raad by die uitoefening van sy bevoegdhede kragtens artikel 10 (2) (c) aan enige toepaslike bepalinge van die een of ander wet op dorpe en dorpsuitleg voldoen, behalwe vir sover die Minister na oorlegpleging met die betrokke Administrateur anders gelas.

24. (1) Die raad is onthef van die bepalinge van enige ordonnansie en van enige verordening of regulasie van 'n plaaslike bestuur en die stigtingsvoorwaardes van 'n dorp voorgeskryf deur 'n Administrateur, dorperaad of dorpekommissie, betreffende—

Raad onthef van sekere ordonnansies, verordeninge en regulasies.

(a) die indiening of goedkeuring van kaarte van onderverdelings van grond en van planne van voorgestelde geboue of ander bouwerke;

(b) die tipe gebou of bouwerk wat gebou of opgerig moet word of die waarde daarvan of die materiaal wat by die bou of oprigting daarvan gebruik moet word of die aantal wonings of ander bouwerke wat op 'n enkele perseel of erf opgerig mag word of die onderverdeling van 'n perseel of erf en die betaling van 'n begiftigings- of waardevermeerderingsheffing of ander bydrae ten opsigte van die onderverdeling van 'n perseel of erf;

(c) die plasing van 'n gebou of bouwerk of gedeelte daarvan op die terrein waarop dit gebou of opgerig staan te word;

(d) die toestemming van die plaaslike bestuur of eienaar van 'n goedgekeurde dorp om met bouwerksaamhede te begin;

(e) 'n beperking ingevolge waarvan die oordrag van grond of bepaalde grond in 'n dorpsgebied of deel van 'n dorpsgebied onderworpe is aan die voorwaarde dat daar eers voldoen moet word aan voorgeskrewe vereistes ten opsigte van—

- (i) die aanlê van strate;
- (ii) die voorsiening van water, elektrisiteit of gas;
- (iii) die verwydering van vullis; of
- (iv) die beskikking oor riool- of nagvuil.

(2) Die Minister kan, na oorleg met die betrokke Administrateur en plaaslike bestuur, die raad onthef—

- (a) van die bepalinge van 'n dorpsbeplanningskema; en
- (b) van die bepalinge van 'n ordonnansie waarvolgens 'n plaaslike bestuur se goedkeuring vir die onderverdeling van grond verkry moet word.

25. (1) Ondanks andersluidende bepalinge van die een of ander wet maar behoudens die bepalinge van subartikel (2), kan die raad met die goedkeuring van die Minister die naam van 'n dorp of gedeelte van 'n dorp verander indien al die erwe of persele of die meeste van die erwe en persele in 'n dorp of gedeelte van 'n dorp aan die raad behoort of indien hy daartoe versoek word deur 'n plaaslike bestuur wat 'n projek met behulp van 'n lening uit die fonds in daardie dorp uitvoer of uitgevoer het.

Verandering van naam van dorp of gedeelte daarvan en toekenning en verandering van straatnaam.

(2) Die raad oefen nie sy bevoegdhede ingevolge subartikel (1) uit nie tensy hy die Administrateur van die provinsie waarin die betrokke dorp geleë is en, indien so 'n dorp binne die regsgebied van 'n plaaslike bestuur val, ook dié plaaslike bestuur geraadpleeg het, en oorweging verleen het aan enige verdoel wat daardie Administrateur of sodanige plaaslike bestuur aan hom gerig het.

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(3) Notwithstanding anything to the contrary in any law contained, the board may assign a name to, or, after consultation with the Administrator and local authority concerned, change the name of, any street in a township referred to in subsection (1).

(4) Whenever the name of a township or part of a township has in terms of subsection (1) been changed or a name has been assigned to any street or the name of any street has been changed in terms of subsection (3), the Registrar and the Surveyor-General concerned shall without charge cause the necessary endorsements and entries to be made on or in all the appropriate registers, documents and plans in their custody, and shall from time to time make such endorsements on any deed or other document relating to any property situated in such street, township or part of a township, which is for any purpose lodged in the appropriate deeds registry or in the office of such Surveyor-General.

Vesting in board of portions of townships set aside for public purposes.

26. (1) (a) Whenever the board has acquired all the lots or erven (other than public places) within any township or portion of a township, the ownership of such public places as are determined by the board in that township or portion of a township shall, notwithstanding anything to the contrary contained in any law, vest in the board on a date so determined, and shall be deemed to be closed as from that date, and the board shall be entitled to obtain transfer of the land comprising such lots or erven and public places as if that land had become vested in the board under circumstances contemplated in section 31 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

(b) No compensation shall be payable by the board to any person in respect of any public place the ownership of which has become vested in the board in terms of paragraph (a), but the board shall compensate any existing local authority in respect of useful improvements made to any such public place up to an amount not exceeding the unredeemed portion of the cost thereof.

(c) Upon the registration of the transfer of the land referred to in paragraph (a) the Registrar shall register that land in the name of the board free of all conditions of title and make such endorsements in his registers as he considers necessary to give effect to this provision.

(2) (a) Whenever all the lots or erven and public places in a township or portion thereof have become vested in the board in terms of subsection (1), the Surveyor-General concerned shall, on the application of the board, cancel the general plan of that township or, as the case may be, so much of that general plan as relates to such portion of the relevant township, and such cancellation shall, subject to the provisions of subsection (1), have effect as if it had been effected in terms of the laws in pursuance of which the township concerned was established.

(b) No application shall be made under paragraph (a) in respect of a general plan or any portion thereof if in the opinion of the Minister it is in the public interest or in the interest of the efficient and speedy development of the township or portion of a township to which such general plan relates that the said general plan remain in force, but in that event any conditions attached to the title of any erf or lot in such township or portion of a township shall lapse and the Registrar and the Surveyor-General concerned shall on application by the board make appropriate entries in any relevant register, deed, diagram or plan kept in his office.

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- (3) Ondanks andersluidende bepalings van die een of ander wet kan die raad 'n naam toeken aan 'n straat in 'n dorp bedoel in subartikel (1) of die naam van 'n straat in so 'n dorp na oorleg met die betrokke Administrateur en plaaslike bestuur verander.
- 5 (4) Wanneer die naam van 'n dorp of 'n gedeelte daarvan ingevolge subartikel (1) verander is, of 'n naam aan 'n straat toegeken is of die naam van 'n straat verander is ingevolge subartikel (3), laat die Registrateur en die betrokke Landmeter-generaal die nodige endossemente en inskrywings kosteloos
- 10 maak op of in al die toepaslike registers, dokumente en planne wat in hul bewaring is, en bring hulle van tyd tot tyd sodanige endossemente aan op 'n akte of ander stuk wat op eiendom geleë in bedoelde straat, dorp of gedeelte van 'n dorp betrekking het en wat vir die een of ander doel by die gepaste registrasie-
- 15 kantoor of die kantoor van genoemde Landmeter-generaal ingelewer word.
26. (1) (a) Wanneer die raad al die persele of erwe (behalwe openbare plekke) in 'n dorp of deel van 'n dorp verkry het, gaan, ondanks andersluidende bepalings van die een of ander wet, die eiendomsreg in die openbare plekke deur die raad bepaal in daardie dorp of deel van 'n dorp, oor op die raad op 'n datum aldus bepaal, en word hulle geag vanaf daardie datum gesluit te wees, en is die raad geregtig om ten opsigte van die grond wat daardie persele of erwe en openbare plekke uitmaak, oordrag te verkry asof daardie grond onder die omstandighede in artikel 31 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), beoog, op die raad oorgegaan het.
- 20 (b) Geen vergoeding is ten opsigte van 'n openbare plek waarin die eiendomsreg ingevolge paragraaf (a) op die raad oorgegaan het, aan enigiemand deur die raad betaalbaar nie, maar die raad moet 'n bestaande plaaslike bestuur vergoeding betaal ten opsigte van nuttige verbeterings aan so 'n openbare plek aanbring, tot 'n bedrag wat die onafgeloste gedeelte van die koste daarvan nie te bowe gaan nie.
- 25 (c) By registrasie van die oordrag van grond in paragraaf (a) bedoel, moet die registrateur daardie grond op naam van die raad registreer vry van alle titelvoorwaardes en die endossemente in sy registers maak wat hy nodig ag om gevolg aan hierdie bepaling te gee.
- 30 (2) (a) Wanneer al die persele of erwe en openbare plekke in 'n dorp of deel van 'n dorp ingevolge subartikel (1) op die raad oorgegaan het, moet die betrokke Landmeter-generaal op aansoek deur die raad die algemene plan van daardie dorp of, na gelang van die geval, soveel van daardie algemene plan as wat op bedoelde deel van die betrokke dorp betrekking het, kanselleer, en so 'n kansellasië is, behoudens die bepalings van subartikel (1), van krag asof dit geskied het ingevolge die bepalings van die wette waarkragtens die betrokke dorp gestig is.
- 35 (b) Geen aansoek word ingevolge paragraaf (a) met betrekking tot 'n algemene plan of gedeelte daarvan gedoen nie indien dit volgens die Minister se oordeel in die openbare belang of in die belang van die doeltreffende en spoedige ontwikkeling van die dorp, of deel van 'n dorp waarop so 'n algemene plan betrekking het, is dat dié algemene plan van krag moet bly, maar in so 'n geval verval enige voorwaardes verbonde aan die titelbewys van enige erf of perseel in bedoelde dorp of deel van 'n dorp, en moet die Registrateur en die betrokke Landmeter-generaal op aansoek deur die raad gepaste inskrywings maak in enige ter sake dienende register, akte, kaart of plan wat in sy kantoor gehou word.
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- Oorgang op raad van gedeeltes van dorpe wat vir openbare doeleindes opgesit is.

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(3) The provisions of subsections (1) and (2) shall apply *mutatis mutandis* with reference to a local authority or other juristic person which holds all the lots or erven in any township or portion thereof, and which is carrying out or has carried out an approved project financed with moneys from the fund in such township or portion thereof, and for the purposes of such application any reference in the said subsections to the board shall be construed as a reference to such local authority or other juristic person. 5

(4) For the purposes of this section— 10

(a) "public place" means the land comprising any street, road, square, thoroughfare, sanitary lane, park, recreation or sports ground or open space shown on the general plan of a township or, if there is no such general plan, which falls within a township, and all land 15 vested in a local authority or in the State President in trust for a future local authority or to which the owners of lots or erven in the township have a common right; and

(b) "township" means a township as defined in section 102 20 of the Deeds Registry Act, 1937 (Act No. 47 of 1937), and includes an agricultural holding.

Extinction or modification of certain restrictions on land.

27. (1) Notwithstanding anything to the contrary in any law contained, the Minister may by notice in the *Gazette* direct that any restrictive condition affecting the use, development, occupation or subdivision of land which belongs to or is vested in or is to be acquired by the board, shall lapse or shall be suspended for such period or shall be modified in such manner or to such extent as may be specified in that direction. 25

(2) No direction shall be made by the Minister under subsection (2)— 30

(a) except after not less than one month's notice in writing to every person who in his opinion is likely to be affected thereby;

(b) in respect of land which in terms of any law relating to mining is or is deemed to be proclaimed land or upon which prospecting, digging or mining operations are being carried on or upon which there are reasonable grounds for believing that minerals exist in workable quantities, except with the concurrence of the Minister 40 of Mineral and Energy Affairs.

(3) The provisions of section 7 (3) and (5) of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in connection with any notice required to be given under subsection (2) (a) of this section. 45

(4) Notice given in terms of the requirements of section 7 (5) of the Expropriation Act, 1975, shall be deemed to have been given on the date on which it was published in the *Gazette*.

(5) The Registrar shall note in his registers the lapsing, suspension or modification of any restrictive condition affecting the use, development, occupation or subdivision of land which by virtue of a notice under subsection (1) has lapsed or been suspended or modified. 50

(6) At the request of the Minister the Administrator concerned shall direct the relevant local authority (which he is hereby authorized to do) to note the lapsing, suspension or modification of any restrictive condition by virtue of a notice under subsection (1) in the relevant town planning scheme or conditions of establishment of the township in which the relevant land is situated, and to amend such town planning scheme or conditions of establishment accordingly or to have the conditions of title of the relevant land amended accordingly. 55 60

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(3) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike bestuur of ander regspersoon wat al die persele of erwe in 'n dorp of deel daarvan besit en wat met geld uit die fonds 'n goedgekeurde projek op grond in daardie dorp of deel daarvan uitvoer of uitgevoer het, en by sodanige toepassing word 'n verwysing in daardie subartikels na die raad as 'n verwysing na bedoelde plaaslike bestuur of ander regspersoon uitgelê.

- (4) By die toepassing van hierdie artikel beteken—
- (a) "openbare plek" die grond bestaande uit 'n straat, pad, plein, deurgang, sanitêre gang, park of ontspannings- of sportterrein of oop ruimte wat op die algemene plan van 'n dorp aangewys word of, as daar nie so 'n algemene plan is nie, wat binne 'n dorp val, en alle grond waarvan die eiendomsreg by 'n plaaslike bestuur of by die Staatspresident in trust vir 'n toekomstige plaaslike bestuur berus of waarop die eienaars van persele en erwe in die dorp 'n gemeenskaplike reg het; en
- (b) "dorp" 'n dorp soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), en ook 'n landbouhoewe.

27. (1) Ondanks andersluidende bepalings van die een of ander wet kan die Minister by kennisgewing in die *Staatskoerant* gelas dat 'n beperkende voorwaarde rakende die gebruik, ontwikkeling, okkupasie of onderverdeling van grond wat aan die raad behoort, by hom berus of deur hom verkry staan te word, verval of opgeskort is vir die tydperk of gewysig is op die wyse en in die mate wat in daardie lasgewing vermeld word.

Opheffing of wysiging van sekere beperkings op grond.

(2) Geen lasgewing word ingevolge subartikel (1) deur die Minister gegee nie—

- (a) behalwe nadat minstens een maand skriftelik kennis gegee is aan elke persoon wat volgens sy oordeel waarskynlik daardeur geraak sal word;
- (b) ten opsigte van grond wat ingevolge 'n wet met betrekking tot mynbou, geproklameerde grond is of geag word geproklameerde grond te wees, of waarop geprospekter of gedelf word of mynbou plaasvind, of waarop, na op redelike gronde vermoed word, minerale in ontginbare hoeveelhede voorkom, behalwe met die instemming van die Minister van Minerale- en Energiesake.

(3) Die bepalings van artikel 7 (3) en (5) van die Ont-eieningswet, 1975 (Wet No. 63 van 1975), is *mutatis mutandis* van toepassing in verband met enige kennisgewing wat ingevolge subartikel (2) (a) van hierdie artikel gegee moet word.

(4) Kennis wat volgens voorskrif van artikel 7 (5) van die Ont-eieningswet, 1975 (Wet No. 63 van 1975), gegee is, word geag gegee te gewees het op die datum waarop dit in die *Staatskoerant* gepubliseer is.

(5) Die Registrateur moet die verval, opskorting of wysiging van 'n beperkende voorwaarde rakende die gebruik, ontwikkeling, okkupasie of onderverdeling van grond wat uit hoofde van 'n kennisgewing kragtens subartikel (1) verval het of opgeskort of gewysig is, in sy registers aanteken.

(6) Op versoek van die Minister moet die betrokke Administrateur die betrokke plaaslike bestuur gelas (wat hy hiermee gemagtig word om te doen) om die verval, opskorting of wysiging van 'n beperkende voorwaarde uit hoofde van 'n kennisgewing kragtens subartikel (1) in die betrokke dorpsaanlegskema of stigtingsvoorwaardes van die dorp waarin bedoelde grond geleë is, aan te teken, en daardie dorpsaanlegskema of stigtingsvoorwaardes dienooreenkomstig te wysig of die titelvoorwaardes van die betrokke grond dienooreenkomstig te laat wysig.

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Minister may approve lay-out plan and development of township in anticipation of proclamation.

28. If the lay-out plan of a township in which an approved project is to be carried out has not been approved within a period of three months after it was submitted to the person or body concerned, the Minister may, if he is satisfied that the proposed lay out plan can be applied effectively, grant authority for the land in respect of which the plan has been prepared, to be laid out as a township and to be developed in anticipation of the proclamation of such township, and for the carrying out of the said approved project on the land to be proceeded with, as well as for the provision of services which are necessary in connection therewith, and a building or structure constructed or service provided in consequence of the authority so granted shall be deemed to comply with all requirements which may thereafter be prescribed in respect of the township concerned.

Local authorities may construct dwellings and carry out projects and sell or let dwellings constructed by them.

29. Any local authority may— 15
- (a) out of moneys borrowed by it under this Act, construct approved dwellings and carry out approved projects—
 - (i) within the area under its jurisdiction; or
 - (ii) outside the area under its jurisdiction, with the approval of the Administrator concerned; and 20
 - (b) subject to such conditions as may be determined by the board in terms of section 30 sell or let any dwelling constructed by it under the powers conferred by this Act.

CHAPTER IV

25

LOANS

Conditions relating to granting of loans.

30. (1) No loan shall be granted by the board except upon written application accompanied by such particulars as may be determined by the board.
- (2) The board may with the concurrence of the Minister and 30 the Minister of the Budget, either generally or in a particular case, determine conditions subject to which loans may be so granted with regard to the following, namely—
- (a) the classes of natural persons to whom loans for the construction, purchase or repair of dwellings may be so granted or to whom land for the construction of a dwelling or dwellings which form part of an approved project may be sold or let;
 - (b) the rate of interest applicable to and the redemption period of such loans; 40
 - (c) the rentals that may be collected by borrowers and the conditions of sale in respect of land and dwellings referred to in paragraph (a);
 - (d) the maximum loan amount which may be granted in each case; and 45
 - (e) the maximum price that may be paid for or the maximum construction cost of dwellings referred to in paragraph (a).
- (3) Subject to the provisions of subsection (2), the board may grant a loan subject to any condition which it considers necessary or expedient for the achievement of its objects.
- (4) The provisions of subsection (2) shall apply *mutatis mutandis* to the sale or letting for residential purposes to a natural person of any immovable property which belongs to or vests in the board or which was acquired or constructed with moneys from 55 the fund.

Amendment of conditions of loans.

31. Notwithstanding anything to the contrary contained in any law, the board may, amend or substitute new conditions for the conditions of any loan which it determined in terms of section 30, if the board is of the opinion that such amendment or substitution is justified. 60

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28. Indien die uitlegplan van 'n dorp waarin 'n goedgekeurde projek uitgevoer staan te word, nie binne 'n tydperk van drie maande nadat dit aan die betrokke persoon of liggaam voorgelê is, goedgekeur is nie, kan die Minister, indien hy oortuig is dat 5 die voorgestelde uitlegplan doeltreffend toegepas kan word, magtiging verleen dat die grond ten opsigte waarvan die plan opgestel is, in afwagting van die proklamering van sodanige dorp, as 'n dorp uitgelê en ontwikkel kan word en dat voortgegaan kan word met die uitvoering van genoemde goedgekeurde projek op die grond, asook dat dienste in verband daarmee wat nodig is, voorsien kan word, en 'n gebou of bouwerk opgerig of diens ten gevolge van die magtiging aldus verleen, word geag aan al die vereistes wat daarna ten opsigte van bedoelde dorp voorgeskryf word, te voldoen.
- 15 29. 'n Plaaslike bestuur kan—
- (a) uit geld deur hom geleen kragtens hierdie Wet, goedgekeurde wonings bou en goedgekeurde projekte uitvoer—
- 20 (i) binne sy regsgebied; of
- (ii) buite sy regsgebied, met die goedkeuring van die betrokke Administrateur; en
- (b) onderworpe aan die voorwaardes wat deur die raad in-gevolge artikel 30 bepaal word, 'n woning wat deur hom gebou is kragtens die bevoegdhede deur hierdie 25 Wet verleen, verkoop of verhuur.

Minister kan uitlegplan en ontwikkeling van dorp in afwagting van proklamasie goedkeur.

Plaaslike besture kan wonings bou en projekte uitvoer en wonings wat deur hulle gebou is, verkoop of verhuur.

HOOFSTUK IV

LENINGS

30. (1) Geen lening word deur die raad toegestaan nie behalwe op skriftelike aansoek vergesel van die besonderhede wat 30 die raad bepaal.
- (2) Die raad kan met die instemming van die Minister en die Minister van Begroting hetsy in die algemeen of in 'n besondere geval voorwaardes bepaal waarop lenings aldus toegestaan word met betrekking tot die volgende, naamlik—
- 35 (a) die klasse natuurlike persone aan wie lenings vir die bou, koop of opknapping van wonings toegestaan mag word of aan wie grond vir die oprigting van 'n woning wat deel uitmaak van 'n goedgekeurde projek verkoop of verhuur mag word;
- 40 (b) die rentekoers van toepassing op en die delgingstermyn van sulke lenings;
- (c) die huurgeld wat deur leners gevorder mag word en die voorwaardes van verkoop ten opsigte van grond of wonings in paragraaf (a) bedoel;
- 45 (d) die maksimum leningsbedrag wat in elke geval toegestaan mag word; en
- (e) die maksimum verkrygings- of oprigtingskoste ten opsigte van wonings in paragraaf (a) bedoel.
- (3) Behoudens die bepalinge van subartikel (2) kan die raad 'n 50 lening toestaan onderworpe aan enige voorwaarde wat hy nodig of dienstig ag ter bereiking van sy oogmerke.
- (4) Die bepalinge van subartikel (2) is *mutatis mutandis* van toepassing op die verkoop of verhuur aan natuurlike persone van onroerende eiendom wat aan die raad behoort of by hom 55 berus of wat verkry of opgerig is met geld uit die fonds.

Voorwaardes met betrekking tot toestaan van lenings.

Wysiging van voorwaardes van lenings.

31. Ondanks andersluidende bepalinge van die een of ander wet kan die raad die voorwaardes van 'n lening wat hy kragtens die bepalinge van artikel 30 bepaal het, wysig of deur nuwe voorwaardes vervang, indien die raad van oordeel is dat be- 60 doelde wysiging of vervanging geregverdig is.

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Security for repayment of loans.

32. (1) The security for repayment of a loan granted to a local authority, and the payment of the interest thereon, shall be the revenue and assets of the local authority.

(2) Except in the case of a loan granted to a local authority, any loan granted by the board shall be secured by a first mortgage bond passed in favour of the board over the land on which the relevant dwelling, building or other structure has or is to be constructed or which is intended to be used for the carrying out of an approved project: Provided that in the case of a loan granted to a natural person for the purpose of repairing a dwelling, the loan may be secured by means of a second mortgage bond.

Local authorities may borrow money for housing purposes.

33. (1) Notwithstanding anything to the contrary in any law contained, a local authority may borrow money for the purpose of enabling it to exercise any of the powers conferred on it by this Act.

(2) Money may be so borrowed—

- (a) from the fund in accordance with the provisions of this Act; or
- (b) subject to the approval of the Administrator concerned and on such conditions as he may on the recommendation of the board determine, from any other source.

Local authorities may grant loans.

34. (1) Subject to such conditions as the board may determine, either generally or in any particular case, a local authority may out of moneys borrowed by it under this Act, grant loans—

- (a) to any utility company or other body for the purpose of enabling such company or body to purchase or construct approved dwellings or to carry out an approved project; or
- (b) to any natural person for the purpose of enabling such person to construct, purchase or repair an approved dwelling.

(2) The provisions of sections 30 and 32 (2) shall apply *mutatis mutandis* to a loan granted under subsection (1), and for the purpose of such application any reference to the board in section 32 (2) shall be deemed to be a reference to the local authority concerned.

Failure by local authority to comply with conditions of loan.

35. (1) If a local authority which has received a loan or any instalment thereof out of the fund—

- (a) fails to pay an amount due in respect of interest on such loan or instalment or any instalment of capital on the due date; or
- (b) has not applied the whole of any instalment of the loan to the specific purpose for which it was made; or
- (c) has failed to make reasonable progress in connection with the construction of the approved dwelling or the carrying out of the approved project in respect of which the loan was granted, regard being had to the period determined for the completion of such dwelling or project; or
- (d) fails to comply with the approved details of the project or dwelling or any condition on which the loan or any instalment thereof was made,

the board may recover from such local authority any portion of the loan paid and not yet repaid, together with interest due thereon—

- (i) by action in a competent court; or
- (ii) by declaring that any revenue of the local authority shall be applied to the payment of such amount, and by appointing a receiver, who is hereby authorized to collect so much of such revenue as will discharge such amount and pay over the same to the Head of the Department; or

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32. (1) Die inkomste en bates van 'n plaaslike bestuur dien as sekuriteit vir die terugbetaling van 'n lening wat aan die plaaslike bestuur toegestaan is, en die betaling van die rente daarop. Sekuriteit vir terugbetaling van lenings.
- (2) Behalwe in die geval van 'n lening toegestaan aan 'n plaaslike bestuur, moet enige lening deur die raad toegestaan, versekureer word deur 'n eerste verband ten gunste van die raad gepasseer op grond waarop die betrokke woning, gebou of ander bouwerk opgerig is of opgerig staan te word of wat vir die uitvoering van 'n goedgekeurde projek gebruik staan te word: Met dien verstande dat in die geval van 'n lening toegestaan aan 'n natuurlike persoon vir doeleindes van die opknapping van 'n woning, die lening deur middel van 'n tweede verband versekureer kan word.
33. (1) Ondanks andersluidende bepalings van die een of ander wet kan 'n plaaslike bestuur geld leen ten einde hom in staat te stel om enige van die bevoegdhede wat by hierdie Wet aan hom verleen is, uit te oefen. Plaaslike besture kan geld vir behuisingdoeleindes leen.
- (2) Geld kan aldus geleen word—
- (a) van die fonds ooreenkomstig die bepalings van hierdie Wet; of
- (b) onderworpe aan die goedkeuring van die betrokke Administrateur en op die voorwaardes wat hy op aanbeveling van die raad bepaal, van enige ander bron.
34. (1) Onderworpe aan die voorwaardes wat die raad hetsy in die algemeen of in enige besondere geval bepaal, kan 'n plaaslike bestuur uit geld deur hom kragtens hierdie Wet geleen, lenings toestaan— Plaaslike besture kan lenings toestaan.
- (a) aan 'n nutsmaatskappy of ander liggaam ten einde sodanige maatskappy of liggaam in staat te stel om goedgekeurde wonings te koop of te bou of om 'n goedgekeurde projek uit te voer; of
- (b) aan 'n natuurlike persoon ten einde sodanige persoon in staat te stel om 'n goedgekeurde woning te bou, aan te koop of op te knap.
- (2) Die bepalings van artikels 30 en 32 (2) is *mutatis mutandis* van toepassing op 'n lening kragtens subartikel (1) toegestaan, en vir die doeleindes van die toepassing van hierdie subartikel word 'n verwysing na die raad in artikel 32 (2) uitgelê as 'n verwysing na die betrokke plaaslike bestuur.
35. (1) Indien 'n plaaslike bestuur wat uit die fonds 'n lening of 'n paaient daarvan ontvang het— Versuim van plaaslike bestuur om aan voorwaardes van lening te voldoen.
- (a) in gebreke bly om die bedrag verskuldig ten opsigte van rente op sodanige lening of paaient of om 'n paaient van kapitaal op die vervaldag te betaal; of
- (b) nie die hele bedrag van 'n paaient van die lening aangewend het vir die bepaalde doel waarvoor dit verstrekt is nie; of
- (c) versuim het om redelike vordering te maak in verband met die bou van die goedgekeurde woning of die uitvoering van die goedgekeurde projek ten opsigte waarvan die lening toegestaan is, gelet op die tydperk wat vir die voltooiing van sodanige woning of projek bepaal is; of
- (d) versuim om hom te hou by die goedgekeurde besonderhede van die projek of woning of om te voldoen aan 'n voorwaarde waarop die lening of 'n paaient daarvan verstrekt is,
- kan die raad 'n gedeelte van die bedrag van die lening wat uitbetaal is en nog nie terugbetaal is nie, tesame met rente daarop verskuldig, op die plaaslike bestuur verhaal—
- (i) deur aksie in 'n bevoegde hof; of
- (ii) deur te verklaar dat enige inkomste van die plaaslike bestuur aangewend moet word ter betaling van sodanige bedrag en deur 'n ontvanger te benoem, wat hierby gemagtig word om soveel van sodanige inkomste in te vorder as wat nodig is om sodanige bedrag af te betaal en om dit aan die Departementshoof oor te betaal; of

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(iii) by levying a special rate on all rateable property within the area under the jurisdiction of the local authority, or by all three or any two of such methods of recovery.

(2) A certificate of the Head of the Department stating the amount due by any local authority shall be *prima facie* evidence of the amount due by that local authority.

Unpaid portion of purchase price of property of board deemed to be loan.

36. (1) If any property belonging to the board is sold and the purchaser is required to pay only a portion of the purchase price before transfer of such property to him, the unpaid portion of the purchase price shall be deemed to be a loan and the provisions of sections 30, 37 and 54 shall, in so far as they can be applied, apply *mutatis mutandis* in respect thereof as if it were a loan from the fund, and for the purpose of such application a reference in section 54 to the date of registration of the mortgage bond shall be deemed to be a reference to the date of purchase of the property.

(2) For the purposes of subsection (1) "purchaser" includes any cessionary of the rights under a deed of sale entered into with the board, approved by the board, and the board may, in the case where there is such a cessionary, give transfer to the original purchaser if transfer to him and to all such cessionaries is, subject to the provisions of section 14 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), registered simultaneously: Provided that, notwithstanding anything to the contrary in any law contained, a first mortgage bond in favour of the board may be registered by the last such cessionary.

Remedies of board against borrowers.

37. (1) If any person (except a local authority) to whom a loan has been granted out of the fund—

- (a) fails to pay any amount due in respect of or in connection with such loan on the due date;
- (b) has not applied the whole or any portion of the loan to the specific purpose for which it was granted;
- (c) has failed to make reasonable progress in connection with the construction of the dwelling or other building or structure or the carrying out of the approved project in respect of which the loan was granted, regard being had to the period determined for its completion;
- (d) fails to comply with any condition on which such loan was granted or any portion thereof was paid out; or
- (e) becomes insolvent,

the board may, notwithstanding anything to the contrary in any law contained, either—

- (i) recover from such person any amount paid to him or to any other person on his behalf out of the fund and not yet repaid, together with interest due thereon, by action in a competent court; or
- (ii) after having given 30 days' notice by registered letter addressed to such person at his last known place of abode or business, and, if the property on which such loan is secured is occupied by a person other than the owner, after similarly having given notice to the occupier, by any officer of the Department authorized in writing by the Head of the Department and without having obtained any judgment or order of the court, enter upon and take possession of the property on which the loan is secured.

(2) When any property has been taken possession of in terms of subsection (1) the board may, after notice of intention to sell, published once a week for two consecutive weeks in an Afrikaans and an English newspaper circulating in the area in which the said property is situated, sell by public auction or by public tender the said property and transfer it to the purchaser and give

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- (iii) deur 'n spesiale belasting te hef op alle belasbare eiendom geleë binne die plaaslike bestuur se regsgebied, of deur middel van al drie of enige twee van bedoelde verhaalmethodes.
- 5 (2) 'n Sertifikaat van die Departementshoof wat die bedrag vermeld wat deur 'n plaaslike bestuur verskuldig is, is *prima facie*-bewys van die bedrag verskuldig deur daardie plaaslike bestuur.
- 10 36. (1) Indien eiendom wat aan die raad behoort, verkoop word en die koper verplig is om slegs 'n gedeelte van die koopprys te betaal vóór oordrag van dié eiendom aan hom, word die onbetaalde gedeelte van die koopprys geag 'n lening te wees en is die bepalinge van artikels 30, 37 en 54, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing ten opsigte daarvan asof dit 'n lening uit die fonds was, en vir die doel van sodanige toepassing word die verwysing in artikel 54 na die datum van registrasie van die verband geag 'n verwysing na die datum van aankoop van die eiendom te wees.
- 15 (2) By die toepassing van subartikel (1) beteken "koper" ook 'n deur die raad goedgekeurde sessionaris van die regte kragtens 'n koopakte wat met die raad aangegaan is, en kan die raad, in die geval waar daar so 'n sessionaris is, behoudens die bepalinge van artikel 14 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), oordrag aan die oorspronklike koper gee indien
- 20 oordrag aan hom en aan alle sodanige sessionarisse gelyktydig geregistreer word: Met dien verstande dat, ondanks andersluidende bepalinge van die een of ander wet, 'n eerste verband ten gunste van die raad deur die laaste sodanige sessionaris geregistreer kan word.
- 25 37. (1) Indien 'n persoon (behalwe 'n plaaslike bestuur) aan wie 'n lening uit die fonds toegestaan is—
- 30 (a) versuim om 'n bedrag wat ten opsigte van of in verband met sodanige lening verskuldig is, op die vervaldag te betaal;
- 35 (b) nie die hele lening of 'n gedeelte daarvan aangewend het vir die spesifieke doel waarvoor dit toegestaan is nie;
- (c) versuim het om redelike vordering te maak in verband met die oprigting van die woning of ander gebou of
- 40 bouwerk of die uitvoering van die goedgekeurde projek ten opsigte waarvan die lening toegestaan is, gelet op die tydperk wat vir die voltooiing daarvan bepaal is;
- (d) versuim om te voldoen aan 'n voorwaarde waarop die lening toegestaan is of 'n gedeelte daarvan uitbetaal is;
- 45 of
- (e) insolvent raak,
- kan die raad, ondanks andersluidende bepalinge van die een of ander wet, òf—
- 50 (i) op sodanige persoon 'n bedrag wat aan hom of aan iemand anders ten behoeve van hom uit die fonds betaal is en nog nie terugbetaal is nie, tesame met die rente daarop verskuldig, deur aksie in 'n bevoegde hof verhaal; òf
- 55 (ii) nadat 30 dae kennis gegee is per aangetekende brief gerig aan bedoelde persoon by sy laaste bekende woon- of besigheidsplek en, indien die eiendom waarop sodanige lening versekureer is deur 'n ander persoon as die eienaar geokkupeer word, nadat kennis op dieselfde manier gegee is aan die okkupeerder, deur middel van 'n beaampte in die Departement wat skriftelik deur die Departementshoof gemagtig is en sonder om 'n vonnis of bevel van die hof te verkry, die eiendom waardeur die lening versekureer is, betree en in besit neem.
- 60 (2) Wanneer 'n eiendom ingevolge subartikel (1) in besit geneem is, kan die raad, nadat 'n kennisgewing van die voorneme om te verkoop een keer per week vir twee agtereenvolgende weke gepubliseer is in 'n Afrikaanstalige en 'n Engelstalige koerant wat in omloop is in die gebied waarin genoemde eiendom geleë is, bedoelde eiendom by openbare veiling of by publieke tender

Onbetaalde gedeelte van koopprys van eiendom van raad geag lening te wees.

Regsmiddels van raad teen leners.

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a good and valid title thereto, notwithstanding the fact that such property may also be hypothecated in favour of a person other than the board: Provided that if the said property is so hypothecated it shall not be sold unless the board has, at least three weeks before the date fixed for the sale, given notice to the mortgagee concerned by registered letter addressed to him at his last known place of abode or business, of its intention to sell the said property. 5

(3) If any dwelling, building or other structure which has been taken possession of in terms of subsection (1) has not been completed, the board may complete such dwelling, building or structure before it is sold in terms of subsection (2). 10

(4) The proceeds of the sale of any property in terms of subsection (2) shall be utilized to pay—

- (a) all amounts due to the fund; 15
- (b) all costs (if any) incurred by the board in connection with the completion of any dwelling, building or other structure; and
- (c) all costs incurred in connection with the sale of such property. 20

and the balance (if any) shall be paid to the person to whom the loan was granted or to any other person who is legally entitled to receive such balance.

(5) The board may at a sale by public auction purchase any property sold in terms of subsection (2). 25

(6) Any property purchased in terms of subsection (5) shall be transferred to the board, and the provisions of this Act relating to property belonging to the board shall thereupon apply to such property.

(7) Where any property has been sold in terms of subsection (2), the board may consent to the purchaser's taking over the interest and liabilities of the previous owner in respect of the loan and, in order to give effect thereto, may consent to the substitution of the purchaser as mortgagor in respect of the existing bond, notwithstanding the fact that the previous owner has not agreed to the taking over of such interest and liabilities by the purchaser, and the provisions of this Act relating to loans shall apply in respect of a purchaser who has taken over the interest and liabilities of the previous owner as if the loan had originally been granted to such purchaser. 30 40

(8) The Registrar is hereby authorized to make such endorsements on any deed, bond or other document and effect such alterations or make such entries in his registers as may be necessary to give effect to the provisions of this section.

CHAPTER V

45

ADMINISTRATIVE MATTERS

Remedies of board
against tenants who
fail to pay rental
due or to vacate
premises.

38. If a tenant or other occupant of immovable property which belongs to or vests in the board fails to pay the rental or any other amount, as the case may be, payable by him on the due date or fails to vacate such property on or before the date on which he has lawfully been required by the board to do so, the Head of the Department may— 50

- (a) take steps to recover the amount of rental due or such other amount or to cause the tenant or such other occupier to vacate by action in a competent court; or 55
- (b) after having given seven days' notice (in the case of such property occupied for residential purposes) or 30 days' notice (in the case of such property occupied for any other purpose) by letter delivered either to such tenant or other occupier personally or to some adult person living or working on the property, or, if such letter cannot be so delivered, by letter affixed to the 60

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- verkoop en dit aan die koper oordra en 'n goeie en geldige titel daartoe verleen, ondanks die feit dat bedoelde eiendom ook ten gunste van 'n ander persoon as die raad verhipotekeer is: Met dien verstande dat indien bedoelde eiendom aldus verhipotekeer
- 5 is, dit nie verkoop mag word nie tensy die raad, minstens drie weke voor die datum wat vir die verkoping bepaal is, aan die betrokke verbandhouer kennis gegee het per aangetekende brief aan hom by sy laaste bekende woon- of besigheidsplek gerig, van die voorneme om bedoelde eiendom te verkoop.
- 10 (3) Indien 'n woning, gebou of ander bouwerk wat ingevolge subartikel (1) in besit geneem is, nie voltooi is nie, kan die raad bedoelde woning, gebou of ander bouwerk voltooi voordat dit ingevolge subartikel (2) verkoop word.
- (4) Die opbrengs van die verkoop van 'n eiendom ingevolge
- 15 subartikel (2) word aangewend om—
- (a) alle bedrae wat aan die fonds verskuldig is;
- (b) alle koste (indien daar is) wat deur die raad in verband met die voltooiing van 'n woning, gebou of ander bouwerk aangegaan is; en
- 20 (c) alle koste wat in verband met die verkoop van bedoelde eiendom aangegaan is,
- te betaal, en die saldo (indien daar is) word aan die persoon aan wie die lening toegestaan was of aan enige ander persoon wat wettig geregtig is om sadanige saldo te ontvang, betaal.
- 25 (5) Die raad kan by 'n verkoping by openbare veiling 'n eiendom wat ingevolge subartikel (2) verkoop word, koop.
- (6) 'n Eiendom wat ingevolge subartikel (5) gekoop word, moet aan die raad getransporteer word en die bepalings van hierdie Wet betreffende eiendom wat aan die raad behoort, is
- 30 daarop van toepassing ten opsigte van bedoelde eiendom.
- (7) Waar 'n eiendom ingevolge subartikel (2) verkoop is, kan die raad toestem dat die koper die belange en verpligtinge van die vorige eienaar ten opsigte van die lening oorneem, en ten einde daaraan gevolg te gee, kan die raad toestem dat die koper
- 35 in die plek van die vorige eienaar as verbandgewer ten opsigte van die bestaande verband gestel word, ondanks die feit dat die vorige eienaar nie tot die oorneem deur die koper van sodanige belange en verpligtinge toegestem het nie, en die bepalings van hierdie Wet met betrekking tot lenings is van toepassing ten op-
- 40 sigte van 'n koper wat aldus die belange en verpligtinge van die vorige eienaar oorgeneem het asof die lening oorspronklik aan bedoelde koper toegestaan was.
- (8) Die Registrateur word hierby gemagtig om die endossement op 'n akte, verbandakte of ander dokument te maak en om
- 45 die veranderinge in sy registers aan te bring of die inskrywings in sy register te maak wat nodig is om aan die bepalings van hierdie artikel gevolg te gee.

HOOFSTUK V

ADMINISTRATIEWE AANGELEENTHEDE

- 50 38. Indien 'n huurder of ander okkupeerder van onroerende eiendom wat aan die raad behoort of by hom berus, versuim om die huurgeld of ander bedrag, na gelang van die geval, deur hom betaalbaar, op die vervaldag te betaal of om die eiendom te ont-
- 55 gesê is om dit te doen, kan die Departementshoof—
- (a) stappe doen om die bedrag van die verskuldigde huurgeld of ander bedrag te verhaal of die huurder te laat ontruim deur aksie in 'n bevoegde hof; of
- 60 (b) nadat (in die geval van sodanige eiendom wat vir woon-doeleindes geokkupeer word) sewe dae kennis of (in die geval van sodanige eiendom wat vir 'n ander doel geokkupeer word) 30 dae kennis gegee is per brief geweer of aan die huurder of ander okkupeerder persoonlik of aan 'n volwasse persoon wat op die eiendom woonagtig of werksaam is, of, indien daardie brief nie
- 65

Regsmiddels van raad teen huurders wat versuim om verskuldigde huurgeld te betaal of persele te ontruim.

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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, by any officer of the Department authorized in writing by the Head of the Department and without 5 having obtained any judgment or order of the court—

(i) in the case of property occupied for residential purposes, enter upon and take possession of the property and employ such force as may be necessary to remove from the property the tenant, his 10 dependants, any other residents and any other occupiers and their possessions; and

(ii) in the case of property occupied for any other purpose—

(aa) enter upon the property and lock, and keep 15 locked, the buildings thereon until such time as the arrear rental or other amount due in respect of the property has been paid or satisfactory arrangements have been made for the payment thereof; or 20

(bb) enter upon and take possession of the property and employ such force as may be necessary to remove the tenant or other occupier and his possessions from the property.

Remedies of local authorities against defaulters may also be exercised in respect of dwellings constructed by utility companies or other bodies.

39. If the tenant or purchaser of a dwelling constructed by a 25 utility company or other body by means of a loan granted under section 34 by a local authority, fails to pay the rental or any amount payable by him in terms of a deed of alienation on due date, the utility company or other body may refer particulars of the state of the tenant's rent account or the purchaser's purchase 30 account to the local authority, which may thereupon exercise in respect of such tenant or purchaser the powers conferred on a local authority by section 44, read with sections 36, 37 and 38, as if the tenant were hiring and the purchaser had purchased a dwelling which had been constructed by the local authority itself. 35

Summary ejectment of persons.

40. (1) If any person moves into, lives in or on, occupies or uses any immovable property belonging to the board without the written permission of the Head of the Department or a person 40 authorized by him, the Head of the Department or a person authorized by him may, notwithstanding anything to the contrary in any law contained, 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 45 and their possessions.

(2) Any person who moves into, lives in or on, occupies or uses any property referred to in subsection (1) without the permission referred to in the said subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 50 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Furnishing of certain information to board and failure of a local authority to furnish information or to commence with construction of a dwelling or carrying out of a project.

41. (1) Any local authority shall at the request of the board and within the period prescribed by the board furnish such information as the board may require in connection with the develop- 55 ment of land acquired by means of a loan from the fund or the carrying out of an approved project.

(2) If any local authority fails to furnish within the prescribed period the information referred to in subsection (1) or within a period of six months after the date of approval by the board to 60 commence with the carrying out of an approved project or within a period of six months after the date of a direction referred to in section 42 (1) to take the necessary steps to comply therewith, the Minister may, after due enquiry, direct that the board shall forthwith take possession of the relevant land or such portion 65

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aldus afgelewer 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 ander okkupeerder by die adres waar die eiendom geleë is, deur middel van 'n beampte in die Departement wat skriftelik deur die Departementshoof gemagtig is, sonder om 'n vonnis of bevel van die hof te verkry—

- (i) in die geval van eiendom wat vir woondoeleindes geokkupeer word, die betrokke eiendom betree en in besit neem, en die geweld gebruik wat nodig is om die huurder, sy afhanklikes, enige ander inwoners en ander okkuperders en hulle besittings uit of van die eiendom te verwyder;
- (ii) in die geval van eiendom wat vir enige ander doel geokkupeer word—
 - (aa) die eiendom betree en die geboue daarop toeluit en toegesluit hou totdat die agterstallige huurgeld of ander bedrag ten opsigte van die eiendom verskuldig, betaal is of bevredigende reëlins vir die betaling daarvan getref is; of
 - (bb) die eiendom betree en in besit neem, en die geweld gebruik wat nodig is om die huurder of ander okkupeerder en hulle besittings uit of van die eiendom te verwyder.

39. Indien die huurder of koper van 'n woning wat deur 'n nutsmaatskappy of ander liggaam deur middel van 'n lening in-gevolge artikel 34 deur 'n plaaslike bestuur toegestaan, gebou is, versuim om die huurgeld of enige bedrag wat kragtens 'n koopkontrak deur hom betaalbaar is op die vervaldag te betaal, kan die nutsmaatskappy of ander liggaam besonderhede van die stand van die huurder se huur rekening of die koper se kooprekening, na gelang van die geval, na die plaaslike bestuur verwys, wat daarna die bevoegdhede deur artikel 44, gelees met artikels 36, 37 en 38, aan 'n plaaslike bestuur verleen ten opsigte van so 'n huurder of koper, kan uitoefen asof die huurder 'n woning huur of die koper 'n woning gekoop het wat deur die plaaslike bestuur self gebou is.

Regsmiddels van plaaslike bestuure teen wanbetalers kan ook ten opsigte van wonings deur nutsmaatskappye of ander liggame gebou, uitgeoef word.

40. (1) Indien iemand onroerende eiendom wat aan die raad behoort sonder die skriftelike toestemming van die Departementshoof betrek, bewoon, okkupeer of gebruik, kan die Departementshoof of iemand deur hom gemagtig, ondanks andersluidende bepalings van die een of ander wet, 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.

Summiere uitsetting van persone.

(2) Iemand wat 'n in subartikel (1) bedoelde eiendom betrek, bewoon, okkupeer of gebruik sonder die toestemming bedoel in genoemde subartikel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

41. (1) 'n Plaaslike bestuur moet op versoek van die raad en binne die tydperk wat die raad stel enige inligting wat die raad verlang, verstrek met die ontwikkeling van grond wat verkry is deur middel van 'n lening uit die fonds of die uitvoering van 'n goedgekeurde projek.

Verstreking van sekere inligting aan raad en versuim van 'n plaaslike bestuur om inligting te verstrek of om met bou van 'n woning of uitvoering van 'n projek te begin.

(2) Indien 'n plaaslike bestuur versuim om die inligting in subartikel (1) bedoel binne die gestelde tydperk te verstrek of binne 'n tydperk van ses maande vanaf die datum van goedkeuring deur die raad met die uitvoering van 'n goedgekeurde projek te begin of binne 'n tydperk van ses maande vanaf die datum van 'n in artikel 42 (1) bedoelde lasgewing die nodige stappe ter nakoming daarvan te doen, kan die Minister na behoorlike ondersoek beveel dat die raad onverwyld besit neem van die be-

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thereof as he may determine and carry out on the land such project or construct thereon such dwellings as the board may consider suitable, and the board shall thereupon carry out the directions of the Minister.

(3) The local authority shall be liable to the board for the payment of all costs which the board may incur under subsection (2). 5

(4) If a local authority refuses or neglects to pay the costs due under subsection (3), the provisions of section 35 shall *mutatis mutandis* apply. 10

Minister may direct local authorities to carry out projects or to take over projects carried out by board.

42. (1) Whenever the Minister is of the opinion that provision or additional provision should be made in any declared area or any part thereof for housing, land for housing or community facilities, he may direct a local authority to acquire the necessary land and carry out an approved project on land so acquired or other land belonging to the local authority. 15

(2) (a) The Minister may, after consultation with the Administrator, authorize the board to transfer its interest in a project which it is in the process of carrying out or has carried out within the area of jurisdiction of a local authority, to that local authority on the terms and conditions approved by the Minister. 20

(b) The Minister may direct a local authority to take over a project referred to in paragraph (a) from the board.

(c) Notwithstanding anything to the contrary in any law contained, a project in respect of which the interest of the board therein has been transferred to a local authority in terms of paragraph (a), shall be deemed to be a project for the carrying out of which the local authority obtained a loan in terms of section 10 (2) (b) (ii), and 30 the provisions of this Act in respect of such a project shall apply *mutatis mutandis* as if was carried out by means of a loan under the said section.

Control of projects.

43. (1) A local authority which has carried out or is carrying out a project in respect of which a loan has been granted out of the fund, shall if required to do so by the board— 35

(a) make available for examination all books, registers and documents in its possession or under its control which may have reference to such project, and furnish all such information as may be required in connection with such project; 40

(b) carry out a survey in a manner approved by the board of the income of all persons living in dwellings constructed under such project, and report the result of such survey to the board. 45

(2) If a local authority fails to comply with a requirement under subsection (1), or if it appears from any book, register or document made available, information furnished or survey carried out in terms of the said subsection that there are persons living in dwellings constructed under the project concerned with incomes above the limit prescribed or that the conditions on which the loan has been granted are not being complied with in any other respect— 50

(a) the board may, if directed by the Minister to do so, recover from such local authority any amount advanced in respect of such project and not yet repaid, together with interest due thereon; or 55

(b) the board may, if directed by the Minister to do so, require such local authority to pay such higher rate of interest as the Minister may determine on the amount of the loan not yet repaid. 60

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trokke grond of 'n gedeelte daarvan wat die Minister bepaal en op die grond 'n projek uitvoer of daarop wonings bou wat die raad geskik ag, en die raad moet daarop die bevele van die Minister uitvoer.

5 (3) Die plaaslike bestuur is aanspreeklik vir die betaling aan die raad van alle koste wat die raad kragtens subartikel (2) aangaan.

(4) Indien 'n plaaslike bestuur weier of nalaat om die kragtens subartikel (3) verskuldigde koste te betaal, is die bepalings van
10 artikel 35 *mutatis mutandis* van toepassing.

42. (1) Wanneer die Minister van oordeel is dat daar in 'n ver- Minister kan
klaarde gebied of 'n gedeelte daarvan voorsiening of addisionele plaaslike be-
voorsiening gemaak moet word vir behuising, grond vir behui- sture gelas om
15 sing of gemeenskapsfasiliteite, kan hy 'n plaaslike bestuur gelas projekte uit te
om die nodige grond te verkry en 'n goedgekeurde projek op die voer of projekte
grond aldus verkry of op ander grond wat aan die plaaslike be- deur raad uit-
stuur behoort, uit te voer. gevoer, oor te
neem.

20 (2) (a) Die Minister kan na oorlegpleging met die Administra-
teur die raad magtig om sy belang in 'n projek wat hy
besig is om binne die regsgebied van 'n plaaslike be-
stuur uit te voer of uitgevoer het, op die bedinge en
voorwaardes wat die Minister goedkeur, aan daardie
plaaslike bestuur oor te dra.

25 (b) Die Minister kan 'n plaaslike bestuur gelas om 'n in
paragraaf (a) bedoelde projek van die raad oor te
neem.

(c) Ondanks andersluidende bepalings van die een of an-
der wet word 'n projek ten opsigte waarvan die belang
30 van die raad daarin ingevolge paragraaf (a) aan 'n
plaaslike bestuur oorgedra is, geag 'n projek te wees vir
die uitvoering waarvan die plaaslike bestuur 'n lening
kragtens artikel 10 (2) (b) (ii) ontvang het, en is die be-
palings van hierdie Wet ten opsigte van so 'n projek
35 *mutatis mutandis* van toepassing asof dit deur middel
van 'n lening kragtens daardie artikel uitgevoer is.

43. (1) 'n Plaaslike bestuur wat 'n projek uitvoer of uitgevoer Beheer oor pro-
het ten opsigte waarvan 'n lening uit die fonds toegestaan is, jekte.
40 moet, indien daartoe gelas deur die raad—

(a) alle boeke, registers en stukke in sy besit of onder sy
beheer wat op bedoelde projek betrekking het, vir on-
dersoek beskikbaar stel en al die inligting wat in ver-
band met bedoelde projek vereis word, verstrek;

45 (b) 'n opname maak, op die wyse deur die raad goedge-
keur, van die inkomste van alle persone wat in wonings
woon wat kragtens bedoelde projek gebou is en die re-
sultaat van sodanige opname aan die raad rapporteer.

(2) Indien 'n plaaslike bestuur versuim om aan 'n lasgewing
50 kragtens subartikel (1) te voldoen, of as dit blyk uit 'n boek,
register of stuk beskikbaar gestel, inligting verstrek of opname
gemaak ingevolge genoemde subartikel dat daar persone in wo-
nings wat kragtens die betrokke projek gebou is, woon met in-
komstes wat hoër is as die perk wat voorgeskryf is of dat aan die
55 voorwaardes waarop die lening toegestaan is in enige ander op-
sig nie voldoen word nie—

(a) kan die raad, indien hy deur die Minister beveel word
om dit te doen, enige bedrag wat ten opsigte van soda-
nige projek voorgeskiet is en nog nie terugbetaal is
60 nie, tesame met rente daarop verskuldig, op die plaas-
like bestuur verhaal; of

(b) kan die raad, indien hy deur die Minister beveel word
om dit te doen, bedoelde plaaslike bestuur aansê om
die hoër rentekoers wat die Minister bepaal, te betaal
65 op die bedrag van die lening wat nog nie terugbetaal is
nie.

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(3) The provisions of section 35 shall *mutatis mutandis* apply in respect of the recovery of an amount due under subsection (2) (a) of this section.

Application of certain provisions to projects carried out and loans granted by local authorities.

44. The provisions of sections 35, 36, 37, 38, 40, 41 and 43 shall *mutatis mutandis* apply in respect of immovable property belonging to a local authority and on which dwellings or other buildings were constructed or which has been otherwise improved, and which was acquired with moneys borrowed in terms of this Act, or in respect of a loan granted by a local authority in terms of section 34, and any reference in the said provisions to the "board", "Head of the Department" or "Department" shall be deemed to be a reference to the relevant local authority and any reference in sections 40, 41 and 43 to a "local authority" shall be deemed to be a reference to the relevant utility company or other body.

Housing utility companies.

45. (1) A utility company which provides or intends to provide housing may apply to the Head of the Department to be registered as a housing utility company.

(2) If the Head of the Department, after receiving such an application and any information concerning the utility company he may request, is satisfied that the utility company is able to provide housing, he may register that utility company as a housing utility company in a register kept by him for that purpose, and enter such particulars as he may require in that register.

(3) A housing utility company to which a loan has been granted in terms of section 10 (2) (b) or other assistance has been given in terms of section 46, shall within three months after the end of its financial year send to the Head of the Department a copy of its annual financial statements, including separate statements of income and expenditure, and shall furnish him with such other information as he may require.

(4) The Head of the Department may with the approval of the Minister withdraw at his discretion the registration in terms of subsection (2) of any housing utility company by written notice to that housing utility company.

Rendering of assistance.

46. The Head of the Department may render to a local authority, utility company, housing utility company or other body or a natural person such assistance as he may deem necessary to enable such local authority, utility company, housing utility company or other body or natural person to carry out the objects of this Act.

Prohibition of demolition of dwellings and certain other buildings and of use of dwellings and such buildings for purposes other than residential purposes.

47. (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—

- (a) demolish any dwelling lawfully erected in a declared area within the area of jurisdiction of a local authority; or
- (b) demolish any building, other than a dwelling, in a declared area within the area of jurisdiction of a local authority which is as from the commencement of this Act used or constructed for residential 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; or
- (c) use any dwelling or any building referred to in paragraph (b) or permit any such dwelling or building to be used for purposes other than residential purposes.

(2) Notwithstanding anything to the contrary in any law contained, 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, give notice to any lessee as defined in the Rent Control Act, 1976 (Act No. 80 of 1976), to vacate any dwelling as defined in that

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(3) Die bepalings van artikel 35 is *mutatis mutandis* van toepassing ten opsigte van die verhaal van 'n bedrag kragtens subartikel 2 (a) van hierdie artikel.

44. Die bepalings van artikels 35, 36, 37, 38, 40, 41 en 43 is *mutatis mutandis* van toepassing ten opsigte van onroerende eiendom wat aan 'n plaaslike bestuur behoort en waarop wonings of ander geboue opgerig is of wat andersins verbeter is, en wat verkry is met geld geleen ingevolge hierdie Wet, of ten opsigte van 'n lening wat deur 'n plaaslike bestuur ingevolge artikel 34 toegestaan is, en enige verwysing in genoemde bepalings na die "raad", "Departementshoof" of "Departement" word geag 'n verwysing na die betrokke plaaslike bestuur te wees en 'n verwysing in artikels 40, 41 en 43 na 'n "plaaslike bestuur" word geag 'n verwysing na die betrokke nutsmaatskappy of ander liggaam te wees.

Toepassing van sekere bepalings op projekte uitgeoef en lenings toegestaan deur plaaslike bestuure.

45. (1) 'n Nutsmaatskappy wat behuising verskaf of voornemens is om behuising te verskaf, kan by die Departementshoof aansoek doen om as 'n behuisingsnutsmaatskappy geregistreer te word.

Behuisingsnutsmaatskappye.

(2) Indien die Departementshoof na ontvangs van so 'n aansoek en enige inligting omtrent die nutsmaatskappy deur hom aangevra, oortuig is dat die nutsmaatskappy in staat is om behuising te verskaf, kan hy die nutsmaatskappy in 'n register wat hy vir die doel aanhou, as 'n behuisingsnutsmaatskappy registreer, en die besonderhede wat hy vereis in dié register aanteken.

(3) 'n Behuisingsnutsmaatskappy aan wie ingevolge artikel 10 (2) (b) 'n lening toegestaan is of ingevolge artikel 46 ander hulp verleen is, stuur aan die Departementshoof binne drie maande na die einde van sy boekjaar 'n afskrif van sy finansiële jaarstate, met inbegrip van afsonderlike state van inkomste en uitgawe, en verskaf aan hom die ander inligting wat hy verlang.

(4) Die Departementshoof kan met die goedkeuring van die Minister die registrasie van enige behuisingsnutsmaatskappy ingevolge subartikel (2) na goeddunke intrek by skriftelike kennisgewing aan daardie behuisingsnutsmaatskappy.

46. Die Departementshoof kan aan 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuurlike persoon die hulp verleen wat hy nodig ag om sodanige plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of natuurlike persoon in staat te stel om die oogmerke van hierdie Wet uit te voer.

Hulpverlening.

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

Verbod op sloping van wonings en sekere ander geboue en op gebruik van wonings en sulke geboue vir ander doeleindes as woondoeleindes.

(a) 'n woning wat wettig gebou is in 'n verklaarde gebied binne die regsgebied van 'n plaaslike bestuur sloop nie; of

(b) enige ander gebou as 'n woning in 'n verklaarde gebied binne die regsgebied van 'n plaaslike bestuur wat vanaf die inwerkingtreding van hierdie Wet vir woondoeleindes gebruik of 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; of

(c) enige woning of 'n in paragraaf (b) bedoelde gebou vir ander doeleindes as woondoeleindes gebruik nie of toelaat dat enige sodanige woning of gebou vir ander doeleindes as woondoeleindes gebruik word nie.

(2) Ondanks andersluidende bepalings van die een of ander wet mag niemand sonder die skriftelike toestemming van die Minister en behalwe ooreenkomstig die voorwaardes (as daar is) waarop daardie toestemming verleen is, aan 'n huurder soos in die Wet op Huurbeheer, 1976 (Wet No. 80 van 1976), omskryf, van 'n woning soos in daardie Wet omskryf en waarop die bepa-

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Act and to which the provisions of subsection (1) of this section apply, for the purpose mentioned in section 28 (d) (iv) of the Rent Control Act, 1976, unless he has first obtained the Minister's permission under subsection (1) and has complied with the conditions (if any) subject to which such permission has been granted. 5

(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) concerned is situated, and the said local authority shall, within 30 10 days of receipt thereof, transmit the application (with such comments and recommendations as it may wish to offer) to the Head of the Department.

(4) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and on conviction liable to 15 a fine not exceeding R5 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(5) The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of this section any area specified in the notice or any area other than an area so specified 20 or any dwelling or building or any category of dwellings or buildings, and may in like manner amend or withdraw any such notice.

Power of Head of Department with regard to unoccupied dwellings.

48. (1) The Head of the Department may, by means of a written direction, order the owner of an unoccupied dwelling situate 25 in a declared area in an urban area and which in his opinion is reasonably fit for human habitation or reasonably capable of being rendered fit for such habitation, to make such dwelling available for dwelling purposes within a period mentioned in such direction to a person so mentioned or any person or a class of 30 persons so mentioned, at a rental determined in the manner contemplated in subsection (4) and on such other conditions as the Head of the Department may determine or allow.

(2) The Head of the Department shall withdraw a direction referred to in subsection (1) if the owner proves to the satisfaction 35 of the Head of the Department—

- (a) that he intends occupying the dwelling personally within such period after the day on which he received the direction as the Head of the Department deems reasonable; or 40
- (b) that the right of occupation of the dwelling concerned had on the said day been granted to a person by virtue of a *bona fide* juristic act.

(3) If an owner to whom a direction referred to in subsection (1) applies, fails to let the dwelling concerned within the period 45 mentioned in such direction or within such further period as the Head of the Department may allow, the Head of the Department may—

- (a) let the dwelling concerned to any person for residential purposes at a rental determined in the manner contemplated in subsection (4) and on such other conditions as may be agreed upon by the Head of the Department and such person; or 50
- (b) direct the local authority in whose area of jurisdiction the dwelling concerned is situated to let the dwelling to 55 any person at a rental determined in the manner contemplated in subsection (4), and on such other conditions as may be agreed upon by the local authority and such person.

(4) (a) The rental payable in respect of a dwelling let under 60 subsection (1) or (3) shall, where such dwelling is situate within an area in respect of which a rent board within the meaning of the Rent Control Act, 1976 (Act No. 80 of 1976), has been established, be determined by the rent board concerned, and where the dwelling is 65 not so situate, if the dwelling is let by a local authority, by that local authority, and in other cases by the Head

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lings van subartikel (1) van hierdie artikel van toepassing is, kennis gee om daardie woning te ontruim vir die doel in artikel 28 (d) (iv) van die Wet op Huurbeheer, 1976, genoem nie tensy hy eers die Minister se toestemming kragtens subartikel (1) van hierdie artikel verkry het en die voorwaardes (as daar is) waarop dié toestemming verleen is, nagekom het.

(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 30 dae vanaf ontvangs daarvan, aan die Departementshoof stuur.

(4) Iemand wat die bepalinge van subartikel (1) of (2) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(5) Die Minister kan by kennisgewing in die *Staatskoerant* 'n in die kennisgewing vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied of enige woning of gebou of enige kategorie wonings of geboue van enige van of al die bepalinge van hierdie artikel uitsluit, en kan so 'n kennisgewing insgelyks wysig of intrek.

48. (1) Die Departementshoof kan die eienaar van 'n ongeokkupeerde woning wat in 'n verklaarde gebied in 'n stedelike gebied geleë is en wat na sy oordeel redelik geskik is vir bewoning deur mense of redelikerwys vir sodanige bewoning geskik gemaak kan word, by wyse van 'n skriftelike lasgewing beveel om sodanige woning binne 'n in die lasgewing vermelde tydperk aan 'n aldus vermelde persoon of aan enige persoon van 'n aldus vermelde klas persone vir woondoeleindes beskikbaar te stel teen 'n huurgeld wat op die in subartikel (4) beoogde wyse bepaal word en op die ander voorwaardes wat deur die Departementshoof bepaal of toegelaat word.

Bevoegdheid van Departementshoof met betrekking tot ongeokkupeerde wonings.

(2) Die Departementshoof moet 'n in subartikel (1) bedoelde lasgewing intrek, indien die betrokke eienaar ten genoë van die Departementshoof bewys lewer—

- (a) dat hy van voorneme is om die betrokke woning self te okkupeer binne die tydperk na die dag waarop hy sodanige lasgewing ontvang het wat die Departementshoof as redelik beskou; of
- (b) dat die reg van okkupasie van die betrokke woning op gemelde dag reeds ingevolge 'n *bona fide*-regshandeling aan iemand verleen is.

(3) Indien 'n eienaar op wie 'n in subartikel (1) bedoelde lasgewing van toepassing is, versuim om die betrokke woning binne die in dié lasgewing vermelde tydperk of binne die verdere tydperk wat die Departementshoof toelaat, te verhuur, kan die Departementshoof—

- (a) die betrokke woning aan enige persoon vir woondoeleindes verhuur teen 'n huurgeld wat op die in subartikel (4) beoogde wyse bepaal word en op die ander voorwaardes waaromtrent die Departementshoof en sodanige persoon ooreenkom; of
- (b) die plaaslike bestuur binne wie se regsgebied die betrokke woning geleë is, aansê om dié woning aan enige persoon te verhuur teen 'n huurgeld wat op die in subartikel (4) beoogde wyse bepaal word, en op die ander voorwaardes waaromtrent die plaaslike bestuur en sodanige persoon ooreenkom.

(4) (a) Die huurgeld betaalbaar ten opsigte van 'n woning wat kragtens subartikel (1) of (3) verhuur word, moet, waar sodanige woning geleë is binne 'n gebied waarvoor 'n huurraad ooreenkomstig die bedoeling van die Wet op Huurbeheer, 1976 (Wet No. 80 van 1976), ingestel is, deur die betrokke huurraad, en waar dié woning nie so geleë is nie, indien dié woning deur 'n plaaslike bestuur verhuur word, deur daardie plaaslike bestuur, en in an-

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- of the Department, by allowing the owner such amounts as would have been allowed him had such dwelling been controlled premises within the meaning of the said Act which are let by the owner of his own volition and in respect of which a "reasonable rent" as defined in section 1 of that Act had to be determined. 5
- (b) A determination made in terms of paragraph (a) shall be final.
- (5) (a) The owner of a dwelling let in terms of this section shall render the dwelling fit for human habitation and shall during the duration of the lease keep it in such a condition to the satisfaction of the local authority concerned, where the dwelling is let by a local authority on behalf of the owner, and in all other cases to the satisfaction of the Head of the Department, and shall after having received a written direction to that effect from the local authority concerned or the Head of the Department, as the case may be, effect such alterations and repairs to the dwelling within the period stipulated in such direction as the local authority concerned or the Head of the Department, as the case may be, may consider necessary in order to render the dwelling fit for human habitation. 10
- (b) If an owner to whom a direction referred to in paragraph (a) applies, refuses or fails to comply with such direction, the local authority concerned or the Head of the Department, as the case may be, may take all such steps as are required to be taken in order to comply with such direction and may recover the costs incidental thereto from such owner. 25
- (6) The conditions of a lease concluded under this section shall not be amended without the prior written consent of the Head of the Department. 30
- (7) Notwithstanding provisions to the contrary contained in the Rent Control Act, 1976, but subject to an agreement between the lessor and the lessee, the lessee of a dwelling let under this section shall vacate such dwelling on the expiration of the lease. 35
- (8) Any person to whom a direction referred to in subsection (1) or (5) applies and who refuses or fails to comply therewith, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 40
- (9) For the purposes of this section—
- "dwelling" includes any building or other structure; 45
- "owner", in respect of a dwelling, includes the agent of the owner;
- "urban area" means an area defined in section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940). 50

Powers of entry and inspection.

49. (1) Any member of the board, any officer of the Department and any person authorized thereto by the board may at all reasonable times enter—
- (a) upon any land which belongs to the board or a local authority; 55
- (b) upon any land which has been acquired by a utility company, housing utility company or other body or a natural person by means of a loan from the fund and in respect of which any amount is owing to the fund;
- (c) any dwelling or other building which belongs to the board or a local authority; or 60
- (d) any dwelling or other building which has been constructed or acquired by a utility company, housing utility company or other body or a natural person by

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- der gevalle deur die Departementshoof, bepaal word deur aan die eienaar die bedrae toe te laat wat aan hom toegelaat sou gewees het indien sodanige woning 'n gekontroleerde perseel ooreenkomstig die bedoeling van gemelde Wet was wat deur die eienaar uit vrye wil verhuur word en ten opsigte waarvan 'n "redelike huur" soos omskryf in artikel 1 van gemelde Wet vasgestel moes word.
- (b) 'n Bepaling kragtens paragraaf (a) gedoen, is afdoende.
- (5) (a) Die eienaar van 'n woning wat kragtens hierdie artikel verhuur word, moet dié woning, indien deur 'n plaaslike bestuur namens die eienaar verhuur, ten genoeë van sodanige plaaslike bestuur, en in ander gevalle ten genoeë van die Departementshoof, vir bewoning deur mense geskik maak en gedurende die huurtermyn aldus geskik hou, en moet, nadat hy 'n skriftelike lasgewing te dien effekte van die betrokke plaaslike bestuur of die Departementshoof, na gelang van die geval, ontvang het, binne die in die lasgewing vermelde tydperk die veranderings en herstelwerk aan die woning aanbring wat die betrokke plaaslike bestuur of die Departementshoof, na gelang van die geval, nodig ag om die woning vir bewoning deur mense geskik te maak.
- (b) Indien 'n eienaar op wie 'n in paragraaf (a) bedoelde lasgewing van toepassing is, weier of versuim om aan sodanige lasgewing te voldoen, kan die betrokke plaaslike bestuur of die Departementshoof, na gelang van die geval, alle stappe doen wat gedoen moet word ten einde aan sodanige lasgewing te voldoen en kan hy die koste daaraan verbonde op dié eienaar verhaal.
- (6) Die voorwaardes van 'n huurooreenkoms wat kragtens hierdie artikel aangegaan is, mag nie sonder die voorafverkreë skriftelike toestemming van die Departementshoof gewysig word nie.
- (7) Ondanks strydige bepalings van die Wet op Huurbeheer, 1976, maar onderhewig aan 'n ooreenkoms tussen die verhuurder en die huurder, moet die huurder van 'n woning wat kragtens hierdie artikel verhuur is, dié woning by verstryking van die huurooreenkoms ontruim.
- (8) Enige persoon op wie 'n in subartikel (1) of (5) bedoelde lasgewing van toepassing is en wat weier of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel sodanige boete as sodanige gevangenisstraf.
- (9) By die toepassing van hierdie artikel beteken—
 "eienaar", met betrekking tot 'n woning, ook die verteenwoordiger van die eienaar;
 "stedelike gebied" 'n gebied soos omskryf in die Wet op Adverteer langs en Toeboou van Paaie, 1940 (Wet No. 21 van 1940);
 "woning" ook enige gebou of ander bouwerk.
49. (1) 'n Lid van die raad, 'n beampte in die Departement en 'n persoon wat daartoe deur die raad gemagtig is, kan op alle redelike tye—
- (a) grond betree wat aan die raad of 'n plaaslike bestuur behoort;
- (b) grond betree wat deur middel van 'n lening uit die fonds deur 'n nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuurlike persoon verkry is en ten opsigte waarvan 'n bedrag aan die fonds verskuldig is;
- (c) 'n woning of ander gebou binnegaan wat aan die raad of 'n plaaslike bestuur behoort; of
- (d) 'n woning of ander gebou binnegaan wat deur middel van 'n lening uit die fonds deur 'n nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuur-

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means of a loan from the fund and in respect of which any amount is owing to the fund, to make any inspection or to perform any work or to do anything which he is required or authorized to do in terms of this Act or to perform such duties as may be imposed upon him in terms of this Act. 5

(2) Any person who—

- (a) fails to give or refuses access to any person referred to in subsection (1);
- (b) fails or refuses to answer questions put by such person 10 or to provide him with the information or to hand over to him the documents required by such person for the purpose of performing his duties in terms of this Act; or
- (c) otherwise obstructs or hinders him in the performance 15 of his duties in terms of this Act,

shall be guilty of an offence and on conviction liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Administration of Act.

50. The Minister of the Budget shall with the concurrence of 20 the Minister designate such officers and employees in the Department as may be necessary for the performance of the administrative, professional, technical and executive work arising from the exercise by the board of its powers and the performance of its duties. 25

State Tender Board regulations applicable in respect of purchases and contracts.

51. The regulations of the State Tender Board shall apply in respect of all contracts entered into and all purchases made by the board.

Delegation of powers.

52. (1) The Minister may delegate—

- (a) to an officer of the Department the power conferred 30 upon him by sections 21 (1) (a) and 21 (2) (a) to approve of the expropriation of land by the board and a local authority and the power conferred upon him by sections 20 and 55 to approve of the acquisition and alienation of land; 35
- (b) to any member or committee of the board the power conferred upon him by section 47 (1) and (2),

and anything done by an officer of the Department or a member or committee of the board under and within the scope of the power so delegated to him shall be as valid and effective as if done by the Minister himself.

(2) All powers and duties conferred or imposed upon the Head of the Department in terms of this Act may be exercised and performed either personally by the Head of the Department, or by an officer of the Department designated by the 45 Head of the Department.

(3) Any local authority may delegate to—

- (a) any committee of its members; or
- (b) an official in its service,

so much of the powers conferred upon it by this Act as it may 50 decide, and anything done by such committee or official under and within the scope of the power so delegated to it or him shall be as valid and effective as if done by the local authority itself.

(4) The Administrator of any province may delegate to any officer in the service of the administration of that province, any 55 power conferred upon him by this Act, and anything done by such officer under and within the scope of the power so delegated to him shall be as valid and effective as if done by the Administrator himself.

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like persoon verkry of gebou is en ten opsigte waarvan 'n bedrag aan die fonds verskuldig is, om 'n inspeksie uit te voer of om enige werk te verrig of om enigiets te doen wat hy ingevolge hierdie Wet verplig of gemagtig is om te doen of om die pligte te verrig wat ingevolge hierdie Wet hom opgelê word.

(2) Iemand wat—

- (a) versuim of weier om toegang te verleen aan 'n in subartikel (1) bedoelde persoon;
- 10 (b) versuim of weier om vrae van bedoelde persoon te beantwoord of aan hom die inligting te verskaf of die dokumente te oorhandig wat bedoelde persoon vir die doeleindes van die verrigting van sy pligte ingevolge hierdie Wet verlang; of
- 15 (c) hom andersins by die verrigting van sy pligte kragtens hierdie Wet belemmer of hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel sodanige boete as 20 sodanige gevangenisstraf.

50. Die Minister van Begroting wys met die instemming van die Minister die beamptes en werknemers in die Departement aan wat nodig is vir die uitvoering van die administratiewe, vak- 50 kundige, tegniese en uitvoerende werk wat voortspruit uit die 25 uitoefening deur die raad van sy bevoegdhede en die verrigting van sy pligte.

Uitvoering van
Wet.

51. Die regulasies van die Staatstenderraad is van toepassing ten opsigte van alle kontrakte aangegaan en alle aankope ge- 50 doen deur die raad.

Regulasies van
Staatstender-
raad van toepas-
sing ten opsigte
van aankope en
kontrakte.

30 52. (1) Die Minister kan—

- (a) die bevoegdheid wat deur artikels 21 (1) (a) en 21 (2) (a) aan hom verleen word om goedkeuring te verleen vir die onteiening van grond deur die raad en 'n plaaslike bestuur en die bevoegdheid wat deur artikels 20 en 35 55 aan hom verleen word om die verkryging en ver- vreemding van grond goed te keur, aan 'n beampte in die Departement deleger;
 - (b) die bevoegdheid wat deur artikel 47 (1) en (2) aan hom verleen is, aan 'n lid of komitee van die raad deleger, 40 en enigiets wat deur 'n beampte in die Departement of 'n lid of komitee van die raad gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is.
- (2) Alle bevoegdhede en alle pligte wat ingevolge hierdie Wet 45 aan die Departementshoof verleen of hom opgelê is, kan of persoonlik deur die Departementshoof, of deur 'n beampte in die Departement deur die Departementshoof aangewys, uitgeoefen en verrig word.

(3) 'n Plaaslike bestuur kan aan—

- 50 (a) 'n komitee van sy lede; of
- (b) 'n amptenaar in sy diens, soveel van sy bevoegdhede wat by hierdie Wet aan hom verleen is, deleger as wat hy besluit, en enigiets wat deur so 'n komitee of amptenaar gedoen word kragtens en binne die bestek van die 55 bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die plaaslike bestuur self gedoen is.

(4) Die Administrateur van 'n provinsie kan 'n bevoegdheid by hierdie Wet aan hom verleen, aan 'n beampte in diens van die administrasie van daardie provinsie deleger, en enigiets wat 60 deur daardie beampte gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Administrateur self gedoen is.

Delegering van
bevoegdhede.

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Annual report on activities of board.

53. The Head of the Department shall annually submit a report on the activities of the board to the Minister, who shall lay it upon the Table in the House of Assembly within 14 days of receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session. 5

CHAPTER VI

MISCELLANEOUS

Pre-emptive right of board in respect of immovable property sold to a natural person for residential purposes or in regard to which a loan has been granted.

54. (1) It shall be a condition of every—

- (a) sale by the board of immovable property to a natural person for residential purposes; or
- (b) loan granted in terms of section 10 (2) (b) (iii) to a natural person for the construction or purchase of a dwelling or for building material to construct a dwelling, 15

that, notwithstanding the fact that the total amount of the purchase price or of the loan, together with all interest thereon, has been paid or repaid and that the mortgage bond which secured such loan has been cancelled by reason of such repayment, such person or his successors in title shall not sell or otherwise alienate such property or any dwelling constructed by means of such loan within a period of 10 years from the date on which the property was bought by such person or of the registration of the mortgage bond, as the case may be, unless such property or dwelling has first been offered for sale to the board. 25

(2) Any such offer shall be made in writing and shall be accepted or rejected by the board within a period of 60 days after receipt thereof.

(3) If such offer is accepted, the purchase price shall be determined— 30

- (a) by agreement between the board and the person concerned; or
- (b) if the board and such person are unable to come to an agreement within a period of 60 days after the acceptance of the offer, by two arbitrators, one of whom shall be appointed by such person or, if he fails to appoint an arbitrator within 14 days of having been required to do so in writing by the board, by the Minister and the other by the board; or
- (c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or, if no agreement can be reached by them as to the referee, by a referee appointed by the Minister, and the decision of any such referee shall be final. 40

(4) In determining the purchase price of the property or dwelling the arbitrators or the referee shall have due regard to any principles which may be prescribed by regulation. 45

(5) The costs, calculated in accordance with the higher scale applicable to costs in the magistrates' courts, in connection with the determination of the purchase price of the property or dwelling shall, in the absence of agreement between the parties, be paid— 50

- (a) if the determination is made by arbitrators in terms of subsection (3) (b), as directed by them;
- (b) if the arbitrators are unable to agree as to the direction to be given under paragraph (a), by the party who incurred the costs; or
- (c) if the determination is made by a referee in terms of subsection (3) (c), as directed by him, and his decision shall be final. 60

(6) Whenever any property or dwelling is purchased in terms of subsection (3) the provisions of this Act shall *mutatis mutandis* apply to such property.

(7) The board may at any time grant exemption, either unconditionally or subject to such conditions as the board may deter- 65

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53. Die Departementshoof moet jaarliks 'n verslag oor die werksaamhede van die raad aan die Minister voorlê, wat dit in die Volksraad ter Tafel moet lê binne 14 dae vanaf ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Jaarliksê verslag oor bedrywighede van raad.

HOOFSTUK VI

DIVERSE BEPALINGS

54. (1) Dit is 'n voorwaarde van elke—
- 10 (a) verkoping deur die raad van onroerende eiendom vir woondoeleindes aan 'n natuurlike persoon; of
- (b) lening wat ingevolge artikel 10 (2) (b) (iii) aan 'n natuurlike persoon vir die bou of aankoop van 'n woning of vir boumateriaal vir die oprigting van 'n woning toegestaan is,
- 15 dat, ondanks die feit dat die totale bedrag van die koopprys of van die lening, tesame met alle rente daarop, betaal of terugbetaal is en dat die verband wat bedoelde lening versekureer het weens sodanige terugbetaling gekanselleer is, sodanige persoon
- 20 of sy regsopvolgers nie die eiendom of 'n woning wat deur middel van bedoelde lening gebou is, binne 'n tydperk van 10 jaar vanaf die datum waarop die eiendom deur sodanige persoon gekoop is of van die registrasie van die verband, na gelang van die geval, mag verkoop of andersins vervreem nie, tensy sodanige
- 25 eiendom of woning eers aan die raad te koop aangebied is.
- (2) So 'n aanbod moet skriftelik gedoen word en moet deur die raad binne 'n tydperk van 60 dae na ontvangs daarvan aanvaar of van die hand gewys word.
- (3) Indien sodanige aanbod aanvaar word, word die koopprys
- 30 bepaal—
- (a) by ooreenkoms tussen die raad en die betrokke persoon; of
- (b) indien die raad en bedoelde persoon nie binne 'n tydperk van 60 dae na aanvaarding van die aanbod kan ooreenkom nie, deur twee arbiters, van wie een deur
- 35 bedoelde persoon of, indien hy versuim om 'n arbiter te benoem binne 14 dae nadat hy skriftelik deur die raad aangesê is om dit te doen, deur die Minister en die ander deur die raad benoem word; of
- 40 (c) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of, indien hulle nie omtrent die skeidsregter kan ooreenkom nie, deur 'n skeidsregter deur die Minister benoem, en die beslissing van so 'n skeidsregter is afdoende.
- 45 (4) By die bepaling van die koopprys van die eiendom of woning moet die arbiters of die skeidsregter enige beginsels wat by regulasie voorgeskryf word, in ag neem.
- (5) Die koste, bereken volgens die hoër skaal wat van toepassing is op koste in landdroshowe, in verband met die bepaling
- 50 van die koopprys van die eiendom of woning word, by ontstentenis van ooreenkoms tussen die partye, betaal—
- (a) indien die bepaling ingevolge subartikel (3) (b) deur arbiters gemaak word, soos deur hulle beveel word; of
- (b) indien die arbiters nie kan ooreenkom betreffende die bevel wat kragtens paragraaf (a) gegee moet word nie, deur die party wat die koste aangegaan het; of
- 55 (c) indien die bepaling ingevolge subartikel (3) (c) deur 'n skeidsregter gemaak word, soos deur hom beveel word, en sy beslissing is afdoende.
- 60 (6) Wanneer 'n eiendom of woning ingevolge subartikel (3) gekoop word, is die bepaling van hierdie Wet *mutatis mutandis* daarop van toepassing.
- (7) Die raad kan te eniger tyd onvoorwaardelik of onderworpe aan die voorwaardes wat hy bepaal, vrystelling van die

Voorkoopreg van raad ten opsigte van onroerende eiendom aan 'n natuurlike persoon vir woondoeleindes verkoop of met betrekking waartoe 'n lening toegestaan is.

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mine, from the provisions of subsection (1) in respect of any property or dwelling to which the provisions of that subsection apply.

(8) (a) Whenever the board rejects in terms of subsection (2) an offer to purchase immovable property or a dwelling or grants in terms of subsection (7) exemption from the provisions of subsection (1) in respect of any property or a dwelling, the board may order that a portion of the amount for which the property or dwelling is sold or alienated be paid to the board, and may issue such directions as it may deem necessary to ensure that its order is complied with. 5 10

(b) The portion contemplated in paragraph (a) shall be determined by the board with due regard to any principles that may be prescribed by regulation. 15

(9) The Registrar shall at the request of the board—

(a) make such endorsements on the title deeds of any property or dwelling and such entries in his registers as may be necessary to indicate that the provisions of subsection (1) apply in respect of such property; and 20

(b) cancel any such endorsements or entries where an exemption has been granted unconditionally under subsection (7) in respect of a property or dwelling, or make such endorsements and entries as may be necessary to indicate the conditions subject to which an exemption has been granted under subsection (7). 25

(10) No transfer of any property or dwelling in respect of which the condition referred to in subsection (1) applies, shall be passed to a person other than the board unless there is produced to the Registrar a certificate, signed on behalf of the board by the Head of the Department, to the effect that such property or dwelling has been offered for sale to the board in terms of subsection (1) and that the offer has been rejected, or that the board has granted exemption in terms of subsection (7), either unconditionally or subject to the conditions contained in the certificate referred to, and, if the board has issued an order under subsection (8) in respect of that property or dwelling, that such order has been complied with or that steps have been taken to the satisfaction of the board to ensure that it will be complied with. 30 35 40

(11) The provisions of this section shall *mutatis mutandis* apply to the sale of immovable property to a natural person by a local authority, utility company, housing utility company or other body, if such property is part of an approved project in respect of which a loan has been granted in terms of section 10 (2) (b) or 34 (1) (a), and in such application any reference in subsections (1) to (10) of this section to the "board" or "Head of the Department" shall be deemed to be a reference to the relevant local authority, utility company, housing utility company or other body, as the case may be, and the reference in subsection (3) (b) and (c) to the Minister shall be deemed to be a reference to the board. 45 50

(12) The board may for the purposes of the application of subsection (11) issue instructions with regard to the exercise of powers in terms of subsections (2) and (7) as so applied, by a local authority, utility company, housing utility company or other body. 55

Alienation of land by board, a local authority, utility company, housing utility company or other body or a natural person.

55. (1) No land or any portion thereof which was acquired by the board or sold by the board to a local authority, utility company, housing utility company or other body or a natural person for purposes of the construction of a dwelling or the carrying out of an approved project or which was acquired for such purposes by a local authority, utility company, housing utility company or other body by means of moneys lent to it by the board in terms of section 10 (2) (b) or by a local authority in terms of section 34 (1) (a), as the case may be, and on which such dwelling has not been constructed or such approved project has not been carried 60 65

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bepalings van subartikel (1) verleen ten opsigte van 'n eiendom of woning waarop die bepaling van daardie subartikel van toepassing is.

5 (8) (a) Wanneer die raad ingevolge subartikel (2) 'n aanbod om onroerende eiendom of 'n woning te koop van die hand wys of ingevolge subartikel (7) vrystelling van die bepaling van subartikel (1) ten opsigte van 'n eiendom of woning verleen, kan die raad gelas dat 'n gedeelte van die bedrag waarvoor die eiendom of woning verkoop of vervreem word aan die raad betaal word, en die voorskrifte uitreik wat hy nodig ag om te verseker dat sy lasgewing nagekom word.

10 (b) Die gedeelte bedoel in paragraaf (a) word deur die raad bepaal met inagneming van enige beginsels wat by regulasie voorgeskryf mag word.

15 (9) Die Registrateur moet op versoek van die raad—

(a) die endossemente op die titelbewyse van 'n eiendom of woning maak en die inskrywings in sy registers maak wat nodig is om aan te dui dat die bepaling van subartikel (1) ten opsigte van sodanige eiendom van toepassing is; en

20 (b) sodanige endossemente en inskrywings kanselleer waar 'n vrystelling onvoorwaardelik kragtens subartikel (7) ten opsigte van 'n eiendom of woning verleen is, of die endossemente en inskrywings maak wat nodig is om die voorwaardes aan te dui onderworpe waaraan 'n vrystelling kragtens subartikel (7) verleen is.

(10) Geen transport van 'n eiendom of woning ten opsigte waarvan die in subartikel (1) bedoelde voorwaarde van toepassing is, word aan 'n ander persoon as die raad gepasseer nie, tensy daar aan die Registrateur 'n sertifikaat, onderteken namens die raad deur die Departementshoof, voorgelê word ten effekte dat sodanige eiendom of woning ingevolge genoemde subartikel aan die raad te koop aangebied is en dat die aanbod 35 van die hand gewys is, of dat die raad ingevolge subartikel (7) vrystelling verleen het, hetsy onvoorwaardelik of onderworpe aan die voorwaardes in bedoelde sertifikaat uiteengesit, en, indien die raad 'n lasgewing kragtens subartikel (8) ten opsigte van daardie eiendom of woning uitgereik het, dat die lasgewing nagekom is of dat maatreëls ten genoeë van die raad getref is om 40 te verseker dat dit nagekom sal word.

(11) Die bepaling van hierdie artikel is *mutatis mutandis* van toepassing op die verkoping aan 'n natuurlike persoon van onroerende eiendom deur 'n plaaslike bestuur, nutsmaatskappy, 45 behuisingsnutsmaatskappy of ander liggaam, indien genoemde eiendom deel uitmaak van 'n goedgekeurde projek ten opsigte waarvan 'n lening ingevolge artikel 10 (2) (b) of 34 (1) (a) toegestaan is, en by sodanige toepassing word enige verwysing in subartikels (1) tot (10) van hierdie artikel na die "raad" of 50 "Departementshoof" geag 'n verwysing na die betrokke plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam, na gelang van die geval, en die verwysing in subartikel (3) (b) en (c) na die Minister as 'n verwysing na die raad, te wees.

55 (12) Die raad kan vir die doel van die toepassing van subartikel (11) voorskrifte uitreik met betrekking tot die uitoefening van bevoegdhede ingevolge subartikels (2) en (7), soos aldus toegepas, deur 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam.

60 55. (1) Geen grond of enige gedeelte daarvan wat deur die raad verkry is, of deur die raad verkoop is aan 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuurlike persoon vir doeleindes van die bou van 'n woning of die uitvoering van 'n goedgekeurde projek of wat vir 65 sodanige doeleindes deur 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam verkry is deur middel van geld aan hom geleen deur die raad ingevolge artikel 10 (2) (b), of deur 'n plaaslike bestuur ingevolge artikel 34 (1) (a), na gelang van die geval, en waarop bedoelde woning nie gebou is nie of bedoelde goedgekeurde projek nie uitgevoer is nie, mag

Vervreemding van grond deur raad, 'n plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of 'n natuurlike persoon.

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out, shall be alienated by the board or such local authority, utility company, housing utility company or other body or natural person, except with the approval of the Minister and on such conditions as he may determine: Provided that the board or a local authority may alienate such land without the Minister's approval to—

(a) a natural person for purposes of the construction of a dwelling, on condition that it may not be sold by such natural person, except with the approval of the Minister and on such conditions as he may determine, unless such dwelling has so been constructed; or

(b) any other person for purposes of the construction of approved dwellings or the carrying out of an approved project thereon in terms of the provisions of this Act.

(2) For the purposes of this section land on which a mortgage bond is registered for the purpose of financing the construction costs of a dwelling or the capital costs in respect of the carrying out of an approved project, shall not be deemed to have been alienated.

Certain dwellings not to be sold without approval of Minister.

56. (1) No dwelling referred to in paragraph (b), (c) or (d) of the definition of "dwelling" in section 1 which was purchased or constructed by means of a loan granted in terms of section 34 shall be sold or otherwise alienated except with the approval of the Minister and on such conditions as he may determine.

(2) If any dwelling is sold or otherwise alienated in contravention of subsection (1) the sale or other alienation shall be null and void.

Local authority, utility company, housing utility company, natural person or other person or body may be exempted from certain measures.

57. A local authority, utility company, housing utility company, natural person or other person or body to which or whom a loan for the construction of any approved dwelling or the carrying out of an approved project has been granted by the board, shall at the request of the Minister be exempted from the provisions of any by-law, regulation, town planning scheme or the conditions of establishment of a township relating to the type of dwelling to be constructed or the materials to be used in the construction thereof: Provided that the Minister shall have had prior consultation with the relevant provincial and/or local authority affected by such exemption.

Exemption from transfer duty, stamp duty and certain fees.

58. (1) (a) No transfer duty shall be payable in connection with the transfer to the board or to any local authority of any property acquired by it in terms of this Act, and no stamp duty or registration fees shall be payable in connection with the transfer by the board or by any local authority of any property sold by it in terms of this Act.

(b) No fees or other charges shall be payable by the board or by any local authority in connection with any endorsements or entries made or alterations or cancellations effected by any Registrar in terms of this Act on any deed, bond or other document or in any register.

(2) No stamp duty shall be payable by the board in connection with any process issued in any action to recover under section 38 (a) the amount of any rental due, but the board may recover from the tenant concerned, in the manner and in the circumstances in which it would have been able to do so if this paragraph had not been enacted, any amount which would, but for this subsection, have been payable by the board by way of stamp duty and have been recoverable from such tenant, and shall pay into the State Revenue Account mentioned in section 82 (1) (a) of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), any amount so recovered.

Cessions and assignments.

59. No cession or assignment by any person of any right he may have or acquire in respect of any loan under this Act or any portion thereof, or in respect of any contract entered into by the

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deur die raad of sodanige plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy of ander liggaam of natuurlike persoon vervreem word nie, behalwe met die goedkeuring van die Minister en op die voorwaardes wat hy bepaal: Met dien verstande dat die raad of 'n plaaslike bestuur sonder die Minister se goedkeuring sodanige grond mag vervreem aan—

(a) 'n natuurlike persoon vir doeleindes van die bou van 'n woning, op voorwaarde dat dit nie deur sodanige natuurlike persoon, behalwe met die toestemming van die Minister en op die voorwaardes wat hy bepaal, vervreem mag word nie, tensy bedoelde woning aldus gebou is; of

(b) 'n ander persoon vir doeleindes van die bou van goedgekeurde wonings of die uitvoering van 'n goedgekeurde projek daarop ooreenkomstig die bepalings van hierdie Wet.

(2) By die toepassing van hierdie artikel word grond waarop 'n verband geregistreer is vir doeleindes van die finansiering van die boukoste van 'n woning of die kapitale koste ten opsigte van die uitvoering van 'n goedgekeurde projek nie geag vervreem te gewees het nie.

56. (1) Geen in paragraaf (b), (c) of (d) van die omskrywing van "woning" in artikel 1 bedoelde woning wat deur middel van 'n lening ingevolge artikel 34 gekoop of gebou is, mag verkoop of andersins vervreem word nie behalwe met die goedkeuring van die Minister en op die voorwaardes wat hy bepaal.

Sekere wonings mag nie sonder goedkeuring van Minister verkoop word nie.

(2) Indien 'n woning in stryd met subartikel (1) verkoop of andersins vervreem word, is die verkoop of ander vervreemding nietig.

57. 'n Plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy, natuurlike persoon of ander persoon of liggaam aan wie 'n lening vir die bou van 'n goedgekeurde woning of die uitvoering van 'n goedgekeurde projek toegestaan is, moet op versoek van die Minister onthef word van die bepalings van 'n verordening, regulasie, dorpsbeplanningskema of die stigtingsvoorwaardes van 'n dorp betreffende die tipe woning wat gebou moet word of die materiale wat by die bou daarvan gebruik moet word: Met dien verstande dat die Minister vooraf met die toepaslike provinsiale en/of plaaslike bestuur wat deur sodanige vrystelling geraak word, oorleg gepleeg het.

Plaaslike bestuur, nutsmaatskappy, behuisingsnutsmaatskappy, natuurlike persoon of ander persoon of liggaam kan van sekere maatreëls onthef word.

58. (1) (a) Geen hereregte is betaalbaar in verband met die oordrag aan die raad of aan 'n plaaslike bestuur van eiendom wat ingevolge hierdie Wet deur hom verkry word nie, en geen seëlregte of registrasiegelde is betaalbaar in verband met die oordrag deur die raad of deur 'n plaaslike bestuur van eiendom wat ingevolge hierdie Wet deur hom verkoop word nie.

Vrystelling van hereregte, seëlregte en sekere gelde.

(b) Geen gelde of ander bedrae is deur die raad of deur 'n plaaslike bestuur betaalbaar nie in verband met endosmente, inskrywings, veranderings of kansellerings wat ingevolge hierdie Wet deur 'n Registrateur gemaak of aangebring word op enige akte, verbandakte of ander dokument of in enige register.

(2) Geen seëlregte is betaalbaar deur die raad in verband met 'n prosesstuk uitgereik in 'n aksie om kragtens artikel 38 (a) die bedrag van verskuldigde huurgeld te verhaal nie, maar die raad kan op die betrokke huurder op die wyse en in die omstandighede waarin hy dit sou kon gedoen het as hierdie paragraaf nie verorden was nie, 'n bedrag wat deur die raad, by onstentenis van hierdie subartikel, by wyse van seëlregte betaalbaar en op die huurder verhaalbaar sou gewees het, verhaal, en moet 'n bedrag aldus verhaal in die Staatsinkomsterekening vermeld in artikel 82 (1) (a) van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), stort.

59. Geen sessie of oordrag deur 'n persoon van 'n reg wat hy mag hê of verkry ten opsigte van 'n lening kragtens hierdie Wet of 'n gedeelte daarvan of ten opsigte van 'n kontrak wat krag-

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board or a local authority under this Act, shall be valid or operative unless such cession or assignment is made with the written consent of the board or local authority, as the case may be, which may at its discretion grant or withhold such consent.

Sale of dwelling in respect of which board or a local authority is the holder of a bond.

60. (1) Notwithstanding anything to the contrary in any law contained, no dwelling in respect of which the board or a local authority is the holder of a mortgage bond which secures a loan in terms of this Act, shall be sold by a messenger of the court, or a sheriff, or a trustee of an insolvent estate, or an executor of the estate of a deceased person which is being administered in terms of the provisions of section 34 (2), (4) and (5) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), unless the board or local authority, as the case may be, has agreed in writing to such sale or a guarantee has been furnished to the board or local authority, as the case may be, to the satisfaction of the Head of the Department or local authority, as the case may be, for the payment of the full outstanding balance of the mortgage bond plus interest thereon calculated to the date of transfer of the dwelling into the name of the purchaser at such a sale.

(2) Notwithstanding anything to the contrary in any law contained, any order of attachment of any dwelling in respect of which the board or a local authority is the holder of a mortgage bond which secures a loan in terms of this Act, shall lapse if the board or local authority, as the case may be, exercises its rights under that mortgage bond.

Investigations regarding housing.

61. (1) The board may with the approval of the Minister investigate any matter concerning housing with a view to ensuring that the inhabitants of a declared area are properly housed and that deficient living conditions in such an area are removed, and advise the Minister on any matter concerning housing.

(2) A local authority shall at the request of the board within the period laid down by the board furnish any information required by the board in the manner and form requested by it in connection with—

- (a) vacant land and any or certain accommodation used for residential purposes or suitable for use as such situated within a declared area in the area under the jurisdiction of the local authority; or
- (b) persons living or working within the area under its jurisdiction who are not properly housed and require housing in a declared area.

(3) If the board is satisfied that the information required under subsection (2) is not readily available, it may, with the approval of the Minister, direct a local authority to carry out a survey for the purpose of establishing such information, and the board may prescribe the method to be employed by a local authority in carrying out such survey.

(4) Expenditure in connection with the carrying out of a survey referred to in subsection (3) may be defrayed out of the fund.

Regulations.

62. (1) The Minister may make regulations as to—

- (a) the calling of meetings of the board, the procedure at meetings of the board and of committees thereof and the conditions of service of members of the board and of committees thereof;
- (b) the insurance of dwellings and other buildings constructed or purchased by means of moneys from the fund;
- (c) the maintenance, repair and inspection of dwellings and other buildings constructed or purchased by the board, a local authority or any natural person under this Act;

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tens hierdie Wet deur die raad of 'n plaaslike bestuur aangegaan is, is geldig of van krag nie tensy sodanige sessie of oordrag geskied met die skriftelike toestemming van die raad of plaaslike bestuur, na gelang van die geval, wat sodanige toestemming na 5 goëddunke kan verleen of weerhou.

60. (1) Ondanks andersluidende bepalings van die een of ander wet mag geen woning ten opsigte waarvan die raad of 'n plaaslike bestuur die houer is van 'n verband wat 'n lening ingevolge hierdie Wet versekureer, deur 'n geregsbode, of 'n balju, 10 of 'n kurator van 'n insolvente boedel, of 'n eksekuteur van die boedel van 'n oorlede persoon wat ingevolge die bepalings van artikel 34 (2), (4) en (5) van die Boedelwet, 1965 (Wet No. 66 van 1965), beredder word, verkoop word nie, tensy die raad of plaaslike bestuur, na gelang van die geval, skriftelik tot die ver- 15 koping ingestem het of aan die raad of plaaslike bestuur, na gelang van die geval, 'n waarborg ten genoeë van die Departementshoof of plaaslike bestuur, na gelang van die geval, verstrek is vir die betaling van die volle uitstaande saldo van die verband plus rente daarop bereken tot die datum van oordrag van die 20 woning op naam van die koper by so 'n verkoping.

Verkoop van woning ten opsigte waarvan raad of 'n plaaslike bestuur die houer van 'n verband is.

(2) Ondanks andersluidende bepalings van die een of ander wet vervall 'n bevel tot die beslaglegging op 'n woning ten opsigte waarvan die raad of 'n plaaslike bestuur die houer is van 'n verband wat 'n lening ingevolge hierdie Wet versekureer, indien 25 die raad of plaaslike bestuur, na gelang van die geval, sy regte kragtens daardie verband uitoefen.

61. (1) Die raad kan met die goedkeuring van die Minister ondersoek instel na enige aangeleentheid betreffende behuising met die doel om te verseker dat die inwoners van 'n verklaarde 30 gebied behoorlik behuis is en dat gebrekkige woontoestande in so 'n gebied uit die weg geruim word, en die Minister van advies dien in verband met enige aangeleentheid rakende behuising.

Ondersoeke met betrekking tot behuising.

(2) 'n Plaaslike bestuur moet op versoek van die raad binne die tydperk deur die raad gestel enige inligting deur die raad 35 verlang op die wyse en in die vorm deur hom versoek, verstrek in verband met—

(a) onbeboude grond en alle of bepaalde akkommodasie wat vir woondoeleindes gebruik word of geskik is om 40 daarvoor gebruik te word wat in 'n verklaarde gebied binne die regsgebied van die plaaslike bestuur geleë is; of

(b) persone wat binne sy regsgebied woon of werksaam is en wat nie behoorlik behuis is nie of behuising in 'n verklaarde gebied nodig het.

(3) Indien die raad oortuig is dat die in subartikel (2) bedoelde inligting nie gereedlik beskikbaar is nie, kan hy met die goedkeuring van die Minister 'n plaaslike bestuur gelas om 'n opname te maak vir doeleindes van die bepaling van sodanige inligting, en kan die raad die metode voorskryf wat 'n plaaslike 50 bestuur moet gebruik in verband met die maak van sodanige opname.

(4) Uitgawes in verband met die maak van 'n in subartikel (3) bedoelde opname kan uit die fonds bestry word.

62. (1) Die Minister kan regulasies uitvaardig aangaande—

Regulasies.

55 (a) die byeenroeping van vergaderings van die raad, die prosedure by vergaderings van die raad en komitees daarvan en die diensvoorwaardes van lede van die raad en van komitees daarvan;

60 (b) die versekering van wonings en ander geboue wat met geld uit die fonds gebou of gekoop word;

(c) die instandhouding, herstel en inspeksie van wonings en ander geboue gebou of gekoop deur die raad, 'n plaaslike bestuur of 'n natuurlike persoon kragtens hierdie Wet;

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- (d) the reserve funds which local authorities shall establish and the purposes for which such funds may be utilized;
- (e) the statements of account which local authorities shall keep in respect of loans granted and reserve funds established in terms of this Act; 5
- (f) the matters in respect of which fees shall be payable to the board or a local authority, the amount of such fees, the persons who shall be liable for the payment thereof and the collection and utilization thereof;
- (g) the administration fees which may be charged in respect of approved dwellings and approved projects; 10
- (h) all matters which by this Act are required or permitted to be prescribed; and
- (i) generally, all matters which he considers it necessary or expedient to prescribe in order that the objects of this 15 Act may be achieved.

(2) No regulations may be made under subsection (1) (f) except with the concurrence of the Minister of the Budget.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of R500 or imprisonment for a period of six months.

Savings.

63. (1) Subject to the provisions of subsection (2), those provisions of the Community Development Act, 1966 (Act No. 3 of 1966), and of the Housing Act, 1966 (Act No. 4 of 1966), which 25 entrusted to the Minister of Community Development powers, duties or functions and which were with effect from 17 September 1984 assigned under section 26 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), to the Minister of Local Government, Housing and Works: House of As- 30 sembly, shall at the commencement of this section cease to apply in respect of every declared area.

(2) The provisions of subsection (1) shall not derogate from any existing right, privilege, obligation or liability acquired, accrued or incurred in terms of any provision which so ceases to 35 apply.

Short title and commencement.

64. (1) This Act shall be called the Development and Housing Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act. 40

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- (d) die reserwefondse wat plaaslike besture moet instel en die doeleindes waarvoor sulke fondse aangewend mag word;
- 5 (e) die rekeningstate wat plaaslike besture moet byhou ten opsigte van lenings toegestaan en reserwefondse ingestel ingevolge hierdie Wet;
- (f) die aangeleenthede ten opsigte waarvan gelde aan die raad of 'n plaaslike bestuur betaalbaar is, die bedrag van sulke gelde, die persone wat vir die betaling daarvan aanspreeklik is en die invordering en aanwending daarvan;
- 10 (g) die administrasiegelde wat gevorder mag word ten opsigte van goedgekeurde wonings en goedgekeurde projekte;
- 15 (h) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (i) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.
- 20 (2) Geen regulasies mag kragtens subartikel (1) (f) uitgevaardig word nie behalwe met die instemming van die Minister van Begroting.
- (3) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe voorskryf vir 'n oortreding daarvan of versuim om daar-
- 25 aan te voldoen van hoogstens 'n boete van R500 of gevangenisstraf vir 'n tydperk van ses maande.

63. (1) Behoudens die bepalings van subartikel (2) hou daar die bepalings van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), en van die Behuisingwet, 1966 (Wet No. 4 van 1966), wat aan die Minister van Gemeenskapsontwikkeling bevoegdhede, pligte of werksaamhede toegewys het en wat met ingang van 17 September 1984 kragtens artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), aan die Minister van Plaaslike Bestuur, Behuising en Werke: Volksraad opgedra is, by die inwerkingtreding van hierdie artikel op om van toepassing te wees ten opsigte van elke verklaarde gebied.

Voorbehoude.

(2) Die bepalings van subartikel (1) doen nie afbreuk nie aan enige bestaande reg, voorreg, verpligting of aanspreeklikheid

40 wat ingevolge 'n bepaling wat aldus ophou om van toepassing te wees, verkry is of ontstaan of opgeloopt het.

64. (1) Hierdie Wet heet die Wet op Ontwikkeling en Behuising, 1985, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

45 (2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

