



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1778.

27 Augustus 1986

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

No. 81 van 1986: Wysigingswet op Onderlinge Bouverenigings, 1986.

No. 1778.

27 August 1986

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

No. 81 of 1986: Mutual Building Societies Amendment Act, 1986.

Wet No. 81, 1986

WYSIGINGSWET OP ONDERLINGE BOUVERENIGINGS, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Bouverenigingswet, 1965, ten einde sekere aanpassings te doen na aanleiding van die Wet op Bouverenigings, 1986; die finansiële en ander vereistes waaraan onderlinge bouverenigings ter beskerming van die belange van die publiek moet voldoen, in ooreenstemming te bring met dié waaraan bouverenigings wat maatskappye is ingevolge laasgenoemde Wet moet voldoen; en onderlinge bouverenigings te magtig om as eiendomsagente op te tree en om sekere maatskappye te verkry of op te rig; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Augustus 1986.)*

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

Wysiging van artikel 1 van Wet 24 van 1965, soos gewysig deur artikel 1 van Wet 64 van 1968, artikel 5 van Wet 67 van 1973, artikel 54 van Wet 101 van 1976, artikel 22 van Wet 80 van 1978, artikel 50 van Wet 99 van 1980, artikel 18 van Wet 82 van 1982, artikel 69 van Wet 4 van 1984, artikel 20 van Wet 46 van 1984, artikel 34 van Wet 86 van 1984 en artikel 37 van Wet 106 van 1985.

1. Artikel 1 van die Bouverenigingswet, 1965 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van "algemene reserwe" te skrap; 5
(b) deur voor die omskrywing van "amptenaar" die volgende omskrywing in te voeg:

"algemene voorskot" 'n voorskot of lening wat nie 'n behuisings- of besigheidsvoorskot is nie, en ook enige ander betaling van 'n bedrag ingevolge 'n reëling waardeur die vereniging wat die betaling doen die reg verkry op vordering van 'n bedrag wat minstens gelykstaan met daardie bedrag ongeag of die persoon van wie die bedrag gevorder kan word die persoon is aan wie die betaling gedoen is;" 10 15

- (c) deur na die omskrywing van "bank" of "bankier" die volgende omskrywings in te voeg:

"bedryfskapitaal", met betrekking tot die een of ander dag, die bedrag van 'n vereniging se totale kapitaal soos op daardie dag min die som van— 20

- (a) die bedrag wat sy likwiede bates ingevolge artikel 31 op daardie dag minstens moet bedra; 25
(b) die boekwaarde van sy tasbare roerende bates en onroerende bates soos op daardie dag;
(c) die bedrag wat op daardie dag deur enige van sy geassosieerdes aan hom verskuldig is;
(d) die bedrag van sy beleggings wat onmiddellik voor die herroeping van artikel 32 deur die Wysigingswet op Finansiële Instellings, 1985 (Wet No. 106 van 1985), deur hom ter voldoening aan daardie artikel gehou is, in soverre daardie beleggings nie as likwiede bates kwalifiseer of sedert die herroeping van genoemde artikel te gelde gemaak is nie; en 30 35
(e) die waarde van aandele waarvan hy die houer

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GENERAL EXPLANATORY NOTE:

I Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Building Societies Act, 1965, so as to effect certain adjustments in consequence of the Building Societies Act, 1986; to bring the financial and other requirements with which mutual building societies have to comply for the purposes of safeguarding the interest of the public, into line with those with which building societies that are companies have to comply in terms of the latter Act; and to empower mutual building societies to act as estate agents and to acquire or establish certain companies; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 21 August 1986.)

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

1. Section 1 of the Building Societies Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the deletion of the definitions of “advance” and “approved securities”;

(b) by the insertion before the definitions of "bank" or "banker" of the following definition:

"associate", in relation to a permanent society,
means—

(a) a company referred to in paragraph (a) (iii), (mB) or (mF) of section 22 (1) in which the society holds shares;

(b) a registered insurer referred to in paragraph (m) of that section in which the society holds shares;

(c) a subsidiary, as defined in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), of a company or insurer referred to in paragraph (a) or (b);

(d) except in sections 49E, 49F and 49G, a person who is a director or the chief executive officer or secretary or a manager or other executive officer of the society or of a company, insurer or subsidiary referred to in paragraphs (a), (b) and (c), respectively or of a pension fund referred to in paragraph (e);

(e) a pension fund established in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956), of which the employees of the society are members; or

(f) a partner of the society;"

(c) by the insertion after the definition of "building society" of the following definition:

"business advance" means any advance or loan against security of a mortgage, irrespective of whether collateral security is furnished or not, on—

Amendment of
section 1 of
Act 24 of 1965,
as amended by
section 1 of
Act 64 of 1968,
section 5 of
Act 67 of 1973,
section 54 of
Act 101 of 1976,
section 22 of
Act 80 of 1978,
section 50 of
Act 99 of 1980,
section 18 of
Act 82 of 1982,
section 69 of
Act 4 of 1984,
section 20 of
Act 46 of 1984,
section 34 of
Act 86 of 1984
and section 37 of
Act 106 of 1985.

- op daardie dag is, bereken teen die prys waar-
teen hulle verkry is;
- 'behuisingsvoorskot' 'n voorskot of lening teen seker-
heid van 'n verband, ongeag of kollaterale seker-
heid gestel word of nie, oor— 5
- (a) stedelike vaste eiendom wat gebruik word of
bestem is, of ingevolge subartikel (2) geag ge-
bruik te word of bestem te wees, vir
woondoeleindes, uitgesonderd losieshuis- of
hoteldoeleindes; of 10
- (b) 'n reg op stedelike vaste eiendom watter eien-
dom gebruik word of bestem is, of ingevolge
genoemde subartikel (2) geag gebruik te word
of bestem te wees, vir woondoeleindes beoog
in paragraaf (a); 15
- 'besigheidsvoorskot' 'n voorskot of lening teen seker-
heid van 'n verband, ongeag of kollaterale seker-
heid gestel word of nie, oor—
- (a) stedelike vaste eiendom wat gebruik word of
bestem is, of ingevolge subartikel (2) geag ge-
bruik te word of bestem te wees, vir ander
doeleindes (met inbegrip van losieshuis- of ho-
teldoeleindes) as woondoeleindes; of 20
- (b) 'n reg op stedelike vaste eiendom watter eien-
dom gebruik word of bestem is, of ingevolge
genoemde subartikel (2) geag gebruik te word
of bestem te wees, vir sodanige ander doelein-
des beoog in paragraaf (a); 25
- 'boekjaar', met betrekking tot 'n vereniging, 'n jaar
beoog in artikel 35 (1);"; 30
- (d) deur na die omskrywing van "firma" die volgende om-
skrywing in te voeg:
"geassosieerde", met betrekking tot 'n permanente
vereniging—
- (a) 'n maatskappy bedoel in paragraaf (a) (iii), 35
(mB) of (mF) van artikel 22 (1) waarin die
vereniging aandeel hou;
- (b) 'n geregistreerde versekeraar bedoel in para-
graaf (m) van daardie artikel waarin die ver-
eniging aandeel hou; 40
- (c) 'n filiaal, soos omskryf in artikel 1 van die
Maatskappywet, 1973 (Wet No. 61 van 1973),
van 'n maatskappy of versekeraar bedoel in
paragraaf (a) of (b);
- (d) behalwe in artikels 49E, 49F en 49G, iemand 45
wat 'n direkteur of die hoof- uitvoerende
beampte of sekretaris of 'n bestuurder of
ander uitvoerende beampte is van die verenig-
ing of van 'n maatskappy, versekeraar of
filiaal bedoel in onderskeidelik paragrawe (a), 50
(b) en (c) of van 'n pensioenfonds bedoel in
paragraaf (e);
- (e) 'n pensioenfonds ingestel kragtens die Wet op
Pensioenfondse, 1956 (Wet No. 24 van 1956),
waarvan die werknemers van die vereniging 55
lede is; of
- (f) 'n vennoot van die vereniging;";
- (e) deur die omskrywing van "goedgekeurde effekte" te
skrap;
- (f) deur die omskrywing van "korttermynverpligting" deur 60
die volgende omskrywing te vervang:
"korttermynverpligting", met betrekking tot die een
of ander dag, die kredietsaldo in 'n transmissiere-
kening soos op daardie dag, en ook 'n verpligting
tot die betaling van 'n bedrag wat— 65
- (a) afgelos moet word voor of op een-en-dertigste
dag vanaf daardie dag; of
- (b) op daardie dag onderworpe is aan 'n voor-
waarde ingevolge waarvan die skuldeiser kan
vereis dat aflossing van die verpligting moet

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- (a) urban immovable property which is used or intended, or in terms of subsection (2) deemed to be used or to be intended, for other purposes (including boarding house or hotel purposes) than residential purposes; or
- (b) a right to immovable property which property is used or intended, or in terms of the said subsection (2) deemed to be used or to be intended, for such other purposes contemplated in paragraph (a);”;
- (d) by the deletion of the definition of “dwelling house”;
- (e) by the insertion before the definition of “firm” of the following definition:
“‘financial year’, in relation to a society, a year contemplated in section 35 (1);”;
- (f) by the substitution for the definition of “fixed deposit” of the following definition:
“‘fixed deposit’ means a deposit contemplated in section 47 (1);”;
- (g) by the deletion of the definitions of “fixed term mortgage of immovable property” and “general reserve”;
- (h) by the insertion before the definition of “indefinite share capital” of the following definitions:
“‘general advance’ means any advance or loan which is not a housing or business advance, and includes any other payment of an amount in terms of an arrangement by which the society making the payment acquires the right to recover an amount at least equal to that amount irrespective of whether the person from whom the amount may be recovered is the person to whom the payment was made;
‘housing advance’ means any advance or loan against security of a mortgage, irrespective of whether collateral security is furnished or not, on—
- (a) urban immovable property which is used or intended, or in terms of subsection (2) deemed to be used or to be intended, for residential purposes, excluding boarding house or hotel purposes; or
- (b) a right to urban immovable property which property is used or intended, or in terms of the said subsection (2) deemed to be used or to be intended, for residential purposes contemplated in paragraph (a);”;
- (i) by the substitution for the definition of “indefinite share capital” of the following definition:
“‘indefinite share capital’ means the aggregate amount paid up on shares issued in terms of section 28 (1) (a) **[and shares referred to in sub-section (3) of section thirty]** or which immediately before the substitution of section 30 by section 20 of the Mutual Building Societies Amendment Act, 1986, were deemed to be shares for an indefinite period;”;
- (j) by the deletion of the definition of “Land Bank”;
- (k) by the insertion before the definition of “liquid assets” of the following definition:
“‘liability’, in relation to a society, includes a liability towards the members of the society in respect of its share capital, but excludes a liability towards such members in respect of its reserves;”;
- (l) by the substitution for the definition of “liquid assets” of the following definition:
“‘liquid assets’ means—
- (a) Reserve Bank notes, subsidiary coin and gold coin;
- (b) credit balances with the Reserve Bank;

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- geskied voor of op die een-en-dertigste dag
vanaf bedoelde dag;”;
- (g) deur na die omskrywing van “korttermynverpligting”
die volgende omskrywing in te voeg:
“‘kwartaal’, met betrekking tot ’n vereniging, enigeen 5
van die vier tydperke van drie maande elk in ’n
boekjaar van ’n vereniging;”;
- (h) deur die omskrywing van “Landbank” te skrap;
- (i) deur die omskrywing van “langtermynverpligting” deur 10
die volgende omskrywing te vervang:
“‘langtermynverpligting’, met betrekking tot die een of
ander dag, die bedrag wat verteenwoordig word
deur ’n aandeel bedoel in artikel 28 (1) (a) of (5A)
waarvan kennis van aflossing soos op daardie dag
nog nie gegee is nie, en ook ’n verpligting tot die 15
betaling van ’n bedrag wat—
(a) afgelos moet word op ’n dag wat later is as ses
maande na daardie dag; of
(b) op daardie dag onderworpe is aan ’n voor-
waarde ingevolge waarvan die skuldeiser kan 20
vereis dat aflossing van die verpligting moet
geskied op ’n dag wat later is as ses maande
na bedoelde dag;”;
- (j) deur die omskrywing van “likwiede bates” deur die 25
volgende omskrywing te vervang:
“‘likwiede bates’—
(a) Reserwebanknote, pasmunt en goudmunt;
(b) kredietsaldo’s by die Reserwebank;
(c) onmiddellik opeisbare lenings aan ’n diskonto-
huis en onmiddellik opeisbare deposito’s by ’n 30
bank;
(d) skatkisbiljette van die Republiek;
(e) effekte uitgereik kragtens artikel 19 van die
Skatkis- en Ouditwet, 1975 (Wet No. 66 van
1975), met ’n oorblywende termyn van 35
hoogstens drie jaar tot die laaste aflosdatum;
(f) wissels deur die Land- en Landboubank van
Suid-Afrika kragtens die Landbankwet, 1944
(Wet No. 13 van 1944), uitgereik en voor-
skotte aan daardie bank wat na die keuse van 40
die uitlener in wissels omgesit kan word;
(g) skuldbriewe van genoemde Land- en Land-
boubank wat voor 31 Julie 1985 uitgereik is en
waarvan die vervaldatum hoogstens drie jaar 45
na daardie datum is;
(h) obligasies of notas van die Nywerheid-ontwik-
kelingskorporasie van Suid-Afrika, Beperk,
ingestel by artikel 2 van die Nywerheid-ont-
wikkelingswet, 1940 (Wet No. 22 van 1940),
in verband met ’n skema om die uitvoer van 50
kapitaalgoedere te finansier, wat voor 31 Julie
1985 uitgereik is en waarvan die vervaldatum
hoogstens drie jaar na daardie datum is;
(i) aksepte van ’n bank wat deur die Reserwe-
bank verdiskonteerbaar is; of 55
(j) effekte van die Reserwebank met ’n oorbly-
wende termyn van hoogstens drie jaar tot die
laaste aflosdatum;”;
- (k) deur na die omskrywing van “likwiede bates” die vol-
gende omskrywing in te voeg: 60
“‘maand’ enigeen van die 12 maande van die jaar;”;
- (l) deur die omskrywing van “middeltermynverpligting”
deur die volgende omskrywing te vervang:
“‘middeltermynverpligting’, met betrekking tot die een
of ander dag— 65
(a) die kredietsaldo in ’n spaarrekening soos op
daardie dag;

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- (c) loans to a discount house repayable on demand and deposits with a bank withdrawable on demand;
- 5 (d) Treasury bills of the Republic;
- (e) stocks issued under section 19 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), with a maturity of not more than three years to the last redemption date;
- 10 (f) bills issued by the Land and Agricultural Bank of South Africa under the Land Bank Act, 1944 (Act No. 13 of 1944), and advances to that bank which at the option of the lender are convertible into bills;
- 15 (g) debentures of the said Land and Agricultural Bank issued prior to 31 July 1985 and maturing not more than three years from that date;
- (h) debentures and notes of the Industrial Development Corporation of South Africa, Limited, established by section 2 of the Industrial Development Act, 1940 (Act No. 22 of 1940), in connection with a scheme for financing the export of capital goods, issued prior to 31 July 1985 and maturing not more than three years from that date;
- 20 (i) acceptances of a bank which are discountable by the Reserve Bank; or
- 25 (j) securities of the Reserve Bank with a maturity of not more than three years to the last redemption date;";
- 30 (m) by the substitution for the definition of "long-term liability" of the following definition:
"long-term liability", in relation to any day, means the
amount represented by a share referred to in section 28 (1) (a) or (5A) of which notice of redemption has as at that day not yet been given, and also an obligation to make payment of an amount which—
(a) is to be discharged on a day later than six months after that day; or
(b) is on that day subject to a condition in terms of which the creditor may demand that the obligation be discharged on a day which is later than six months after the said day;";
- 35 (n) by the substitution for the definition of "medium-term liability" of the following definition:
"medium-term liability", in relation to any day,
means—
(a) the credit balance in a savings account as at that day;
(b) any amount which as at that day has not yet been paid out in respect of an advance granted on or before that day;
(c) the amount of any deposit referred to in section 49H (4) (a); or
(d) an obligation to make payment of an amount which—
(i) is to be discharged on or after the thirty-second day from that day but not later than six months after the said day; or
(ii) is on that day subject to a condition in terms of which the creditor may demand that the obligation be discharged on or after the thirty-second day from that day but not later than six months after the said day;";
- 40 (o) by the insertion after the definition of "Minister" of the following definitions:
"month means any one of the 12 months of the year;
'mutual building society' means an association of persons established under this Act to carry on busi-
- 45
- 50
- 55
- 60
- 65

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- (b) 'n bedrag wat soos op daardie dag nog uitbetaal moet word ten opsigte van 'n voorskot voor of op daardie dag toegestaan;
- (c) die bedrag van 'n deposito bedoel in artikel 49H (4) (a); of
- (d) 'n verpligting tot die betaling van 'n bedrag wat—
- (i) afgelos moet word op of na die twee-entertigste dag vanaf daardie dag maar nie later nie as ses maande na bedoelde dag; of
- (ii) op daardie dag onderworpe is aan 'n voorwaarde ingevolge waarvan die skuldeiser kan vereis dat aflossing van die verpligting moet geskied op of na die twee-entertigste dag vanaf daardie dag maar nie later nie as ses maande na bedoelde dag;";
- (m) deur na die omskrywing van "Minister" die volgende omskrywing in te voeg:
- "onaangetaste reserwes" fondse verkry uit werklike verdienstes of by wyse van invorderings of 'n oorskot by die tegeldemaking van kapitale bates en wat as 'n algemene of besondere reserwe opgesit is en in die jaarlikse rekenings bedoel in artikel 35 as so 'n reserwe aangetoon word, uitgesonderd—
- (a) 'n fonds bedoel in artikel 66;
- (b) 'n fonds wat ingevolge 'n ander wet in stand gehou moet word; of
- (c) 'n oorskot voortspruitende uit die herwaardeering van 'n bate;";
- (n) deur die omskrywing van "onbepaalde aandeelkapitaal" deur die volgende omskrywing te vervang:
- "onbepaalde aandeelkapitaal" die totale bedrag opbetaal op aandeel wat kragtens artikel 28 (1) (a) uitgereik [en aandeel in sub-artikel (3) van artikel der-tig bedoel] is of wat onmiddellik voor die vervanging van artikel 30 deur artikel 20 van die Wysigingswet op Onderlinge Bouverenigings, 1986, geag is aandeel vir 'n onbepaalde termyn te gewees het;";
- (o) deur na die omskrywing van "onbepaalde aandeelkapitaal" die volgende omskrywing in te voeg:
- "onderlinge bouvereniging" 'n vereniging van persone kragtens hierdie Wet opgerig om ooreenkomstig hierdie Wet as 'n bouvereniging sake te doen, en ook 'n bouvereniging bedoel in artikel 5 (10);";
- (p) deur na die omskrywing van "opbetaalde aandeelkapitaal" die volgende omskrywings in te voeg:
- "permanente vereniging" 'n vereniging bedoel in artikel 4 (2) (a);
- "publiek" ook 'n regspersoon en, met betrekking tot 'n permanente vereniging, ook 'n geassosieerde van die vereniging;";
- (q) deur die omskrywing van "reg van huurpag" te skrap;
- (r) deur voor die omskrywing van "registrateur" die volgende omskrywing in te voeg:
- "reg", met betrekking tot stedelike vaste eiendom, enige reg op stedelike vaste eiendom wat kragtens die een of ander wet met 'n verband beswaar kan word, met inbegrip van enige ander reg op stedelike vaste eiendom wat die registrateur vir die doeleindes van hierdie Wet as 'n reg op stedelike vaste eiendom erken;";
- (s) deur die omskrywing van "registrateur" deur die volgende omskrywing te vervang:
- "registrateur" die Registrateur of Adjunk-registrateur

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ness as a building society in accordance with this Act, and includes a building society referred to in section 5 (10);”;

- (p) by the deletion of the definition of “mortgage of urban immovable property”;
- (q) by the insertion after the definition of “officer” of the following definition:
“‘operating capital’, in relation to any day, means the amount of a society’s total capital as at that day less the sum of—
 (a) the amount which its liquid assets shall at least amount to on that day in terms of section 31;
 (b) the book value of its tangible movable assets and immovable assets as at that day;
 (c) the amount owing to it on that day by any of its associates;
 (d) the amount of its investments which immediately before the repeal of section 32 by the Financial Institutions Amendment Act, 1985 (Act No. 106 of 1985), were held by it in compliance with that section, in so far as those investments do not rank as liquid assets or have not since the repeal of the said section been realized; and
 (e) the value of shares of which it is the holder on that day taken at the price at which they were acquired;”;
- (r) by the deletion of the definition of “owing”;
- (s) by the insertion after the definition of “paid-up share capital” of the following definition:
“‘permanent society’ means a society referred to in section 4 (2) (a);”;
- (t) by the deletion of the definition of “reducible mortgage of immovable property”;
- (u) by the insertion before the definition of “registered” of the following definitions:
“‘public’ includes a juristic person and, in relation to a permanent society, also an associate of the society;
‘quarter’, in relation to a society, means any one of the four periods of three months each in a financial year of a society;”;
- (v) by the substitution for the definition of “registrar” of the following definition:
“‘registrar’ means the Registrar or Deputy Registrar of Building Societies designated under section 5 of the Building Societies Act, 1986;”;
- (w) by the insertion after the definition of “Republic” of the following definition:
“‘right’, in relation to urban immovable property, means any right to urban immovable property which under any law admits of being mortgaged, including any other right to urban immovable property recognized by the registrar as a right to urban immovable property for the purposes of this Act;”;
- (x) by the deletion of the definition of “right of leasehold”;
- (y) by the substitution for the definition of “savings account” of the following definition:
“‘savings account’ means an account contemplated in section 41 (1);”;
- (z) by the deletion of the definition of “savings deposit”;
- (aa) by the substitution for the definition of “short-term liability” of the following definition:
“‘short-term liability’, in relation to any day, means the credit balance in a transmission account as at that day, and also an obligation to make payment of an amount which—

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van Bouverenigings kragtens artikel 5 van die Wet op Bouverenigings, 1986, aangewys;";

- (t) deur die omskrywing van "spaardeposito" te skrap;
- (u) deur die omskrywing van "spaarrekening" deur die volgende omskrywing te vervang: 5
"spaarrekening" 'n rekening beoog in artikel 41 (1);"
- (v) deur die omskrywing van "stedelike vaste eiendom" deur die volgende omskrywing te vervang:
"stedelike vaste eiendom"—
 - (a) 'n erf, perseel, standplaas of ander stuk grond 10
 wat geleë is in 'n dorp soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937);
 - (b) 'n opgemete gedeelte van 'n stuk grond wat as 'n dorp uitgelê is, maar wat nie formeel as 'n 15
 dorp in paragraaf (a) bedoel, goedgekeur of geproklameer is nie;
 - (c) 'n kleinhoeve of ander klein stuk grond wat geleë is in die omgewing van 'n dorp in paragraaf (a) bedoel en in 'n gebied wat hoofsaaklik 'n woonbuurt is of daarvoor bestem is; 20
 - (d) 'n erf, perseel of standplaas of ander stuk grond wat geleë is in 'n dorp soos omskryf in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), of beoog in Proklamasie No. R293 van 1962; 25
 - (e) 'n eenheid soos in artikel 1 van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971), omskryf; of 30
 - (f) enige ander grond of kategorie grond wat die registrateur vir die doeleindes van hierdie Wet as stedelike vaste eiendom erken;"
- (w) deur die omskrywings van "Tesourie" en "transmissie-deposito" te skrap; 35
- (x) deur die omskrywing van "transmissierekening" deur die volgende omskrywing te vervang:
"transmissierekening" 'n rekening beoog in artikel 45 (1);"
- (y) deur na die omskrywing van "transmissierekening" die 40
 volgende omskrywing in te voeg:
"tydelike vereniging" 'n vereniging bedoel in artikel 4 (2) (b) of (3);"
- (z) deur die omskrywing van "vaste deposito" deur die volgende omskrywing te vervang: 45
"vaste deposito" 'n deposito beoog in artikel 47 (1);"
- (aa) deur die omskrywings van "vastetermyn-verband op vaste eiendom" en "verband op stedelike vaste eiendom" te skrap;
- (bb) deur die omskrywing van "vereniging" deur die volgende omskrywing te vervang: 50
"vereniging" 'n kragtens hierdie Wet geregistreerde onderlinge bouvereniging;"
- (cc) deur na die omskrywing van "vereniging" die volgende omskrywing in te voeg: 55
"verpligting", met betrekking tot 'n vereniging, ook 'n verpligting teenoor die lede van die vereniging ten opsigte van sy aandeelkapitaal maar nie ten opsigte van sy reserwes nie;"
- (dd) deur die omskrywings van "verminderbare verband op vaste eiendom", "verskuldig", "voorskot" en "woonhuis" te skrap; en
- (ee) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: 65
"(2) Vaste eiendom waarop 'n gebou opgerig is of staan te word wat vir sowel woon- as ander doeleindes gebruik word of bestem is, word by die toepassing van hierdie Wet geag gebruik te word of bestem te wees—

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- (a) is to be discharged on or before the thirty-first day from that day; or
- (b) is on that day subject to a condition in terms of which the creditor may demand that the obligation be discharged on or before the thirty-first day from the said day;";
- (bb) by the substitution for the definition of "society" of the following definition:
"society" means a mutual building society registered under this Act;";
- (cc) by the insertion after the definition of "subscription share" of the following definition:
"terminating society" means a society referred to in section 4 (2) (b) or (3);";
- (dd) by the substitution for the definition of "transmission account" of the following definition:
"transmission account" means an account contemplated in section 45 (1);";
- (ee) by the deletion of the definitions of "transmission deposit" and "Treasury";
- (ff) by the insertion before the definition of "urban immovable property" of the following definition:
"unimpaired reserves" means funds obtained from actual earnings or by way of recoveries or a surplus on the realization of capital assets and which have been set aside as a general or special reserve and are disclosed as such a reserve in the annual accounts referred to in section 35, excluding—
(a) a fund referred to in section 66;
(b) a fund required to be maintained in terms of any other law; or
(c) a surplus resulting from the revaluation of an asset;";
- (gg) by the substitution for the definition of "urban immovable property" of the following definition:
"urban immovable property" means—
(a) any erf, lot, stand or other piece of land situated in a township as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
(b) any surveyed portion of a piece of land laid out as a township, but not formally approved or proclaimed as a township referred to in paragraph (a);
(c) any small-holding or other small piece of land situated in the vicinity of a township referred to in paragraph (a) and in an area which is, or is intended to be, mainly a residential area;
(d) any erf, lot, stand or other piece of land situated in a township as defined in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), or contemplated in Proclamation No. R293 of 1962;
(e) any unit as defined in section 1 of the Sectional Titles Act, 1971 (Act No. 66 of 1971); or
(f) any other land or category of land recognized by the registrar as urban immovable property for the purposes of this Act;"; and
- (hh) by the addition of the following subsection, the existing section becoming subsection (1):
"(2) Immovable property on which a building has been or is to be erected which is, or is intended to be, used for both residential and other purposes, shall for the purposes of this Act be deemed to be used or intended to be used—

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- (a) vir woondoeleindes indien meer as 50 persent van die vloeroppervlakte van die gebou vir woondoeleindes of daarmee in verband staande doeleindes gebruik word of sal word; of
- (b) vir sodanige ander doeleindes indien 50 persent of minder van die vloeroppervlakte van die gebou vir woondoeleindes of daarmee in verband staande doeleindes gebruik word of sal word.”

Vervanging van
artikel 2 van
Wet 24 van 1965.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing
van Wet.

2. (1) Die bepalings van hierdie Wet is van toepassing ten opsigte van onderlinge bouverenigings.

(2) Die vraag of 'n [assosiasie] vereniging van persone 'n bouvereniging is waarop die bepalings van hierdie Wet van toepassing is, al dan nie, word, behoudens die bepalings van artikel 3, deur die registrateur beslis.”

Vervanging van
artikel 3 van
Wet 24 van 1965.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Werksaam-
hede van
registrateur.

3. (1) **[Die Minister stel met inagneming van die wetsbepalings op die staatsdiens 'n beampte aan wat die registrateur van bouverenigings heet en wat onder beheer van en] Onderworpe aan appèl na die Minister, kan die registrateur al die bevoegdhede uitoefen en moet hy al die pligte vervul wat deur hierdie Wet aan die registrateur verleen word [en kan, met inagneming van bedoelde wetsbepalings 'n beampte aanstel wat die adjunk-registrateur van bouverenigings heet en wat onderworpe aan die beheer en voorskrifte van die registrateur enigiets kan doen wat die registrateur wettiglik kan doen].**

(2) Elke appèl na die Minister ingevolge subartikel (1) word voortgesit op die wyse en binne die tydperk by regulasie voorgeskryf.

[(3) Die beslissing van die Minister oor 'n appèl ten opsigte van 'n aangeleentheid in artikel 2 (2), 5 (5) of (6) of 13 (3) bedoel, is onderworpe aan 'n appèl na die hof, mits so 'n appèl binne drie maande na die bekendmaking van die Minister se beslissing aangeteken word.]”

Wysiging van
artikel 4 van
Wet 24 van 1965.

4. Artikel 4 van die Hoofwet word hierby gewysig—

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

“(4) Niemand mag sonder die skriftelike toestemming van die registrateur 'n onderlinge bouvereniging oprig nie, en die registrateur verleen nie sodanige toestemming nie tensy hy hom daarvan oortuig het—

(a) dat die vereniging wat opgerig word waarskynlik, met inagneming van die voorskrifte van artikels 5 en 6, voorlopig as 'n onderlinge vereniging kragtens hierdie Wet geregistreer sal kan word; en

(b) dat die oprigting van so 'n vereniging in die openbare belang sal wees.”; en

(b) deur voor die woord “bouvereniging”, waar dit ook al in subartikels (1), (2) en (5) voorkom, die woord “onderlinge” in te voeg.

Wysiging van
artikel 5 van
Wet 24 van 1965.

5. Artikel 5 van die Hoofwet word hierby gewysig—

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

“(1) 'n Aansoek om registrasie van 'n onderlinge bouvereniging word so gou doenlik na die oprigting van

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- (a) for residential purposes if more than 50 per cent of the floor area of the building is or is to be used for residential purposes or purposes incidental thereto; or
- 5 (b) for such other purposes if 50 per cent or less of the floor area of the building is or is to be used for residential purposes or purposes incidental thereto.”

2. The following section is hereby substituted for section 2 of the principal Act: Substitution of section 2 of Act 24 of 1965.

“Application of Act. 2. (1) The provisions of this Act shall apply in respect of mutual building societies.

- (2) Any question as to whether or not any association of persons is a building society to which the provisions of this Act apply shall, subject to section 3, be determined by the registrar.”
- 15

3. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 24 of 1965.

- “Functions of registrar. 3. (1) [The Minister shall, subject to the laws governing the public service, appoint an officer to be styled the registrar of building societies, who shall under the control of and subject] Subject to appeal to the Minister, the registrar may exercise all such powers and shall perform all such duties as are assigned to the registrar by this Act [and may, subject to the said laws, appoint an officer to be styled the deputy registrar of building societies, who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar].
- 25

- (2) Every appeal to the Minister in terms of subsection (1) shall be prosecuted in the manner and within the time prescribed by regulation.
- 30

- [(3) The decision of the Minister on an appeal in respect of any matter referred to in section 2 (2), 5 (5) or (6) or 13 (3) shall be subject to appeal to the court, provided such appeal is noted within three months after the decision of the Minister has been pronounced.]”
- 35

4. Section 4 of the principal Act is hereby amended— Amendment of section 4 of Act 24 of 1965.

40 (a) by the substitution for subsection (4) of the following subsection:

“(4) No person shall establish a mutual building society without the written permission of the registrar, and the registrar shall not grant such permission unless he has satisfied himself—

45

- (a) that the society which is established will probably, regard being had to the requirements of sections 5 and 6, be provisionally registrable as a mutual building society under this Act; and
- 50

- (b) that the establishment of such a society will be in the public interest.”; and

- (b) by the insertion before the words “building society”, wherever they occur in subsections (1), (2) and (5), of the word “mutual”.

55 5. Section 5 of the principal Act is hereby amended— Amendment of section 5 of Act 24 of 1965.

(a) by the substitution for subsection (1) of the following subsection:

“(1) An application for the registration of a mutual building society shall be lodged with the registrar in the

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- die vereniging, in die voorgeskrewe vorm by die registrateur ingedien.”;
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Na oorweging van bedoelde statute en die verdere inligting en argumente deur die betrokke persone aan hom voorgelê, beslis die registrateur of die vereniging volgens sy statute ’n onderlinge bouvereniging is al dan nie.”;
- (c) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
- “(a) Indien die registrateur beslis dat die vereniging nie ’n onderlinge bouvereniging is nie, weier hy om die vereniging te registreer.”;
- (d) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:
- “(b) Waar die registrateur beslis dat die vereniging ’n onderlinge bouvereniging is, registreer hy, by betaling van die voorgeskrewe gelde, die vereniging voorlopig ingevolge hierdie Wet as ’n onderlinge bouvereniging, mits hy oortuig is dat die statute van die vereniging aan die vereistes van hierdie Wet voldoen en uit ’n geldelike oogpunt gesond is, en dat die wyse waarop die vereniging volgens die statute sake gaan doen, nie ongewens is nie, **[en, in die geval van ’n permanente vereniging, dat aan die voorskrifte van artikel nege voldoen is,]** en stuur hy na sodanige registrasie een afskrif van die statute, met sy goedkeuring en die datum van sodanige registrasie van die vereniging daarop aange- teken, aan die voorgenome sekretaris van die vereniging terug.”;
- (e) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Die sertifikaat van voorlopige registrasie van ’n vereniging is geldig vir ’n tydperk van twaalf maande vanaf die datum van uitreiking, maar die registrateur kan te eniger tyd voor die verstryking van bedoelde tydperk of enige verlengde tydperk, na goeddunke en onderworpe aan die voorwaardes of beperkings wat nie met hierdie Wet strydig is nie en wat hy wenslik ag om op te lê, die geldigheidsduur van so ’n sertifikaat van tyd tot tyd vir verdere tydperke van twaalf maande elk tot ’n maksimum van **[sewe]** vyf jaar in die geheel verleng.”;
- (f) deur subartikel (7) deur die volgende subartikel te vervang:
- “(7) Geen vereniging word aanvanklik anders as voorlopig geregistreer nie, maar indien die registrateur te eniger tyd terwyl ’n vereniging voorlopig geregistreer is, oortuig is dat die vereniging wat sy geldsake betref in ’n gesonde toestand verkeer, **[en]** dat die wyse waarop die vereniging sake doen, nie ongewens is nie en dat die vereniging aan die voorskrifte van hierdie Wet voldoen, of, vir sover artikel 30 van toepassing is, dat die vereniging waarskynlik binne ’n verdere tydperk van hoogstens vyf jaar in staat sal wees om aan daardie artikel te voldoen, registreer hy die vereniging finaal kragtens hierdie Wet en reik hy aan die vereniging ’n finale registrasiesertifikaat uit waarin aangedui word of dit as ’n permanente of ’n tydelike vereniging geregistreer is, en daarop is die vereniging nie meer voorlopig geregistreer nie.”; en
- (g) deur subartikel (8) deur die volgende subartikel te vervang:
- “(8) Indien die vereniging na verstryking van die in subartikel (6) bedoelde tydperk van **[sewe]** vyf jaar nie aan die vereistes vir finale registrasie kan voldoen nie,

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prescribed form as soon as practicable after the formation of the society.”;

- (b) by the substitution for subsection (4) of the following subsection:

5 “(4) The registrar shall, after consideration of such rules and such further information and arguments as may be submitted to him by such persons, determine whether according to its rules the society is or is not a mutual building society.”;

- 10 (c) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) If the registrar determines that the society is not a mutual building society, he shall decline to register the society.”;

- 15 (d) by the substitution for paragraph (b) of subsection (5) of the following paragraph:

20 “(b) Where the registrar determines that the society is a mutual building society, he shall, upon payment to him of the prescribed fee, register the society provisionally under this Act as a mutual building society, provided he is satisfied that its rules are in conformity with this Act and are financially sound, and that the methods of transacting the business of the society as laid down in the rules are not undesirable, **[and, in the case of a permanent society, that the requirements of section nine have been complied with,]** and shall after such registration return one copy of the rules, with his approval and the date of such registration of the society endorsed thereon, to the intended secretary of the society.”;

- (e) by the substitution for subsection (6) of the following subsection:

35 “(6) The certificate of provisional registration of a society shall be valid for a period of twelve months from the date of issue thereof, but the registrar may at any time before the expiry of such period or any extended period, in his discretion and subject to such conditions or limitations, not inconsistent with this Act, as he may deem desirable to impose, extend the period of validity of such certificate from time to time for further periods of twelve months each up to a maximum of **[seven] five** years in all.”;

- 45 (f) by the substitution for subsection (7) of the following subsection:

50 “(7) No society shall be registered initially otherwise than provisionally, but if the registrar is at any time while a society is provisionally registered satisfied that the society is in a financially sound condition, **[and]** that the methods of transacting the business of the society are not undesirable and that the society is complying with the requirements of this Act, or, in so far as section 30 is applicable, that the society will probably within a further period of not more than five years be able to comply with that section, he shall register the society finally under this Act and issue to the society a certificate of final registration indicating whether it is registered as a permanent or a terminating society, and thereupon the society shall cease to be provisionally registered.”; and

- 60 (g) by the substitution for subsection (8) of the following subsection:

65 “(8) If after the expiry of the period of **[seven] five** years referred to in subsection (6) the society is unable to qualify for final registration, it shall forthwith cease

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moet hy onmiddellik ophou om as 'n bouvereniging sake te doen en moet die raad met inagneming van die bepalings van hierdie Wet reëlins tref of vir die oordrag van die bates en laste van die vereniging of vir die vrywillige likwidasië van die vereniging.” 5

Wysiging van artikel 7 van Wet 24 van 1965, soos gewysig deur artikel 23 van Wet 80 van 1978.

6. Artikel 7 van die Hoofwet word hierby gewysig—

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

“(1) 'n Onderlinge bouvereniging word nie geregi-
streer nie onder 'n naam wat— 10

(a) dieselfde is as die naam van 'n bestaande onder-
linge bouvereniging of 'n bouvereniging wat inge-
volg die Wet op Bouverenigings, 1986, geregi-
streer is; 15

(b) soveel met die naam van 'n bestaande onderlinge
bouvereniging of so 'n bouvereniging ooreenstem
dat die een waarskynlik met die ander verwar sal
word; of 20

(c) dieselfde is as die naam waaronder 'n ander onder-
linge bouvereniging of so 'n bouvereniging geregi-
streer was indien daar redelike grond vir beswaar
teen die gebruik van daardie naam deur die onder-
linge bouvereniging bestaan; of 25

(d) waarskynlik die publiek sal mislei.”;

- (b) deur subartikel (2) te skrap; en

- (c) deur in subartikel (3) die uitdrukking “of (2)” te skrap. 25

Herroeping van artikels 9 en 10 van Wet 24 van 1965.

7. Artikels 9 en 10 van die Hoofwet word hierby herroep.

Wysiging van artikel 12 van Wet 24 van 1965.

8. Artikel 12 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Die doelstellings van 'n vereniging kragtens subarti-
kel (1) (b) in sy statute vermeld, verleen aan hom slegs die
vermoë— 30

(a) om sake as 'n vereniging ooreenkomstig hierdie Wet te
doen; en

(b) om bykomend by die sake bedoel in paragraaf (a) die
ander sake te doen wat volgens die oordeel van die
registrateur nie onbestaanbaar is met 'n bepaling van
hierdie Wet nie.”. 35

Wysiging van artikel 14 van Wet 24 van 1965.

9. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: 40

“(3) Indien 'n vereniging weier of versuim om sy statute
te wysig ooreenkomstig 'n aansegging van die registrateur
kragtens subartikel (1), kan die registrateur met die voorge-
stelde wysiging in die aansegging vervat, handel asof dit ver-
vat is in 'n besluit wat deur die vereniging ooreenkomstig sy
statute aangeneem en ingevolge artikel 13 (2) aan hom
voorgelê is.”. 45

Wysiging van artikel 16 van Wet 24 van 1965.

10. Artikel 16 van die Hoofwet word hierby gewysig deur sub-
artikel (2) te skrap.

Wysiging van artikel 17 van Wet 24 van 1965, soos gewysig deur artikel 2 van Wet 64 van 1968.

11. Artikel 17 van die Hoofwet word hierby gewysig deur 50
paragraaf (a) van subartikel (10) deur die volgende paragraaf te
vervang:

“(a) Nie meer nie as **[een-derde]** een vyfde van die totale ge-
tal direkteure van 'n vereniging mag uitvoerende
beampies van daardie vereniging wees.”. 55

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to carry on the business of a building society and the board shall, subject to the provisions of this Act, arrange either for the transfer of the assets and liabilities of the society to another society or for the voluntary winding-up of the society.”.

6. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Amendment of section 7 of Act 24 of 1965, as amended by section 23 of Act 80 of 1978.

“(1) A mutual building society shall not be registered under a name which—

(a) is identical to the name of an existing mutual building society or a building society registered in terms of the Building Societies Act, 1986;

(b) so closely resembles the name of an existing mutual building society or any such building society that the one is likely to be mistaken for the other;

(c) is identical to the name under which any other mutual building society or any such building society was previously registered if there exists reasonable ground for objection against the use of that name by the mutual building society; or

(d) will probably mislead the public.”;

(b) by the deletion of subsection (2); and

(c) by the deletion in subsection (3) of the expression “or (2)”.

7. Sections 9 and 10 of the principal Act are hereby repealed.

Repeal of sections 9 and 10 of Act 24 of 1965.

8. Section 12 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 12 of Act 24 of 1965.

“(1A) The objects of a society set forth in its rules under subsection (1) (b) shall confer upon it only the capacity—

(a) to carry on business as a society in accordance with this Act; and

(b) in addition to the business referred to in paragraph (a), to carry on such other business as in the opinion of the registrar is not inconsistent with a provision of this Act.”.

9. Section 14 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 14 of Act 24 of 1965.

“(3) If a building society refuses or fails to amend its rules in accordance with a requirement of the registrar under subsection (1), the registrar may deal with the proposed amendment contained in the requirement as if it were contained in a resolution adopted by the society in accordance with its rules and submitted to him in terms of section 13 (2).”.

10. Section 16 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 16 of Act 24 of 1965.

11. Section 17 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (10) of the following paragraph:

Amendment of section 17 of Act 24 of 1965, as amended by section 2 of Act 64 of 1968.

“(a) Not more than **[one-third]** one-fifth of the total number of directors of a society shall be executive officers of that society.”.

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Wysiging van
artikel 20 van
Wet 24 van 1965.

12. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien ’n vereniging sy hoofkantoor na ’n ander plek verskuif, moet hy binne 14 dae na sodanige verskuiwing van sy hoofkantoor besonderhede van die plek waarheen sy hoofkantoor verskuif is skriftelik aan die registrateur verstrekk.” 5

Wysiging van
artikel 22 van
Wet 24 van 1965,
soos gewysig deur
artikel 5 van
Wet 64 van 1968,
artikel 1 van
Wet 91 van 1969,
artikel 24 van
Wet 80 van 1978,
artikel 32 van
Wet 103 van 1979
en artikel 51 van
Wet 99 van 1980.

13. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur die voorbehoudsbepaling by paragraaf (a) van subartikel (1) te skrap; 10

(b) deur subparagraaf (i) van paragraaf (d) van subartikel (1) deur die volgende subparagraaf te vervang:

“(i) om, met inagneming van die bepalings van **[artikel 26, spaardeposito's, transmissiedeposito's of vaste Hoofstuk V, deposito's te ontvang en [om] rente daarop te betaal;**” 15

(c) deur subparagraaf (ii) van paragraaf (d) van subartikel (1) deur die volgende subparagraaf te vervang:

“(ii) om, met inagneming van die bepalings van artikel 27, geld op rente anders as in die vorm van **[spaar- of vaste]** deposito's te leen of oortrekkingsfasiliteite by ’n deur die registrateur goedgekeurde bank te reël;” 20

(d) deur subparagraaf (iii) van paragraaf (d) van subartikel (1) deur die volgende subparagraaf te vervang: 25

“(iii) om, **[kontant as kollaterale sekerheid aan te neem]** met inagneming van die bepalings van Hoofstuk V, voorskotte toe te staan en ten opsigte van sodanige voorskotte **[ingevolge artikel 29 verleen en rente daarop te betaal]** sekerheid aan te neem;” 30

(e) deur subparagraaf (iv) van paragraaf (d) van subartikel (1) te skrap;

(f) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

“(g) om die koop of verkoop en die huur of verhuur **[deur lede of andere van vaste eiendom wat aan die vereniging verhipotekeer is of staan te word]** van vaste eiendom namens lede of ander persone te behartig;” 35

(g) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang: 40

“(j) om pensioene of gratifikasies te betaal aan, of pensioen-, voorsorgs-, hulp- of mediese hulpfondse of -skemas te aanvaar of in te stel en in stand te hou, of saam met ander **[bouverenigings]** **verenigings** (met inbegrip van bouverenigings kragtens die Wet op Bouverenigings, 1986, geregistreer) so ’n fonds of skema te aanvaar en in stand te hou ten opsigte van sy werknemers of die werknemers van ’n maatskappy beoog in paragraaf (a) (iii), (m) **[of]**, (mB) of (mF): Met dien verstande dat die bates van so ’n fonds of skema nie met die bates van die vereniging saamgesmelt mag word nie;” 45

(h) deur paragraaf (m) van subartikel (1) deur die volgende paragraaf te vervang: 55

“(m) om, behoudens subartikel (4), aandele in ’n geregistreerde versekeraar soos omskryf in artikel 1 van die Versekeringswet, 1943 (Wet No. 27 van 1943), te verkry en te hou;” 60

(i) deur paragraaf (mA) van subartikel (1) te skrap;”

(j) deur in paragraaf (mB) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“(mB)om alleen of saam met ander verenigings (met in-

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12. Section 20 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 20 of
Act 24 of 1965.

- 5 “(2) If a society moves its head office to another place it shall within 14 days of such moving of its head office submit in writing to the registrar particulars of the place to which its head office was moved.”.

13. Section 22 of the principal Act is hereby amended—

Amendment of
section 22 of
Act 24 of 1965,
as amended by
section 5 of
Act 64 of 1968,
section 1 of
Act 91 of 1969,
section 24 of
Act 80 of 1978,
section 32 of
Act 103 of 1979
and section 51
of Act 99 of 1980.

- (a) by the deletion of the proviso to paragraph (a) of subsection (1);
- 10 (b) by the substitution for subparagraph (i) of paragraph (d) of subsection (1) of the following subparagraph:
- “(i) subject to the provisions of **[section 26] Chapter V**, to receive **[savings deposits, transmission deposits or fixed]** deposits and to pay interest thereon;”;
- 15 (c) by the substitution for subparagraph (ii) of paragraph (d) of subsection (1) of the following subparagraph:
- “(ii) subject to the provisions of section 27, to borrow money at interest, otherwise than in the form of **[savings or fixed]** deposits, or to arrange overdraft facilities with a bank approved by the registrar;”;
- 20 (d) by the substitution for subparagraph (iii) of paragraph (d) of subsection (1) of the following subparagraph:
- “(iii) subject to the provisions of Chapter V, to grant advances and to accept **[cash as collateral]** security in respect of such advances **[made in terms of section 29 and to pay interest thereon]**;”;
- 25 (e) by the deletion of subparagraph (iv) of paragraph (d) of subsection (1);
- 30 (f) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- “(g) to negotiate the purchase or sale and the hiring or letting **[by members or others of immovable property mortgaged or to be mortgaged to the society]** of immovable property on behalf of members or other persons;”;
- 35 (g) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
- “(j) to pay pensions or gratuities to, or to adopt or to establish and maintain or to join with other **[building]** societies (including building societies registered under the Building Societies Act, 1986) in adopting and maintaining pension, superannuation, benevolent or medical aid funds or schemes in respect of its employees or the employees of a company contemplated in paragraph (a) (iii), (m) **[or], (mB) or (mF)**: Provided that the assets of any such fund or scheme shall not be merged with the assets of the society;”;
- 40 (h) by the substitution for paragraph (m) of subsection (1) of the following paragraph:
- “(m) subject to subsection (4), to acquire and hold shares in any registered insurer as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943);”;
- 45 (i) by the deletion of paragraph (mA) of subsection (1);”;
- 50 (j) by the substitution in paragraph (mB) of subsection (1) for the words preceding subparagraph (i) of the following words:
- 55 “(mB) to acquire or establish or join with other societies

- begrip van bouverenigings kragtens die Wet op Bouverenigings, 1986, geregistreer) of persone of maatskappye met beperkte aanspreeklikheid wat kragtens die Maatskappywet, **[1926] 1973**, geregistreer is, 'n maatskappy met beperkte aanspreeklikheid te verkry of op te rig wat kragtens **[daardie Wet]** die Maatskappywet, 1973, geregistreer is of moet word en waarvan die hoofbedrywighede een of meer van of al die volgende is, naamlik—";
- (k) deur subparagraaf (iii) van paragraaf (mB) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(iii) die verkryging van aandele in 'n ander maatskappy met beperkte aanspreeklikheid wat kragtens die Maatskappywet, **[1926] 1973** goedgekeur is en waarvan die hoofbedrywighede 'n bedrywighede is 15 in subparagraaf (i), (ii), (v) of (vi) vermeld;”;
- (l) deur paragraaf (a) van die voorbehoudsbepaling by paragraaf (mB) van subartikel (1) te skrap;
- (m) deur paragraaf (b) van die voorbehoudsbepaling by paragraaf (mB) van subartikel (1) deur die volgende 20 paragraaf te vervang:
- “(b) **[n]** die vereniging of die vereniging en sodanige ander verenigings te alle tye aandele in so 'n maatskappy moet hou wat aan die vereniging of aan die vereniging en die ander verenigings reg op 'n 25 meerderheid of oorwig van stemme en op die aanstelling van 'n meerderheid van die direkteure van so 'n maatskappy verleen;”;
- (n) deur na paragraaf (mE) van subartikel (1) die volgende paragraawe in te voeg: 30
- “(mF) om alleen of saam met ander verenigings (met inbegrip van bouverenigings kragtens die Wet op Bouverenigings, 1986, geregistreer) of persone of maatskappye met beperkte aanspreeklikheid wat kragtens die Maatskappywet, 1973, geregistreer is, 'n maatskappy met beperkte aanspreeklikheid te 35 verkry of op te rig wat kragtens laasgenoemde Wet geregistreer is of moet word, en waarvan die hoofbedrywighede die verskaffing van administratiewe, rekeningkundige, tegniese en ander dienste aan 40 die vereniging of aan die vereniging en sodanige ander verenigings is: Met dien verstande dat die bepalinge van paragraaf (d) van die voorbehoudsbepaling by paragraaf (mB) en van paragraaf (mD) *mutatis mutandis* ten opsigte van so 'n maatskappy 45 van toepassing is;
- (mG) om as verteenwoordiger van effekterusts, deelnemingverbandbestuurders en, behoudens die Bankwet, 1965, banke op te tree;”;
- (o) deur die volgende subartikel by te voeg: 50
- “(4) (a) Geen vereniging en geen geassosieerde van 'n vereniging mag hetsy gesamentlik of afsonderlik aandele in 'n geregistreerde versekeraar soos omskryf in artikel 1 van die Versekeringwet, 1943 (Wet No. 27 van 1943), hou nie vir sover die nominale waarde van dié aandele 30 persent van die nominale waarde van al die uitgereikte aandele van die versekeraar oorskry. 55
- (b) 'n Vereniging wat onmiddellik voor die vervanging van subartikel (1) (m) deur artikel 13 (h) van die Wysigingswet op Onderlinge Bouverenigings, 1986, meer as 30 persent van die aandele in 'n geregistreerde versekeraar gehou het kragtens daardie subartikel soos dit toe gelui het, is nie gebind om sy aandeelhouding ooreenkomstig paragraaf 60 (a) van hierdie subartikel tot die perk daarin ver-
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- (including building societies registered under the Building Societies Act, 1986) or any persons or companies with limited liability registered under the Companies Act, **[1926]** 1973, in acquiring or establishing a company with limited liability registered or to be registered under **[that Act]** the Companies Act, 1973, the main activities of which shall be any or all of the following, namely—”;
- (k) by the substitution for subparagraph (iii) of paragraph (mB) of subsection (1) of the following subparagraph:
- “(iii) the acquisition of shares in any other company with limited liability registered under the Companies Act, **[1926]** 1973, and of which the main activities are any activities mentioned in subparagraph (i), (ii), (v) or (vi);”;
- (l) by the deletion of paragraph (a) of the proviso to paragraph (mB) of subsection (1);
- (m) by the substitution for paragraph (b) of the proviso to paragraph (mB) of subsection (1) of the following paragraph:
- “(b) **[a]** the society or the society and such other societies shall at all times hold shares in any such company entitling the society or the society and the other societies to a majority or preponderance of votes and to appoint a majority of the directors of any such company;”;
- (n) by the insertion after paragraph (mE) of subsection (1) of the following paragraphs:
- “(mF) to acquire or establish or join with other societies (including building societies registered under the Building Societies Act, 1986) or any persons or companies with limited liability registered under the Companies Act, 1973, in acquiring or establishing a company with limited liability registered or to be registered under the latter Act the main activities of which shall be the rendering of administrative, accounting, technical or other services to the society or to the society and such other societies: Provided that the provisions of paragraph (d) of the proviso to paragraph (mB) and of paragraph (mD) shall *mutatis mutandis* apply in respect of any such company;
- (mG) to act as the agent of unit trusts, participation bond managers and, subject to the Banks Act, 1965, banks;”;
- (o) by the addition of the following subsection:
- “(4) (a) No society and no associate of a society shall, either jointly or individually, hold shares in any registered insurer as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943), to the extent to which the nominal value of those shares exceeds 30 per cent of the nominal value of all the issued shares of the insurer.
- (b) A society which immediately before the substitution of subsection (1) (m) by section 13 (h) of the Mutual Building Societies Amendment Act, 1986, held shares in a registered insurer under the said subsection as it then read, shall not be bound to reduce its shareholding in accordance with paragraph (a) of this subsection to the limit specified therein, but as long as that limit is exceeded, no

meld, te verminder nie, maar solank daardie perk oorskry word, mag geen verdere aandeel in die versekeraar deur die vereniging of 'n geassosieerde van die vereniging verkry word nie: Met dien verstande dat indien die vereniging sy aandeelhouing in so 'n versekeraar verminder, hy dit moet bewerkstellig deur in die eerste plek die betrokke aandeel volgens 'n grondslag deur die registrateur goedgekeur, aan sy lede aan te bied.

- (c) Ondanks die vervanging van subartikel (1) (m) deur artikel 13 (h) van die Wysigingswet op Onderlinge Bouverenigings, 1986, bly die beperkings wat in subparagrafe (i) tot (v) van daardie subartikel voor bedoelde vervanging vermeld was, van toepassing met betrekking tot 'n versekeraar waarin 'n vereniging aandeel ingevolge paragraaf (b) van hierdie subartikel hou wat die perk vermeld in paragraaf (a) van hierdie subartikel oorskry, solank bedoelde aandeelhouing bedoelde perk oorskry: Met dien verstande dat hierdie paragraaf nie uitgelê word om so 'n versekeraar te belet om ooreenkomstig die Versekeringswet, 1943 (Wet No. 27 van 1943), by die Registrateur van Versekeringswese aansoek te doen om registrasie ten opsigte van ander versekeringsbesigheid as dié vermeld in genoemde beperkings nie, maar sodanige registrasie nie verleen word nie behalwe op voorwaarde dat—
- (i) die vereniging skriftelik onderneem om binne vyf jaar na sodanige registrasie sy aandeelhouing in die versekeraar, met inagneming van die voorbehoudsbepaling by paragraaf (b), tot die perk vermeld in paragraaf (a) te verminder; en
 - (ii) indien die onderneming nie nagekom word nie, die registrasie van die versekeraar ten opsigte van sodanige ander versekeringsbesigheid verval.”.

Invocging van
artikel 23A in
Wet 24 van 1965.

14. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg: 40

“Ongewenste 23A. (1) 'n Vereniging—
praktyke.

- (a) doen nie 'n transaksie as ongeopenbaarde prinsipaal of op enige ander wyse anders as in sy eie naam nie;
- (b) hou al sy bates in sy eie naam, uitgesonderd enige bate—
 - (i) wat *bona fide* verhipotekeer is om 'n werklike of potensiele verpligting te verseker; of
 - (ii) ten opsigte waarvan die registrateur skriftelik goedgekeur het dat dit in die naam van 'n ander persoon gehou mag word;
- (c) toon nie in sy jaarlikse rekenings beoog in artikel 35 of in enige opgawe bedoel in artikel 34A (1) (c) enige bedrag aan wat die koste van organisasie of uitbreiding of die aankoop van 'n saak of 'n verlies (met inbegrip van 'n verlies wat by die verkoop van 'n bate ontstaan) of oninbare skulde verteenwoordig, as 'n bate aan nie;
- (d) mag nie alvorens voorsiening vir die items bedoel in paragraaf (c) gemaak is—
 - (i) enige tak of verdere tak open nie;
 - (ii) enige agentskap of verdere agentskap verleen nie; of
 - (iii) dividende op sy aandeel betaal nie;
- (e) waarborg nie die betaling van 'n bedrag wat een persoon aan 'n ander verskuldig is nie, behalwe—

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further shares in such insurer shall be acquired by the society or any associate of the society: Provided that if such society intends reducing its shareholding in such insurer, it shall effect such reduction by offering the shares in question in the first instance to its members in accordance with a basis approved by the registrar.

(c) Notwithstanding the substitution of subsection (1) (m) by section 13 (h) of the Mutual Building Societies Amendment Act, 1986, restrictions which were specified in subparagraphs (i) to (v) of that subsection prior to the said substitution shall remain applicable with respect to any insurer in which a society holds shares in terms of paragraph (b) of this subsection exceeding the limit specified in paragraph (a) of this subsection, for as long as the said shareholding exceeds the said limit: Provided that this paragraph shall not be construed so as to prevent such insurer from applying in accordance with the Insurance Act, 1943 (Act No. 27 of 1943), to the Registrar of Insurance for registration in respect of other insurance business than the business specified in the said restrictions, but such registration shall not be granted other than on condition that—

(i) the society undertakes in writing to reduce within five years after such registration and with due regard to the proviso to paragraph (b), its shareholding in such insurer to the limit specified in paragraph (a); and

(ii) if such undertaking is not honoured the registration of such insurer in respect of such other insurance business shall lapse.”

14. The following section is hereby inserted in the principal Act after section 23:

Insertion of section 23A in Act 24 of 1965.

“Undesirable practices.

23A. (1) A society—

(a) shall not effect any transaction as an undisclosed principal or in any other manner otherwise than in its own name;

(b) shall hold all its assets in its own name, excluding any asset—

(i) *bona fide* hypothecated to secure an actual or potential liability; or

(ii) in respect of which the registrar has approved in writing that it may be held in the name of another person;

(c) shall not show in its annual accounts contemplated in section 35 or in any return referred to in section 34A (1) (c) as an asset any amount representing the cost of organization or extension or the purchase of a business or a loss (including a loss originating from the sale of an asset) or bad debts;

(d) shall not before provision has been made for the items referred to in paragraph (c)—

(i) open any branch or any further branch;

(ii) grant any agency or any further agency; or

(iii) pay out dividends on its shares;

(e) shall not guarantee the payment of any amount owing by one person to another, except—

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- (i) ooreenkomstig 'n versoek deur 'n persoon aan wie die vereniging die betaling van 'n voorskot goedgekeur het, om die bedrag of 'n gedeelte van die bedrag van die voorskot aan 'n bepaalde persoon te betaal; 5
- (ii) ooreenkomstig 'n versoek deur 'n deposant om die bedrag of 'n gedeelte van die bedrag van 'n deposito wat hy by die vereniging belê het aan 'n bepaalde persoon te betaal; of 10
- (iii) in omstandighede deur die registrateur in die algemeen bepaal as omstandighede waarin sodanige waarborge deur verenigings verstrek kan word; 15
- (f) aanvaar nie 'n waardasie van stedelike vaste eiendom, of 'n reg op stedelike vaste eiendom, vir die doeleindes van 'n behuisings- of besigheidsvoorskot nie tensy daardie waardasie uitgevoer is deur 'n persoon wat die vereniging op redelike gronde glo die nodige kundigheid het; of 20
- (g) verrig nie enige ander handeling wat die Minister by kennisgewing in die *Staatskoerant* tot 'n ongewenste praktyk vir die doeleindes van hierdie Wet verklaar het nie. 25
- (2) 'n Kennisgewing kragtens subartikel (1) (g) tree in werking op 'n datum in die kennisgewing vermeld, wat nie 'n datum binne 21 dae na publikasie van die kennisgewing mag wees nie."

Wysiging van
artikel 25 van
Wet 24 van 1965.

15. Artikel 25 van die Hoofwet word hierby gewysig— 30

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

"(1) 'n Vereniging kan, met die goedkeuring van die registrateur, by spesiale besluit sy naam verander."

- (b) deur na subartikel (1) die volgende subartikels in te voeg: 35

"(1A) 'n Aansoek om die registrateur se goedkeuring ingevolge subartikel (1) moet by die registrateur gedoen word voordat die voorgestelde spesiale besluit waarby die verandering gemagtig word aan 'n algemene vergadering van lede van die vereniging voorgelê word, en so 'n aansoek gaan vergesel van— 40

- (a) twee afskrifte van die voorgestelde spesiale besluit; en

(b) 'n verduideliking van die redes vir die besluit. 45
(1B) Die registrateur staan nie 'n aansoek bedoel in subartikel (1A) toe nie indien hy van oordeel is dat die voorgestelde naam—

- (a) dieselfde is as die naam van 'n ander vereniging of 'n bouvereniging geregistreer ingevolge die Wet op 50
Bouverenigings, 1986;

- (b) soveel met die naam van 'n vereniging of so 'n bouvereniging ooreenstem dat die een waarskynlik met die ander verwar sal word;

- (c) dieselfde is as die naam waaronder 'n ander vereniging of so 'n bouvereniging voorheen geregistreer was en dat daar redelike grond vir beswaar teen die gebruik van daardie naam deur die appli- 55
kant bestaan; of

- (d) waarskynlik die publiek sal mislei."; en 60

- (c) deur subartikel (6) te skrap.

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- 5 (i) in accordance with a request by a person to whom the society has approved the payment of an advance, to pay the amount or portion of the amount of the advance to a particular person;
- (ii) in accordance with a request by a depositor to pay the amount or a portion of the amount of a deposit which he has invested with the society to a particular person; or
- 10 (iii) in circumstances determined by the registrar in general to be circumstances in which societies may give such guarantees;
- 15 (f) shall not accept any valuation of urban immovable property, or of any right to urban immovable property, for the purposes of a housing or business advance unless that valuation is carried out by a person who the society on reasonable grounds believes has the necessary knowledge; or
- 20 (g) shall not perform any other act declared by the Minister by notice in the *Gazette* to be an undesirable practice for the purposes of this Act.
- 25 (2) A notice under subsection (1) (g) shall come into operation on a date specified in the notice, which shall not be a date within 21 days after publication of the notice."

15. Section 25 of the principal Act is hereby amended—

Amendment of
section 25 of
Act 24 of 1965.

- (a) by the substitution for subsection (1) of the following subsection:
- 30 "(1) A society may, with the approval of the registrar, by special resolution change its name.";
- (b) by the insertion after subsection (1) of the following subsections:
- 35 "(1A) Any application for the registrar's approval in terms of subsection (1) shall be lodged with the registrar before the proposed special resolution authorizing such change is laid before a general meeting of members of the society, and any such application shall be accompanied by—
- 40 (a) two copies of such proposed special resolution; and
- (b) an explanation of the reasons for the resolution.
- (1B) The registrar shall not grant any application referred to in subsection (1A) if he is of the opinion that the proposed name—
- 45 (a) is identical to the name of any other society or a building society registered in terms of the Building Societies Act, 1986;
- 50 (b) so closely resembles the name of any other society or such a building society that the one is likely to be mistaken for the other;
- (c) is identical to the name under which any other society or any such building society was previously registered and that reasonable ground for objection against the use of that name by the applicant exists; or
- 55 (d) will probably mislead the public."; and
- (c) by the deletion of subsection (6).

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Herroeping van artikel 26 van Wet 24 van 1965, soos gewysig deur artikel 6 van Wet 64 van 1968, artikel 7 van Wet 23 van 1970, artikel 18 van Wet 91 van 1972, artikel 6 van Wet 67 van 1973, artikel 25 van Wet 80 van 1978, artikel 33 van Wet 103 van 1979 en artikel 35 van Wet 86 van 1984.

16. Artikel 26 van die Hoofwet word hierby herroep.

Wysiging van artikel 27 van Wet 24 van 1965.

17. Artikel 27 van die Hoofwet word hierby gewysig deur sub-artikel (3) te skrap.

Wysiging van artikel 28 van Wet 24 van 1965, soos gewysig deur artikel 3 van Wet 99 van 1967, artikel 7 van Wet 64 van 1968, artikel 8 van Wet 23 van 1970, artikel 7 van Wet 67 van 1973, artikel 52 van Wet 99 van 1980 en artikel 26 van Wet 36 van 1981.

18. Artikel 28 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (6) deur die volgende paragraaf te 5 vervang:

“(e) in die geval van ’n aandeel wat as kollaterale sekerheid aan die vereniging of ’n ander vereniging of ’n bouvereniging geregistreer ingevolge die Wet op Bouverenigings, 1986, gesedeer is; of”.

10

Wysiging van artikel 29 van Wet 24 van 1965, soos gewysig deur artikel 8 van Wet 64 van 1968, artikel 2 van Wet 91 van 1969, artikel 26 van Wet 80 van 1978, artikel 20 van Wet 46 van 1984 en artikel 38 van Wet 106 van 1985.

19. Artikel 29 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) onderworpe aan die bepalings van artikels **[38] 49B tot en met [46] 49K**, in voorskotte en hervoor- 15 skotte aan lede en ander persone **[teen sekerheid van ’n verminderbare of vastetermyn-verband op stedelike vaste eiendom]**;

(b) deur paragraaf (b) te skrap;

(c) deur paragraaf (d) deur die volgende paragraaf te ver- 20 vang:

“(d) in aandeel van ’n **[versekeringsmaatskappy opgerig kragtens]** geregistreerde versekeraar ooreenkomstig artikel 22 (1) (m);”;

(d) deur paragraaf (e) deur die volgende paragraaf te ver- 25 vang:

“(e) in die geval van ’n tydelike vereniging, in deposito’s by **[geregistreerde]** permanente verenigings, bouverenigings finaal geregistreer ingevolge die Wet op Bouverenigings, 1986, of bankinstellings 30 wat anders as voorlopig geregistreer is kragtens die Bankwet, 1965;”;

(e) deur paragraaf (eA) deur die volgende paragraaf te vervang:

“(eA) in aandeel van en lenings aan ’n maatskappy wat 35 in artikel 22 (1) (a) (iii), **[of] (mB) of (mF)** bedoel word of wat kragtens artikel 22 (1) **(mB) of (mF)** opgerig is;”.

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16. Section 26 of the principal Act is hereby repealed.

Repeal of section 26 of Act 24 of 1965, as amended by section 6 of Act 64 of 1968, section 7 of Act 23 of 1970, section 18 of Act 91 of 1972, section 6 of Act 67 of 1973, section 25 of Act 80 of 1978, section 33 of Act 103 of 1979 and section 35 of Act 86 of 1984.

17. Section 27 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of section 27 of Act 24 of 1965.

18. Section 28 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (6) of the following paragraph:

Amendment of section 28 of Act 24 of 1965, as amended by section 3 of Act 99 of 1967, section 7 of Act 64 of 1968, section 8 of Act 23 of 1970, section 7 of Act 67 of 1973, section 52 of Act 99 of 1980 and section 26 of Act 36 of 1981.

“(e) in the case of a share ceded as collateral security to the society or another society or a building society registered in terms of the Building Societies Act, 1986; or”.

10 19. Section 29 of the principal Act is hereby amended—

Amendment of section 29 of Act 24 of 1965, as amended by section 8 of Act 64 of 1968, section 2 of Act 91 of 1969, section 26 of Act 80 of 1978, section 20 of Act 46 of 1984 and section 38 of Act 106 of 1985.

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) subject to the provisions of sections **[38] 49B** to **[46] 49K**, inclusive, in advances or re-advances to members and other persons **[on the security of a reducible or fixed term mortgage of urban immovable property];**”;

(b) by the deletion of paragraph (b);

(c) by the substitution for paragraph (d) of the following paragraph:

“(d) in shares of any **[insurance company established in terms of] registered insurer in accordance with section 22 (1) (m);**”;

(d) by the substitution for paragraph (e) of the following paragraph:

“(e) in the case of a terminating society, on deposit with **[registered] permanent societies, building societies finally registered in terms of the Building Societies Act, 1986**, or banking institutions registered otherwise than provisionally under the Banks Act, 1965;”;

(e) by the substitution for paragraph (eA) of the following paragraph:

“(eA) in shares of and loans to any company referred to in section 22 (1) (a) (iii), **[or] (mB) or (mF)**, or established under section 22 (1) (mB) **or (mF)**;”.

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WYSIGINGSWET OP ONDERLINGE BOUVERENIGINGS, 1986

Vervanging van
artikel 30 van
Wet 24 van 1965.

20. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

"Minimum
onaangetaste
reserwes.

- 30. (1) 'n Permanente vereniging moet sy sake so**
bestuur dat sy onaangetaste reserwes op geen tydstip
gedurende die een of ander kwartaal minder bedra 5
nie as die grootste van—
(a) R1 000 000; of
(b) 4 persent van sy verpligtings soos op die laaste
besigheidsdag van die vorige kwartaal of, indien
die opgawes ingevolge artikel 34A (1) (b) en (c) 10
nog nie op daardie bepaalde tydstip ten opsigte
van bedoelde vorige kwartaal volgens voorskrif
van artikel 71A gesertifiseer is nie, soos op die
laaste besigheidsdag van die voorlaaste kwar- 15
taal.
(2) (a) 'n Vereniging se onaangetaste reserwes
word vir die doeleindes van subartikel (1) bere-
ken deur van die bedrag daarvan af te trek—
(i) waardevermindering van bates en oninbare 20
of twyfelagtige skulde;
(ii) bedryfs- en opgehoopte verliese, met inbe-
grip van opgehoopte waardevermindering
en oninbare skulde wat nog nie afgeskryf is
nie; 25
(iii) oprigtingskoste, koste ten opsigte van orga-
nisasie en uitbreiding van besigheid en die
aankoop van 'n saak en klandisiewaarde en
onderskrywingskommissie; en
(iv) die waarde van bates wat gedeponeer of 30
verpand is om verpligtings wat ingevolge 'n
ander wetsbepaling aangegaan is, te verse-
ker, waar al die aldus versekerde verplig-
tings, met inbegrip van voorwaardelike ver-
pligtings, nie by die berekening ingesluit is
nie en so 'n deponering of verpanding die 35
uitwerking het dat daardie bates nie beskik-
baar is vir die nakoming van die vereniging
se verpligtings ingevolge hierdie Wet nie.
(b) 'n Vereniging moet ten genoeë van sy ouditeur
en die registrator voorsiening in sy aanteken- 40
inge bedoel in artikel 23 maak vir die items ge-
noem in subparagrafe (i) tot (iv) van paragraaf
(a) van hierdie subartikel en moet die onder-
skeie bedrae daarvan kwartaalliks bepaal, be-
halwe die item genoem in subparagraaf (i), 45
waarvan die bedrag jaarliks bepaal moet word.
(3) Die verpligtings van 'n vereniging word vir die
doeleindes van paragraaf (b) van subartikel (1) bere-
ken deur van die bedrag daarvan af te trek—
(a) die bedrag waarmee sy likwiede bates die bedrag 50
wat ingevolge artikel 31 vereis word op die toe-
paslike laaste besigheidsdag oorskry;
(b) die bedrag wat op die toepaslike laaste be-
sigheidsdag aan hom verskuldig is ten opsigte
van algemene voorskotte deur hom toegestaan 55
teen sekerheid van vaste deposito's wat by hom
belê is of aandele wat deur hom uitgereik is; en
(c) die bedrag wat sy onbepaalde aandeelkapitaal
ingevolge artikel 30B op die toepaslike laaste
besigheidsdag minstens moet bedra." 60

Invoeging van
artikels 30A
en 30B in
Wet 24 van 1965.

**21. Die volgende artikels word hierby in die Hoofwet na arti-
kel 30 ingevoeg:**

"Opskorting
van artikel
30.

- 30A. (1) 'n Permanente vereniging wat by die in-
werkingtreding van die Wysigingswet op Onderlinge
Bouverenigings, 1986, bestaan of na daardie inwer- 65
kingtreding geregistreer word, is nie gebind om aan**

MUTUAL BUILDING SOCIETIES AMENDMENT ACT, 1986

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20. The following section is hereby substituted for section 30 of the principal Act:

Substitution of section 30 of Act 24 of 1965.

- 5 "Minimum unimpaired reserves.
30. (1) A permanent society shall manage its affairs in such a way that its unimpaired reserves do not at any time during any quarter amount to less than the greater of—
- (a) R1 000 000; or
- (b) 4 per cent of its liabilities as at the last business day of the preceding quarter or, if the returns in terms of section 34A (1) (b) and (c) have not yet at that particular time been certified as required by section 71A in respect of the said preceding quarter, as at the last business day of the penultimate quarter.
- 10
- 15 (2) (a) A society's unimpaired reserves shall for the purposes of subsection (1) be calculated by deducting from the amount thereof—
- (i) depreciation of assets and bad or doubtful debts;
- 20 (ii) operating and accumulated losses, including accumulated depreciation and bad debts not yet written off;
- (iii) establishment costs, costs in respect of organization and extension of business and the purchase of a business and goodwill and underwriting commission; and
- 25 (iv) the value of assets lodged or pledged to secure liabilities incurred under any other law where all the liabilities, including contingent liabilities, so secured are not included in the calculation and any such lodging or pledging has the effect that those assets are not available for the purpose of meeting the liabilities of the society in terms of this Act.
- 30
- 35 (b) A society shall to the satisfaction of its auditor and the registrar make provision in its records referred to in section 23 for the items mentioned in subparagraphs (i) to (iv) of paragraph (a) of this subsection and shall determine the respective amounts thereof quarterly, except the item mentioned in subparagraph (i), the amount of which shall be determined annually.
- 40
- (3) The liabilities of a society shall for the purposes of paragraph (b) of subsection (1) be calculated by deducting from the amount thereof—
- 45 (a) the amount by which its liquid assets exceed on the relevant last business day the amount required in the terms of section 31;
- (b) the amount owing to it on the relevant last business day in respect of general advances granted by it against security of fixed deposits invested with it or shares issued by it; and
- 50 (c) the amount which its indefinite share capital shall at least amount to on the relevant last business day in terms of section 30B."
- 55

21. The following sections are hereby inserted in the principal Act after section 30:

Insertion of sections 30A and 30B in Act 24 of 1965.

- 60 "Suspension of section 30.
- 30A. (1) A permanent society existing at the commencement of the Mutual Building Societies Amendment Act, 1986, or registered after that commencement, shall not be bound to comply with the require-

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WYSIGINGSWET OP ONDERLINGE BOUVERENIGINGS, 1986

die voorskrifte van artikel 30, soos vervang deur daardie Wysigingswet, te voldoen nie—

- (a) vir die tydperk wat eindig op die laaste besigheidsdag van die tweede volle kwartaal na bedoelde inwerkingtreding of na sy registrasie, na gelang van die geval; 5
- (b) vir die verdere tydperk na verstryking van die tydperk in paragraaf (a) bedoel wat vermeld word in 'n skema deur die registrateur kragtens subartikel (2) ten opsigte van daardie vereniging goedgekeur. 10

(2) Indien 'n permanente vereniging nie in staat is om by verstryking van die tydperk in paragraaf (a) van subartikel (1) bedoel aan die voorskrifte van genoemde artikel 30 te voldoen nie, moet hy 'n skema aan die registrateur voorlê waarin hy die stappe uiteensit wat hy voorstel om te doen om binne 'n bepaalde tydperk maar hoogstens 10 jaar gereken, in die geval van 'n vereniging wat bestaan by die inwerkingtreding van genoemde Wysigingswet, vanaf die datum van daardie inwerkingtreding, of, in die geval van 'n vereniging na daardie inwerkingtreding voorlopig geregistreer, vanaf die datum van sy voorlopige registrasie, aan genoemde voorskrifte te voldoen. 15 20

(3) Die registrateur kan 'n skema ingevolge subartikel (2) aan hom voorgelê, na goeddunke goedkeur of verwerp of na die vereniging terugverwys met voorstelle vir die wysiging daarvan alvorens hy dit goedkeur. 25

Minimum
onbepaalde
aandeel-
kapitaal.

30B. 'n Permanente vereniging moet sy sake so bestuur dat sy onbepaalde aandelekapitaal op geen tyd- 30
stip gedurende die een of ander kwartaal minder bedra nie as vyf persent van sy verpligtings soos op die laaste besigheidsdag van die vorige kwartaal of, indien die opgawe ingevolge artikel 34A (1) (b) of 35
(c) nog nie op daardie betrokke tydstip ten opsigte van bedoelde vorige kwartaal volgens voorskrif van artikel 71A gesertifiseer is nie, soos op die laaste besigheidsdag van die voorlaaste kwartaal.”.

Vervanging van
artikel 31 van
Wet 24 van 1965,
soos gewysig deur
artikel 9 van
Wet 64 van 1968
en artikel 27 van
Wet 80 van 1978.

22. Artikel 31 van die Hoofwet word hierby deur die volgende 40
artikel vervang:

“Minimum
likwiede
bates.

31. (1) 'n Permanente vereniging moet likwiede 45
bates in die Republiek aanhou wat in waarde op geen tydstip gedurende 'n maand minder bedra nie as 'n bedrag gelykstaande met die som van—

- (a) 20 persent van sy korttermynverpligtings; 45
 - (b) 15 persent van sy middeltermynverpligtings; en
 - (c) 5 persent van sy langtermynverpligtings, 50
- soos op die laaste besigheidsdag van die vorige maand of, indien die opgawe ingevolge artikel 34 nog nie op daardie bepaalde tydstip ten opsigte van bedoelde vorige maand volgens voorskrif van artikel 71A gesertifiseer is nie, soos op die laaste besigheidsdag van die voorlaaste maand.

(2) Die korttermyn-, middeltermyn- en langtermynverpligtings van 'n vereniging word vir die doeleindes van paragrafe (a), (b) en (c) van subartikel (1) bereken deur van die onderskeie bedrae daarvan af te trek— 55

- (a) in die geval van korttermynverpligtings, die bedrae soos op die toepaslike laaste besigheidsdag aan hom verskuldig— 60

- (i) ten opsigte van algemene voorskotte deur hom toegestaan teen sekerheid van vaste deposito's by hom belê in soverre so 'n vaste deposito 'n korttermynverpligting vir hom is; of 65

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ments of section 30, as substituted by that Amendment Act—

5 (a) for the period terminating on the last business day of the second full quarter after the said commencement or after its registration, as the case may be;

10 (b) for such further period after the expiry of the period referred to in paragraph (a) as may be specified in a scheme approved by the registrar under subsection (2) in respect of that society.

15 (2) If a permanent society is upon the expiry of the period referred to in paragraph (a) of subsection (1) unable to comply with the requirements of the said section 30, it shall submit a scheme to the registrar in which it sets out the steps which it proposes to take within a fixed period, but not exceeding 10 years calculated, in the case of a society existing at the commencement of the said Amendment Act, from the date of that commencement, or, in the case of a society provisionally registered after that commencement, from the date of its provisional registration, to comply with the said requirements.

25 (3) The registrar may at his discretion approve or reject a scheme submitted to him in terms of subsection (2) or refer it back to the society with proposals for the amendment thereof before he approves it.

Minimum
indefinite
share capital.

30 **30B.** A permanent society shall manage its affairs in such a way that its indefinite share capital does not at any time during any quarter amount to less than five per cent of its liabilities as at the last business day of the preceding quarter or, if the return in terms of section 34A (1) (b) or (c) has not yet at that particular time been certified as required by section 71A in respect of the said preceding quarter, as at the last business day of the penultimate quarter.”

22. The following section is hereby substituted for section 31 of the principal Act:

“Minimum
liquid assets.

40 **31. (1)** A permanent society shall hold in the public liquid assets to a value which does not at any time during any month amount to less than an amount equal to the sum of—

45 (a) 20 per cent of its short-term liabilities;
(b) 15 per cent of its medium-term liabilities; and
(c) 5 per cent of its long-term liabilities,
as at the last business day of the preceding month or, if the return in terms of section 34 has not yet at that particular time been certified as required by section 71A in respect of the said preceding month, as at the last business day of the penultimate month.

50 (2) The short-term, medium-term and long-term liabilities of a society shall for the purposes of paragraphs (a), (b) and (c) of subsection (1) be calculated by deducting from the respective amounts thereof—

55 (a) in the case of short-term liabilities, the amounts owing to it as at the relevant last business day—

(i) in respect of general advances granted by it against security of fixed deposits invested with it in so far as any such fixed deposit is a short-term liability for it; or

Substitution of
section 31 of
Act 24 of 1965,
as amended by
section 9 of
Act 64 of 1968
and section 27 of
Act 80 of 1978.

- (ii) deur 'n bank, 'n ander vereniging of 'n bouvereniging geregistreer ingevolge die Wet op Bouverenigings, 1986, in soverre so 'n verskuldigde bedrag 'n korttermynverpligting vir die betrokke bank, ander vereniging of bouvereniging is, uitgesonderd, in die geval van 'n bank, onmiddellik opeisbare deposito's by die bank; 5
- (b) in die geval van middeltermynverpligtings, die bedrae soos op die toepaslike laaste besigheidsdag aan hom verskuldig— 10
- (i) ten opsigte van algemene voorskotte deur hom toegestaan teen sekerheid van vaste deposito's by hom belê in soverre so 'n vaste deposito 'n middeltermynverpligting vir hom is; of 15
- (ii) deur 'n bank, 'n ander vereniging of so 'n bouvereniging in soverre so 'n verskuldigde bedrag 'n middeltermynverpligting vir die betrokke bank, ander vereniging of bouvereniging is; 20
- (c) in die geval van langtermynverpligtings, die bedrag wat sy onbepaalde aandeelkapitaal ingevolge artikel 30B op die toepaslike laaste besigheidsdag minstens moet bedra, asook die bedrae soos op daardie dag aan hom verskuldig— 25
- (i) ten opsigte van algemene voorskotte deur hom toegestaan teen sekerheid van vaste deposito's by hom belê in soverre so 'n vaste deposito 'n langtermynverpligting vir hom is; of 30
- (ii) deur 'n bank, 'n ander vereniging of so 'n bouvereniging in soverre so 'n verskuldigde bedrag 'n langtermynverpligting vir die betrokke bank, ander vereniging of bouvereniging is. 35
- (3) (a) 'n Vereniging verpand of beswaar nie enige deel van sy likwiede bates wat hy volgens voorskrif van subartikel (1) aanhou nie. 40
- (b) Die registrateur kan, indien hy dit nodig ag op grond van buitengewone omstandighede waarin 'n vereniging homself mag bevind, die vereniging van die verbod vervat in paragraaf (a) onthef op die voorwaardes en in dié mate en vir die tydperk wat hy bepaal. 45
- (4) By die toepassing van hierdie artikel beteken "vaste deposito" ook 'n belegging in aandele deur die betrokke vereniging kragtens artikel 28 uitgereik." 50

Invoeging van artikels 32, 32A, 32B, 32C en 32D in Wet 24 van 1965.

23. Die volgende artikels word hierby in die Hoofwet na artikel 31 ingevoeg:

"Minimum reserwesaldo.

32. (1) 'n Permanente vereniging moet 'n rekening by die Reserwebank open waarin hy van tyd tot tyd minstens die bedrae moet stort ten einde aan subartikel (2) te voldoen en waaruit hy, behoudens daardie subartikel, van tyd tot tyd bedrae kan onttrek. 55
- (2) Die kredietsaldo in 'n rekening deur 'n vereniging ingevolge subartikel (1) geopen, mag op geen tydstip gedurende 'n maand minder bedra nie as 'n bedrag gelykstaande met die som van— 60
- (a) 8 persent (of die ander persentasie kragtens subartikel (4) vasgestel) van sy korttermynverpligtings; en
- (b) 4 persent (of die ander persentasie aldus vasgestel) van sy middeltermynverpligtings, 65

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- (ii) by a bank, another society or a building society registered in terms of the Building Societies Act, 1986, in so far as any such amount owed is a short-term liability for the bank, other society or building society concerned, excluding, in the case of a bank, deposits with the bank withdrawable on demand;
- (b) in the case of medium-term liabilities, the amounts owing to it as at the relevant last business day—
- (i) in respect of general advances granted by it against security of fixed deposits invested with it in so far as any such fixed deposit is a medium-term liability for it; or
- (ii) by a bank, another society or such a building society in so far as any such amount owed is a medium-term liability for the bank, other society or building society concerned;
- (c) in the case of long-term liabilities, the amount which its indefinite share capital shall at least amount to on the relevant last business day in terms of section 30B, and also the amounts owing to it as at that day—
- (i) in respect of general advances granted by it against security of fixed deposits invested with it in so far as any such fixed deposit is a long-term liability for it; or
- (ii) by a bank, another society or such a building society in so far as any such amount owed is a long-term liability for the bank, other society or building society concerned.
- (3) (a) A society shall not pledge or encumber any portion of its liquid assets held by it as required by subsection (1).
- (b) The registrar may, if he deems it necessary on account of any special circumstances in which a society may find itself, exempt the society from the prohibition contained in paragraph (a) on such conditions and to such extent and for such period as he may determine.
- (4) For the purposes of this section 'fixed deposit' shall include an investment in shares issued by the society concerned under section 28."

23. The following sections are hereby inserted in the principal Act after section 31:

"Minimum reserve balance.

32. (1) A permanent society shall open an account with the Reserve Bank into which it shall from time to time deposit at least such amounts as may be necessary to comply with subsection (2) and from which it may, subject to that subsection, from time to time withdraw amounts.
- (2) The credit balance in an account opened by a society in terms of subsection (1) may at no time during any month amount to less than an amount equal to the sum of—
- (a) 8 per cent (or such other percentage as may be fixed under subsection (4)) of its short-term liabilities; and
- (b) 4 per cent (or such other percentage as may be so fixed) of its medium-term liabilities,

Insertion of sections 32, 32A, 32B, 32C and 32D in Act 24 of 1965.

soos op die laaste besigheidsdag van die vorige maand of, indien die opgawe ingevolge artikel 34 nog nie op daardie bepaalde tydstip ten opsigte van bedoelde vorige maand volgens voorskrif van artikel 71A gesertifiseer is nie, soos op die laaste besigheidsdag van die voorlaaste maand, min die bedrag wat die vereniging in totaal aan Reserwebanknote, pasmunt en goudmunt op die laaste besigheidsdag van bedoelde vorige of voorlaaste maand, na gelang van die geval, voorhande gehad het.

(3) Die korttermyn- en middeltermynverpligtings van 'n vereniging word vir die doeleindes van paragrafe (a) en (b) van subartikel (2) bereken deur van die onderskeie bedrae daarvan af te trek—

(a) in die geval van korttermynverpligtings, die bedrae soos op die toepaslike laaste besigheidsdag aan hom verskuldig—

(i) ten opsigte van algemene voorskotte deur hom toegestaan teen sekerheid van vaste deposito's by hom belê in soverre so 'n vaste deposito 'n korttermynverpligting vir hom is; of

(ii) deur 'n bank, 'n ander vereniging of 'n bouvereniging geregistreer ingevolge die Wet op Bouverenigings, 1986, in soverre so 'n verskuldigde bedrag 'n korttermynverpligting vir die betrokke bank, ander vereniging of bouvereniging is;

(b) in die geval van middeltermynverpligtings, die bedrae soos op die toepaslike laaste besigheidsdag aan hom verskuldig—

(i) ten opsigte van algemene voorskotte deur hom toegestaan teen sekerheid van vaste deposito's by hom belê in soverre so 'n vaste deposito 'n middeltermynverpligting vir hom is; of

(ii) deur 'n bank, 'n ander vereniging of so 'n bouvereniging in soverre so 'n verskuldigde bedrag 'n middeltermynverpligting vir die betrokke bank, ander vereniging of bouvereniging is.

(4) (a) Wanneer die President van die Reserwebank, met die instemming van die Minister, dit in die nasionale ekonomiese belang wenslik ag, kan hy bepaal dat die in paragrafe (a) en (b) van subartikel (e) vermelde persentasies verhoog of verlaag word.

(b) Wanneer die President van die Reserwebank kragtens paragraaf (a) 'n bepaling gemaak het, stel hy die registrateur skriftelik daarvan in kennis, en die registrateur moet so gou doenlik elke vereniging skriftelik van die bepaling in kennis stel en die bepaling by kennisgewing in die *Staatskoerant* laat afkondig.

(c) So 'n bepaling word van krag op 'n datum vermeld in die kennisgewing waarby die bepaling ingevolge paragraaf (b) in die *Staatskoerant* afgekondig word.

(5) By die toepassing van hierdie artikel beteken 'vaste deposito' ook 'n belegging in aandele deur die betrokke vereniging kragtens artikel 28 uitgereik.

Handhawing
van gedekte
posisie.

32A. 'n Permanente vereniging moet sy sake so bestuur—

(a) dat die bedrag van sy onversekerde verpligtings, saam met die bedrag wat sy onaangetaste reserwes ingevolge artikel 30 (1) minstens moet bedra, op geen tydstip die waarde van sy onbeswaarde bates oorskry nie;

(b) dat die bedrag van sy onversekerde verpligtings wat in die betaalmiddel van die Republiek be-

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as at the last business day of the preceding month or, if the return in terms of section 34 has not yet at that particular time been certified as required by section 71A in respect of the said preceding month, as at the last business day of the penultimate month, less the total amount held by the society in Reserve Bank notes, subsidiary coin and gold coin as at the last business day of such preceding or penultimate month, as the case may be.

(3) The short-term and medium-term liabilities of a society shall for the purposes of paragraphs (a) and (b) of subsection (2) be calculated by deducting from the respective amounts thereof—

(a) in the case of short-term liabilities, the amounts owing to it as at the relevant last business day—

(i) in respect of general advances granted by it against security of fixed deposits invested with it in so far as any such fixed deposit is a short-term liability for it; or

(ii) by a bank, another society or a building society registered in terms of the Building Societies Act, 1986, in so far as any such amount owed is a short-term liability for the bank, other society or building society concerned;

(b) in the case of medium-term liabilities, the amounts owing to it as at the relevant last business day—

(i) in respect of general advances granted by it against security of fixed deposits invested with it in so far as any such fixed deposit is a medium-term liability for it; or

(ii) by a bank, another society or such a building society in so far as any such amount owed is a medium-term liability for the bank, other society or building society concerned.

(4) (a) Whenever the Governor of the Reserve Bank, with the consent of the Minister, deems it desirable in the national economic interest, he may determine that the percentages mentioned in paragraph (a) and (b) of subsection (2) shall be increased or decreased.

(b) Whenever the Governor of the Reserve Bank has made a determination under paragraph (a), he shall inform the registrar thereof in writing, and the registrar shall as soon as practical give written notice of the determination to every society and cause the determination to be published by notice in the *Gazette*.

(c) Any such determination shall take effect on a date mentioned in the notice whereby the determination in terms of paragraph (b) is promulgated in the *Gazette*.

(5) For the purposes of this section 'fixed deposit' shall include an investment in shares issued by the society concerned under section 28.

Maintenance
of covered
position.

32A. A permanent society shall manage its affairs in such a way—

(a) that the amount of its unsecured liabilities, together with the amount which its unimpaired reserves shall at least amount to in terms of section 30 (1) does not at any time exceed the value of its unencumbered assets;

(b) that the amount of its unsecured liabilities payable in the currency of the Republic, together

taalbaar is, saam met die bedrag wat sy onaan-
getaste reserwes ingevolge artikel 30 (1) min-
stens moet bedra, op geen tydstip die waarde
van sy onbeswaarde bates wat in die Republiek
geleë of, in die geval van sodanige bates wat uit
vorderingsregte bestaan, wat in die betaalmiddel
van die Republiek betaalbaar is, oorskry nie.

Versuim of
onvermoë om
aan sekere
bepalings te
voldoen.

32B. (1) Indien 'n permanente vereniging versuim
om aan 'n bepaling van artikel 30, 30B, 31, 32 of
32A of van 'n skema bedoel in artikel 30A wat deur
die registrateur goedgekeur is, te voldoen of nie in
staat is om aan so 'n bepaling te voldoen nie, moet
hy sy versuim of onvermoë onverwyld skriftelik aan
die registrateur rapporteer, met vermelding van die
redes vir sodanige versuim of onvermoë.

(2) Die registrateur kan sonder meer teen 'n ver-
eniging bedoel in subartikel (1) kragtens hierdie Wet
optree of, indien hy dit in die omstandighede goed-
vind, die versuim of onvermoë kondoneer en die
vereniging 'n geleentheid gee om behoudens die
voorwaardes wat die registrateur bepaal, binne 'n be-
paalde tydperk aan die betrokke bepaling te vol-
doen.

(3) Ongeag of enige strafregtelike stappe ingevolge
hierdie Wet ten opsigte van 'n versuim of onvermoë
in subartikel (1) bedoel teen 'n vereniging gedoen is
of gedoen kan word, kan die registrateur behoudens
enige kondonasie kragtens subartikel (2) ten opsigte
van so 'n versuim of onvermoë verleen, daardie ver-
eniging by wyse van 'n skriftelike kennisgewing 'n
boete ten opsigte van die versuim of onvermoë
oplê—

(a) in die geval van 'n versuim of onvermoë om aan
die voorskrifte van artikel 30, 30B, 31 of 32 of
van 'n skema bedoel in artikel 30A te voldoen,
van hoogstens een tiende van een persent van
die bedrag van die tekort; of

(b) in die geval van 'n versuim of onvermoë om aan
die voorskrifte van artikel 32A te voldoen, van
hoogstens een tiende van een persent van die
bedrag van die oorskryding,

vir elke dag waarop die versuim of onvermoë voort-
duur.

(4) 'n Boete kragtens subartikel (3) opgelê, moet
aan die registrateur betaal word binne die tydperk in
die kennisgewing vermeld, en indien die betrokke
vereniging versuim om die boete binne die vermelde
tydperk te betaal, kan die registrateur die bedrag van
die boete of die gedeelte daarvan wat hy onder die
omstandighede regverdig ag, by wyse van 'n siviele
aksie in 'n bevoegde hof op die betrokke vereniging
verhaal.

Beperking op
beleggings in
vaste eien-
dom en
aandeel en op
lenings en
voorskotte
aan sekere
maatskappye.

32C. (1) 'n Permanente vereniging wat geld in on-
roerende eiendom of aandeel belê of aan 'n maat-
skappy bedoel in artikel 22 (1) (a) (iii) of (mB) geld
leen of voorskiet, moet sy transaksies in sodanige be-
leggings, lenings of voorskotte so reël dat die som
van die bedrae—

(a) deur hom in onroerende eiendom belê, bereken
teen die boekwaarde daarvan;

(b) deur hom in aandeel belê (uitgesonderd voor-
keuraandeel wat nie in gewone aandeel omskep-
baar is nie), bereken teen die prys waarteen
hulle verkry is; en

(c) aan hom deur so 'n maatskappy verskuldig ten
opsigte van 'n lening of voorskot deur hom toe-
gestaan,

op geen tydstip die bedrag van sy onaangetaste re-
serwes oorskry nie.

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with the amount which its unimpaired reserves shall at least amount to in terms of section 30 (1) does not at any time exceed the value of its unencumbered assets situated in the Republic or, in the case of such assets consisting of claims, payable in the currency of the Republic.

5

Failure or inability to comply with certain provisions.

10

32B. (1) If a permanent society fails to comply with a provision of section 30, 30B, 31, 32 or 32A or of a scheme referred to in section 30A approved by the registrar, or is unable to comply with any such provision, it shall forthwith report its failure or inability in writing to the registrar, stating the reasons for such failure or inability.

15

(2) The registrar may summarily take action under this Act against a society referred to in subsection (1) or, if he deems it fit under the circumstances, condone the failure or inability and afford the society an opportunity, subject to such conditions as the registrar may determine, to comply with the relevant provision within a specified period.

20

25

(3) Irrespective of whether criminal proceedings in terms of this Act have been or may be instituted against a society in respect of any failure or inability referred to in subsection (1), the registrar may, subject to any condonation granted under subsection (2), by way of a written notice impose upon that society in respect of such failure or inability a fine—

30

(a) in the case of failure or inability to comply with the requirements of section 30, 30B, 31 or 32 or of a scheme referred to in section 30A, not exceeding one-tenth of one per cent of the amount of the shortfall; or

35

(b) in the case of failure or inability to comply with the requirements of section 32A, not exceeding one-tenth of one per cent of the amount of the excess,

for each day on which such failure or inability continues.

40

(4) A fine imposed under subsection (3) shall be paid to the registrar within such period as may be specified in the notice, and if the society concerned omits to pay the fine within the specified period the Registrar may by way of civil action in a competent court recover from such society the amount of the fine or any portion thereof which he may in the circumstances consider justified.

45

Restriction on investments in immovable property and shares and on loans and advances to certain companies.

50

32C. (1) A permanent society investing money in fixed property or shares or lending or advancing money to a company referred to in section 22 (1) (a) (iii) or (mB), shall manage its transactions in such investments, loans or advances in such a way that the sum of the amounts—

55

(a) invested by it in immovable property, taken at the book value thereof;

(b) invested by it in shares (excluding preference shares which are not convertible into ordinary shares), taken at the price at which they were acquired; and

60

(c) owing to it by any such company in respect of a loan or advance granted by it,

does not at any time exceed the amount of its unimpaired reserves.

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(2) Stedelike vaste eiendom of 'n reg oor stedelike vaste eiendom wat by wyse van 'n verband aan 'n vereniging verhipotekeer was en wat deur die vereniging verkry is na aanleiding van die verbandgewer se versuim om aan 'n voorwaarde van die verband te voldoen, word by die toepassing van subartikel (1) (a) vir 'n tydperk van vyf jaar vanaf sodanige verkryging buite rekening gelaat.

(3) Die registrateur kan 'n vereniging van die bepalings van subartikel (1) vrystel op die voorwaardes en in die mate en vir die tydperk wat hy bepaal.

Beperking op beleggings in en lenings en voorskotte aan sekere geassosieerdes.

32D. (1) 'n Permanente vereniging wat geld in skuldbriewe of voorkeuraandeel van enige van sy geassosieerdes, uitgesonderd 'n geassosieerde wat 'n maatskappy bedoel in artikel 22 (1) (a) (iii) of (mB) is, belê of wat geld aan so 'n geassosieerde leen of voorskiet, moet sy transaksies in sodanige beleggings, lenings of voorskotte so reël dat die som van die bedrae—

(a) deur hom in skuldbriewe of voorkeuraandeel van so 'n geassosieerde belê (uitgesonderd skuldbriewe of voorkeuraandeel wat in gewone aandeel omskepbaar is), bereken teen die prys waarteen hulle verkry is; en

(b) aan hom deur so 'n geassosieerde verskuldig ten opsigte van 'n lening of voorskot deur hom toegestaan,

op geen tydstop gedurende 'n kwartaal meer bedra nie as vyf persent van sy verpligtings soos op die laaste besigheidsdag van die vorige kwartaal of, indien die opgawe ingevolge artikel 34A (1) (c) nog nie op daardie bepaalde tydstop ten opsigte van bedoelde vorige kwartaal volgens voorskrif van artikel 71A gesertifiseer is nie, soos op die laaste besigheidsdag van die voorlaaste kwartaal.

(2) Die totaal van die bedrae bedoel in paragrafe (a) en (b) van subartikel (1) word vir die doeleindes van daardie subartikel bereken deur daarvan af te trek die bedrag waarmee die vereniging se onaangestaste reserwes die som van die bedrae bedoel in paragrafe (a), (b) en (c) van subartikel (1) van artikel 32C soos op die toepaslike laaste besigheidsdag oorskry.”

Herroeping van artikel 33 van Wet 24 van 1965.

24. Artikel 33 van die Hoofwet word hierby herroep.

Vervanging van artikel 34 van Wet 24 van 1965, soos gewysig deur artikel 53 van Wet 99 van 1980.

25. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

“Maandelikse opgawes. **34.** 'n Permanente vereniging moet binne 21 dae na die laaste besigheidsdag van elke maand 'n opgawe op die voorgeskrewe vorm aan die registrateur ten opsigte van daardie maand verstrek ten einde die registrateur in staat te stel om te bepaal of die vereniging aan die bepalings van artikels 31 en 32 voldoen.”

Invoeging van artikel 34A in Wet 24 van 1965.

26. Die volgende artikel word hierby in die Hoofwet na artikel 34 ingevoeg:

“Kwartaal-likse opgawes.

34A. (1) 'n Permanente vereniging moet binne 40 dae na die laaste besigheidsdag van elke kwartaal 'n opgawe aan die registrateur op die voorgeskrewe vorm verstrek waarin vermeld word—

(a) ten opsigte van die lopende kwartaal—
(i) die minimum bedrag wat die vereniging ingevolge artikel 49D (1) vir behuisingsvoorskotte moet aanwend of beskikbaar moet hou; en

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5 (2) Urban immovable property or any right to urban immovable property which was mortgaged to a society and which was acquired by the society owing to the mortgagor's failure to comply with a condition under the mortgage shall for the purposes of subsection (1) (a) be disregarded for a period of five years from such acquisition.

10 (3) The registrar may exempt a society from the provisions of subsection (1) on such conditions and to such extent and for such period as he may determine.

Restriction on investments in and loans and advances to certain associates.

15 **32D.** (1) A permanent society investing money in debentures or preference shares of any of its associates, excluding any associate which is a company referred to in section 22 (1) (a) (iii) or (mB) or lending or advancing money to any such associate, shall manage its transactions in such investments, loans or advances in such a way that the sum of the amounts—

20 (a) invested by it in debentures or preference shares of any such associate (excluding debentures or preference shares which are convertible into ordinary shares), taken at the price at which they were acquired; and

25 (b) owing to it by any such associate in respect of a loan or advance granted by it, does not at any time during any quarter exceed five per cent of its liabilities as at the last business day of the preceding quarter or, if the return in terms of section 34A (1) (c) has not yet at that particular time been certified as required by section 71A in respect of the said preceding quarter, as at the last business day of the penultimate quarter.

30 (2) The sum of the amounts referred to in paragraphs (a) and (b) of subsection (1) shall be calculated for the purposes of the said subsection by deducting therefrom the amount by which the sum of the unimpaired reserves of the society exceeds the sum of the amounts referred to in paragraphs (a), (b) and (c) of subsection (1) of section 32C as at the relevant last business day.”

24. Section 33 of the principal Act is hereby repealed.

Repeal of section 33 of Act 24 of 1965.

25. The following section is hereby substituted for section 34 of the principal Act:

45 “Monthly returns. **34.** A permanent society shall within 21 days after the last business day of each month furnish the registrar with a return on the prescribed form in respect of that month in order to enable the registrar to determine whether the society is complying with the provisions of sections 31 and 32.”

Substitution of section 34 of Act 24 of 1965, as amended by section 53 of Act 99 of 1980.

26. The following section is hereby inserted in the principal Act after section 34:

“Quarterly returns. **34A.** (1) A permanent society shall within 40 days after the last business day of each quarter furnish the registrar with a return on the prescribed form specifying—
55 (a) in respect of the current quarter—
(i) the minimum amount which such society is required in terms of section 49D (1) to apply or hold available for housing advances; and
60

Insertion of section 34A in Act 24 of 1965.

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- (ii) die maksimum bedrae wat die vereniging kragtens artikels 49E en 49F vir onderskeidelik besigheidsvoorskotte en algemene voorskotte aan ander persone as sy geassosieerdes mag aanwend, 5
 en sodanige verdere besonderhede wat nodig mag wees om aan te dui of die vereniging aan die bepalings van genoemde artikels voldoen;
- (b) die bedrag van die vereniging se onaangetaste reserwes en van sy onbepaalde aandeelkapitaal soos op die laaste besigheidsdag van daardie kwartaal en sodanige verdere besonderhede wat nodig mag wees om aan te dui of die vereniging aan die bepalings van artikels 30 en 30B of, indien van toepassing, 'n skema kragtens artikel 30A, voldoen; en 10
- (c) die bates en verpligtings van die vereniging soos op die laaste besigheidsdag van genoemde kwartaal. 15
- (2) 'n Vereniging moet 'n opgawe in subartikel (1) (c) bedoel wat ten opsigte van enigeen van die kwartale gedurende 'n boekjaar aan die registrateur verstrek moet word, deur sy ouditeur as waar en juis laat sertifiseer, en die registrateur kan, indien hy dit nodig ag, vereis dat een van die ander opgawes wat ten opsigte van enige van die ander drie kwartale verstrek moet word ook aldus gesertifiseer moet word." 20 25

Vervanging van artikel 35 van Wet 24 van 1965.

27. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang: 30

"Jaarlikse rekeninge.

35. (1) Die boekjaar van elke vereniging eindig op die laaste dag van Maart.

(2) Die raad van 'n vereniging moet na die einde van elke boekjaar die voorgeskrewe jaarlikse rekeninge in die voorgeskrewe vorm ten opsigte van daardie boekjaar opstel. 35

(3) Elke staat wat ingevolge subartikel (2) opgestel word, moet deur twee direkteure en die hoofrekenmeester van die vereniging as waar en juis gesertifiseer word. 40

(4) Die ouditeur van 'n vereniging moet aan die lede van die vereniging verslag doen oor die jaarlikse rekenings bedoel in subartikel (2) of oor enige bepaalde jaarlikse rekening soos voorgeskryf mag word. 45

(5) 'n Afskrif van elke jaarlikse rekening bedoel in subartikel (2) en 'n afskrif van die ouditeursverslag bedoel in subartikel (4) moet binne veertien dae na die jaarlikse algemene vergadering waarop dit voorgelê word of binne vier maande na die verstryking van die boekjaar waarop dit betrekking het, watter tydperk ook al eerste verstryk, aan die registrateur gestuur word." 50

Herroeping van artikel 36 van Wet 24 van 1965, soos vervang deur artikel 10 van Wet 64 van 1968.

28. Artikel 36 van die Hoofwet word hierby herroep.

Vervanging van Hoofstuk V van Wet 24 van 1965.

29. Hoofstuk V van die Hoofwet word hierby deur die volgende hoofstuk vervang: 55

"HOOFSTUK V

DEPOSITO'S EN VOORSKOTTE

Permanente verenigings gemagtig om deposito's te

38. 'n Permanente vereniging kan, behoudens die bepalings van hierdie Wet en die voorskrifte wat van tyd tot tyd deur die registrateur uitgereik word— 60

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- (ii) the maximum amounts which such society is permitted under sections 49E and 49F to apply for business and general advances, respectively, to persons other than its associates,
 5 and such further particulars as may be necessary to indicate whether the society is complying with the said sections;
 10 (b) the amount of such society's unimpaired reserves and of its indefinite share capital as at the last business day of that quarter and such further particulars as may be necessary to indicate whether the society is complying with sections 30 and 30B or, if applicable, a scheme under section 30A; and
 15 (c) the assets and liabilities of such society as at the said last business day of the said quarter.
 20 (2) A society shall have a return referred to in subsection (1) (c) which is to be furnished to the registrar in respect of any of the quarters during a financial year certified as true and correct by its auditor, and the registrar may, if he deems it necessary, require that one of the other returns to be furnished in respect of any of the other three quarters also be so
 25 certified."

27. The following section is hereby substituted for section 35 of the principal Act: Substitution of section 35 of Act 24 of 1965.

"Annual accounts.

35. (1) The financial year of a society shall end on the last day of March.
 30 (2) The board of a society shall after the end of each financial year prepare in respect of that financial year the prescribed annual accounts in the prescribed form.
 35 (3) Each account prepared in terms of subsection (2) shall be certified as true and correct by two directors and the chief accountant of the society.
 (4) The auditor of a society shall make a report to the members of the society on the annual accounts referred to in subsection (2) or on any particular account as may be prescribed.
 40 (5) A copy of each annual account referred to in subsection (2) and a copy of the auditor's report referred to in subsection (4) shall be sent by the society to the registrar within 14 days after the annual general meeting at which they are presented or within four
 45 months after the expiration of the financial year to which they relate, whichever period expires first."

28. Section 36 of the principal Act is hereby repealed.

Repeal of section 36 of Act 24 of 1965, as substituted by section 10 of Act 64 of 1968.

29. The following chapter is hereby substituted for Chapter V 50 of the principal Act: Substitution of Chapter V of Act 24 of 1965.

CHAPTER V

DEPOSITS AND ADVANCES

Permanent societies empowered to accept

38. A permanent society may, subject to the provisions of this Act and such directives as may from time to time be issued by the registrar—

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neem en
voorskotte
toe te staan.

- (a) in die Republiek deposito's neem en voorskotte toestaan; en
- (b) met die skriftelike goedkeuring van die registrator—
 - (i) deposito's neem en voorskotte toestaan in die Gebied of in 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het; 5
 - (ii) deposito's neem in 'n ander staat wat 'n party by 'n ooreenkoms is waarby aangeleenthede in verband met 'n gemeenskaplike monetêre gebied waarvan die Republiek deel uitmaak, gereël word en sodanige deposito's aanwend vir die toestaan van voorskotte in sodanige staat. 15

Deposito's

Soorte deposito's

39. (1) 'n Deposito wat 'n vereniging kragtens artikel 38 aanneem, moet—

- (a) 'n deposito in 'n spaarrekening; 20
- (b) 'n deposito in 'n transmissierekening; of
- (c) 'n vaste deposito, wees.

(2) Subartikel (1) raak nie die werf van fondse deur 'n vereniging by wyse van lenings of oortrekkings bedoel in artikel 27 of die uitreiking van aandeel bedoel in artikel 28 of die uitreiking van skuldbriewe bedoel in artikel 22 nie. 25

Verbod op opening van tjekrekenings.

40. (1) Geen vereniging open 'n rekening op naam van 'n deposant waaruit geld deur die deposant per tjek of wissel onttrek of betaal kan word nie. 30

(2) Subartikel (1) raak nie 'n betaling per tjek uit 'n spaarrekening of transmissierekening ooreenkomstig die opdrag van die deposant nie.

Opening van spaarrekenings ten behoeve van deposante.

41. (1) 'n Vereniging kan 'n spaarrekening ten behoeve van 'n deposant open waarin die deposant geld kan stort en waaruit hy geld kan onttrek of na enige ander rekening wat hy, sy eggenote of 'n afhanklike van hom by die vereniging hou, kan oorplaas, behoudens die voorwaardes van toepassing op daardie spaarrekening. 35

(2) Die voorwaardes waarop 'n spaarrekening gehou word, word, behoudens die bepalings van hierdie Wet, deur die vereniging bepaal, en sodanige voorwaardes kan voorwaardes insluit wat— 40

(a) 'n perk plaas op die maksimum kredietsaldo wat, behoudens artikel 44, in die rekening toegelaat word; 45

(b) die onttrekking of oorplasing uit die rekening van enige bedrag, of van 'n bedrag wat 'n vasgestelde perk oorskry, verbied andersins as, behalwe met die instemming van die vereniging, by verstryking van 'n vasgestelde tydperk van kennisgewing aan die vereniging; en 50

(c) die koers bepaal waarteen rente op die kredietsaldo in die rekening bereken moet word, asook die grondslag van die berekening en of sodanige rentekoers of grondslag van renteberekening van tyd tot tyd deur die bouvereniging sonder toestemming van die deposant verander kan word. 55

(3) Verskillende voorwaardes kan ten opsigte van verskillende soorte spaarrekenings bepaal word. 60

Bekendmaking van voorwaardes van toepassing op spaarrekenings.

42. 'n Vereniging—

- (a) moet 'n deposant by die opening van 'n spaarrekening in sy naam skriftelik verwittig van die voorwaardes wat op die spaarrekening van toepassing is; 65

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- deposits and to grant advances.
- (a) accept deposits and grant advances in the Republic; and
- (b) with the written approval of the registrar—
- (i) accept deposits and grant advances in the Territory and in any state the territory of which formerly formed part of the Republic;
- (ii) accept deposits in any other state which is a party to an agreement regulating matters in connection with a common monetary area of which the Republic is part and apply such deposits for the granting of advances in such state.

Deposits

15 Kinds of deposits. 39. (1) A deposit which a society may accept under section 38 shall be—

- (a) a deposit in a savings account;
- (b) a deposit in a transmission account; or
- (c) a fixed deposit.

20 (2) Subsection (1) shall not affect the raising of funds by a society by way of loans or overdrafts referred to in section 27 or the issue of shares referred to in section 28 or the issue of debentures referred to in section 22.

25 Opening of cheque accounts prohibited. 40. (1) No society shall open any account in the name of a depositor from which the depositor may withdraw or pay money by cheque or bill.

30 (2) Subsection (1) shall not affect a payment by cheque from a savings or transmission account in accordance with the instructions of the depositor.

Opening of savings accounts on behalf of depositors. 41. (1) A society may open a savings account on behalf of a depositor into which the depositor may deposit money and from which he may withdraw money or transfer money to any other account which he, his spouse or a dependant of his maintains with the society, subject to the conditions applicable to such savings account.

40 (2) The conditions on which a savings account is kept shall, subject to the provisions of this Act, be determined by the society, and such conditions may include conditions—

- (a) imposing, subject to section 44, a limit on the maximum credit balance permitted in the account;
- (b) prohibiting the withdrawal or transfer from the account of any amount, or of an amount exceeding a fixed limit; otherwise than, except with the society's consent, upon the expiry of a fixed period of notice to the society; and
- (c) determining the rate at which interest on the credit balance in the account shall be calculated, the basis of such calculation and whether any such rate of interest or basis of calculating interest may from time to time be altered by the society without the consent of the depositor.

55 (3) Different conditions may be determined in respect of different kinds of savings accounts.

Disclosure of conditions applicable to savings accounts. 42. A society—

(a) shall inform a depositor in writing when opening a savings account in his name of the conditions applicable to such savings account;

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- (b) mag nie teenoor so 'n deposant of teenoor die publiek in die algemeen voorgee nie dat hy te alle tye toestemming sal verleen tot die onttrekking of oorpasing van bedrae uit 'n spaarrekening op 'n korter tydperk van kennisgewing as 'n tydperk wat vermeld mag wees in die voorwaardes wat op die spaarrekening van toepassing is. 5

Opening van spaarrekenings ten behoeve van maatskappye 43. Geen vereniging open 'n spaarrekening ten behoeve van 'n maatskappy wat nie 'n maatskappy bedoel in artikel 21 van die Maatskappywet, 1973, is nie, behalwe— 10

- (a) op voorwaarde dat hoogstens een onttrekking per maand gedoen mag word en dat elke deposito of onttrekking minstens die voorgeskrewe bedrag moet bedra; of 15
- (b) waar dit by 'n ander wet geoorloof of gebied word.

Maksimum kredietsaldo op spaarrekening. 44. (1) 'n Vereniging laat geen persoon toe om by hom op spaarrekening 'n kredietsaldo van meer as 'n voorgeskrewe bedrag te hê nie. 20

- (2) Die bepalinge van subartikel (1)—
- (a) belet nie 'n vereniging om 'n spaarrekening met rente wat verdien word op die bedrag in daardie spaarrekening te krediteer nie; en 25
- (b) is nie van toepassing op 'n spaarrekening ingevolge die Staatsondersteunde Huiseienaarsbesparingskema vermeld in artikel 10 (1) (i) (xiiA) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), nie. 30

(3) 'n Deposant wat 'n kredietsaldo op spaarrekening by 'n vereniging het wat—

- (a) onmiddellik voor die inwerkingtreding van die Wysigingswet op Onderlinge Bouverenigings, 1986, wettig genoemde voorgeskrewe bedrag oorskry het; of 35

- (b) onmiddellik na, en as gevolg van, optrede kragtens artikel 55 of 55A waarby twee of meer verenigings betrokke is, genoemde voorgeskrewe bedrag oorskry het, 40

is nie na sodanige inwerkingtreding of optrede, na gelang van die geval, gebind om sodanige kredietsaldo tot die toegelate perk in subartikel (1) beoog te verminder nie, maar die spaarrekening mag met geen verdere bedrag, behalwe die rente bedoel in subartikel (2) (a), gekrediteer word nie solank dit 'n kredietsaldo toon wat daardie perk oorskry, en, indien sodanige kredietsaldo te eniger tyd benede daardie perk daal, is daardie perk op die spaarrekening van toepassing. 45

- (4) Indien 'n trustee afsonderlike spaarrekenings vir verskillende trusts open, is elke trust individueel onderworpe aan die perk in subartikel (1) beoog. 50

Opening van transmissierekenings ten behoeve van deposante. 45. (1) 'n Vereniging kan 'n transmissierekening ten behoeve van 'n deposant open waarin die deposant geld kan stort en waaruit die vereniging ooreenkomstig die opdrag van die deposant 'n betaling op aanvraag aan die deposant of 'n ander persoon kan doen of 'n bedrag na 'n ander rekening kan oordra behoudens die voorwaardes van toepassing op transmissierekenings. 55

- (2) Die voorwaardes waarop transmissierekenings gehou word, word behoudens die bepalinge van hierdie Wet deur die vereniging bepaal, en sodanige voorwaardes kan voorwaardes insluit wat bepaal of rente op 'n kredietsaldo in die rekening betaalbaar is, asook die koers waarteen enige sodanige rente be- 60 65

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- 5 (b) shall not give out to any such depositor or to the public in general that it will at all times consent to the withdrawal or transfer of amounts from a savings account upon a shorter period of notice than any period which may be specified in the conditions applicable to the savings account.

Opening of
savings
accounts on
behalf of
10 companies.

43. No society shall open a savings account on behalf of a company which is not a company referred to in section 21 of the Companies Act 1973, except—

- (a) on condition that not more than one withdrawal shall be made per month and that each deposit or withdrawal shall amount to at least the prescribed amount; or
(b) where permitted or required by any other law.

15 Maximum
credit
balance on
savings
account.

44. (1) A society shall not allow any person to have with it a credit balance on savings account in excess of a prescribed amount.

(2) The provisions of subsection (1) shall not—

- 20 (a) prevent a society from crediting to a savings account interest earned on the amount in that savings account; and
(b) apply to a savings account in terms of the State-Aided Home-Ownership Savings Scheme mentioned in section 10 (1) (i) (xiiA) of the Income Tax Act, 1962 (Act No. 58 of 1962).

25 (3) A depositor who has a credit balance on savings account with a society which—

- 30 (a) immediately before the commencement of the Mutual Building Societies Amendment Act, 1986, lawfully exceeded the said prescribed amount; or
(b) immediately after, and as a result of, action under section 55 or 55A in which two or more societies were involved, exceeded the said prescribed amount,

35 shall not after such commencement or action, as the case may be, be bound to reduce such credit balance to the permitted limit contemplated in subsection (1), but the savings account shall not be credited with any further amount, other than interest referred to in subsection (2) (a), as long as it shows a credit balance exceeding that limit, and, if such credit balance is at any time reduced to below that limit, that limit shall then become applicable to such savings account.

45 (4) If a trustee opens savings accounts for different trusts, each trust shall individually be subject to the limit contemplated in subsection (1).

Opening of
transmission
accounts on
behalf of
50 depositors.

45 (1) A society may open a transmission account on behalf of a depositor into which the depositor may deposit money and from which the society may in accordance with the instructions of the depositor make a payment on demand to the depositor or any other person or transfer an amount to any other account, subject to the conditions applicable to transmission accounts.

60 (2) The conditions on which transmission accounts are kept shall, subject to the provisions of this Act, be determined by the society, and such conditions may include conditions determining whether interest shall be payable on a credit balance in the account, the rate at which any such interest shall be calculated,

reken moet word, die grondslag van die berekening en of so 'n rentekoers of grondslag van renteberekening van tyd tot tyd deur die vereniging sonder toestemming van die deposant verander kan word.

(3) Geen bouvereniging mag vereis dat 'n vasgestelde minimum bedrag in 'n transmissierekening by die opening daarvan gestort of in die rekening terwyl daarop gewerk word in stand gehou moet word nie. Met dien verstande dat hierdie subartikel nie 'n bouvereniging belet om 'n transmissierekening waarin daar geen fondse is nie te sluit nie.

Bekendmaking van voorwaardes van toepassing op transmissierekenings.

46. 'n Vereniging moet 'n deposant by die opening van 'n transmissierekening in sy naam skriftelik verwittig van die voorwaardes wat op transmissierekenings deur daardie vereniging gehou, van toepassing is.

Neem van vaste deposito's.

47. (1) Vaste deposito's wat 'n vereniging van deposante kan aanneem, moet—

(a) deposito's wees waarvan die termyn vooraf deur die vereniging vasgestel word en wat verval by verloop van sodanige vasgestelde termyn; of

(b) deposito's wees (met of sonder 'n vooraf vasgestelde termyn) wat verval by verloop van dié tydperk van kennisgewing aan die vereniging wat vooraf deur die vereniging vasgestel word.

(2) Die voorwaardes waarop 'n vereniging vaste deposito's aanneem, word behoudens die bepalings van hierdie Wet deur die vereniging bepaal, en sodanige voorwaardes kan voorwaardes insluit wat—

(a) die koers waarteen rente op die vaste deposito tot die vervaldatum daarvan bereken moet word en die grondslag van die berekening bepaal; en

(b) bepaal of die vaste deposito 'n verhandelbare vaste deposito is of nie.

(3) Verskillende termynne of tydperke van kennisgewing in subartikel (1) bedoel en verskillende voorwaardes kan ten opsigte van verskillende soorte vaste deposito's vasgestel of bepaal word.

Bekendmaking van voorwaardes van toepassing op vaste deposito's.

48. Wanneer 'n deposant 'n bedrag as 'n vaste deposito by 'n vereniging belê, moet die vereniging hom skriftelik verwittig van die termyn, rentekoers en ander voorwaardes wat op die vaste deposito van toepassing is.

Neem van vaste deposito's vir termyn korter as 12 maande.

49. 'n Vereniging wat vaste deposito's vir termyn korter as 12 maande neem, moet sy transaksies in die neem van sodanige deposito's op so 'n wyse reël dat die totale bedrag in die vorm van sodanige deposito's by hom belê op geen tydstop gedurende 'n kwartaal meer bedra nie as vyf persent van sy verpligtings soos op die laaste besigheidsdag van die vorige kwartaal of, indien die opgawe ingevolge artikel 34A (1) (c) nog nie op daardie bepaalde tydstop ten opsigte van bedoelde vorige kwartaal volgens voorskrif van artikel 71A gesertifiseer is nie, soos op die laaste besigheidsdag van die voorlaaste kwartaal.

Terugbetaling van vaste deposito's.

49A. (1) 'n Vereniging moet 'n vaste deposito op die vervaldatum daarvan terugbetaal en nie eerder nie.

(2) 'n Vaste deposito of 'n deel daarvan is nie ooreenkomstig subartikel (1) op die vervaldatum terugbetaalbaar nie waar die deposant die vereniging voor die vervaldatum skriftelike opdrag gegee het dat die bedrag van sodanige vaste deposito of deel daarvan, na gelang van die geval, by die vereniging herbelê moet word.

(3) Ondanks subartikel (1) kan 'n vereniging na

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the basis of such calculation and whether any such rate of interest or basis of calculating interest may from time to time be altered by the society without the consent of the depositor.

5 (3) No building society shall require a fixed minimum amount to be deposited into a transmission account when opening such account or to be maintained in the account while being operated on: Provided that this subsection shall not prevent a
10 building society from closing a transmission account when there are no funds in the account.

Disclosure of conditions applicable to transmission accounts. 46. A society shall inform a depositor in writing when opening a transmission account in his name of the conditions applicable to transmission accounts kept by that society.
15

Acceptance of fixed deposits. 47. (1) Fixed deposits which a society may accept from depositors shall be—
20 (a) deposits of which the term is previously fixed by the society and which mature upon expiry of such fixed term; or
(b) deposits (with or without a previously fixed term) which mature upon expiry of such period of notice to the society as is previously fixed by the society.

25 (2) The conditions on which a society may accept fixed deposits shall, subject to the provisions of of this Act, be determined by the society, and such conditions may include conditions determining—
30 (a) the rate at which interest on the fixed deposit up to the date of maturity thereof shall be calculated and the basis of such calculation; and
(b) whether or not the fixed deposit shall be a negotiable fixed deposit.
35 (3) Different terms or periods of notice referred to in subsection (1) and different conditions may be fixed or determined in respect of different kinds of fixed deposits.

Disclosure of conditions applicable to fixed deposits. 48. Whenever any depositor invests an amount as a fixed deposit with a society, the society shall inform him in writing of the term, rate of interest and other conditions applicable to such fixed deposit.
40

Acceptance of fixed deposits for periods shorter than 12 months. 49. A society accepting fixed deposits for periods shorter than 12 months shall manage its transactions in accepting such deposits in such a way that the total amount invested with it in the form of such deposits does not at any time during any quarter exceed five per cent of its liabilities as at the last business day of the preceding quarter or, if the return in terms of section 34A (1) (c) has not yet at that particular time been certified as required by section 71A in respect of the said preceding quarter, as at the last business day of the penultimate quarter.
45
50

Repayment of fixed deposits. 49A. (1) A society shall repay a fixed deposit on the date of maturity thereof and not earlier.
55 (2) A fixed deposit or any portion thereof shall not be repayable in accordance with subsection (1) on the maturity date where the depositor has instructed the society in writing before that date to reinvest the amount of the fixed deposit or any portion thereof, as the case may be, with the society.
60 (3) Notwithstanding subsection (1) a society may

goeddunke 'n vaste deposito voor die vervaldatum terugbetaal indien—

- (a) die vaste deposito deel uitmaak van die bates in 'n insolvente of bestorwe boedel; 5
- (b) die deposant onder kuratele geplaas word; 5
- (c) die deposant onder geregtelike bestuur geplaas of gelijkwideer word; 5
- (d) die vaste deposito deur 'n pensioenfonds benodig word om uitgestelde pensioenbetalings te doen; 10
- (e) die vaste deposito as kollaterale sekerheid vir 'n verbandlening aan hom of 'n ander vereniging of 'n bouvereniging ingevolge die Wet op Bouverenigings, 1986, gesedeer is; 10
- (f) die vaste deposito vir 'n termyn van langer as 12 maande belê is, minstens 12 maande van daardie termyn verstreke is en die deposant die vereniging minstens 30 dae kennis van opvraging gegee het; of 15
- (g) die registrateur die vereniging in die algemeen of in 'n bepaalde geval gemagtig het om die vaste deposito terug te betaal. 20

Voorskotte

Soorte voorskotte.

- 49B.** 'n Voorskot wat 'n vereniging kragtens artikel 38 kan toestaan, moet— 25
- (a) 'n behuisingsvoorskot; 25
 - (b) 'n besigheidsvoorskot; of 25
 - (c) 'n algemene voorskot, wees. 25

Verbod op sekere voorskotte en toestemmings.

- 49C.** (1) 'n Vereniging skiet nie aan 'n persoon geld voor nie teen sekerheid van— 30
- (a) 'n verband oor vaste eiendom of oor 'n reg op vaste eiendom wat nie stedelike vaste eiendom of 'n reg op stedelike vaste eiendom is nie; 30
 - (b) 'n tweede of latere verband oor stedelike vaste eiendom of oor 'n reg op stedelike vaste eiendom tensy die eerste verband of alle verbande, na gelang van die geval, oor daardie eiendom of reg wat voorkeur bo daardie tweede of latere verband geniet, ten gunste van die vereniging is; 40
 - (c) 'n verband oor stedelike vaste eiendom of oor 'n reg op stedelike vaste eiendom wat *pari passu* gelykregtig is met 'n verband ten gunste van 'n ander persoon oor dieselfde eiendom of reg; 40
 - (d) 'n verband oor stedelike vaste eiendom wat vir nywerheidsdoeleindes gebruik word of bestem is of oor 'n reg op stedelike vaste eiendom watter eiendom vir nywerheidsdoeleindes gebruik word of bestem is; 45
 - (e) 'n verband oor 'n reg op stedelike vaste eiendom indien daardie reg 'n huur, of ander reg van okkupasie of gebruik, van die eiendom is— 50
 - (i) waarvan die oorblywende termyn minder as 20 jaar is; of 50
 - (ii) wat nie na keuse van die huurder, okkuperder of gebruiker hernieubaar is vir 'n tydperk van, of vir aaneenlopende tydperke van gesamentlik, minstens 20 jaar nie; of 55
 - (f) 'n vaste deposito wat daardie persoon by hom belê het of 'n aandeel bedoel in artikel 28 wat deur die vereniging aan daardie persoon uitgereik is, tensy die koers van die rente betaalbaar op die voorskot minstens een persent hoër is as die koers van die rente wat op die vaste deposito of die koers van die dividend wat op die aandeel, na gelang van die geval, betaalbaar is. 65

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at its discretion repay a fixed deposit before the maturity date if—

- (a) the fixed deposit forms part of the assets in an insolvent or a deceased estate;
- (b) the depositor is placed under curatorship;
- (c) the depositor is placed under judicial management or is wound up;
- (d) the fixed deposit is required to effect deferred pension payments;
- (e) the fixed deposit is ceded to it or another society or a building society in terms of the Building Societies Act, 1986, as collateral security for a mortgage loan;
- (f) the fixed deposit was invested for a period of more than 12 months, at least 12 months of that period have expired and the depositor has given the society at least 30 days' notice of withdrawal; or
- (g) the registrar has authorized the society, either in general or in any particular case, to repay such fixed deposit.

Advances

- 49B.** An advance which a society may grant under section 38 shall be—
- (a) a housing advance;
 - (b) a business advance; or
 - (c) a general advance.

- 49C.** (1) A society shall not advance money to any person against security of—
- (a) a mortgage on immovable property or on any right to immovable property which is not urban immovable property or a right to urban immovable property;
 - (b) a second or subsequent mortgage on urban immovable property or on a right to urban immovable property unless the first mortgage or all mortgages, as the case may be, on such property or right ranking prior to that mortgage, is or are in favour of the society;
 - (c) a mortgage on urban immovable property or on any right to urban immovable property ranking *pari passu* with a mortgage in favour of another person on the same property or right;
 - (d) a mortgage on urban immovable property used or intended for industrial purposes or on any right to urban immovable property which property is used or intended for industrial purposes;
 - (e) a mortgage on a right to urban immovable property if that right is a lease of, or other right to occupy or use, the property—
 - (i) having a remaining term of less than 20 years; or
 - (ii) which is not at the discretion of the lessee, occupier or user renewable for a period of, or for continuous periods totalling, at least 20 years; or
 - (f) a fixed deposit which that person has invested with it or a share issued by it under section 28 to that person, unless the rate of interest payable on the advance is at least one per cent higher than the rate of interest payable on the fixed deposit or the rate of dividend payable on the share, as the case may be.

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(2) 'n Vereniging verleen nie toestemming vir die registrasie ten gunste van 'n ander persoon van 'n verband oor 'n eiendom of oor 'n reg. op eiendom wat *pari passu* gelykregtig sal wees met 'n verband wat hy oor die eiendom of reg hou nie.

Minimum
omvang van
transaksies in
behuisings-
voorskotte.

49D. (1) (a) 'n Vereniging moet ten opsigte van elke kwartaal 'n bedrag ooreenkomstig subartikel (2) bepaal en daardie bedrag gedurende daardie kwartaal aanwend of beskikbaar hou vir behuisingsvoorskotte aan lede van die publiek.

(b) Paragraaf (a) word nie so uitgelê dat 'n vereniging gebind word om gedurende 'n bepaalde kwartaal die hele of enige gedeelte van die bedrag wat ingevolge daardie paragraaf ten opsigte van daardie kwartaal bepaal is, vir behuisingsvoorskotte aan te wend nie, en so 'n bedrag of enige deel daarvan kan deur die vereniging belê word op 'n wyse wat nie die beskikbaarheid daarvan vir behuisingsvoorskotte onmoontlik maak nie.

(2) Die bedrag wat 'n vereniging ingevolge subartikel (1) ten opsigte van die een of ander bepaalde kwartaal bepaal, mag nie minder bedra nie as 'n bedrag wat, saam met die totale bedrag aan hom soos op die laaste besigheidsdag van die vorige kwartaal ten opsigte van behuisingsvoorskotte verskuldig, gelykstaan met 80 persent van sy bedryfskapitaal soos op genoemde laaste besigheidsdag van bedoelde kwartaal.

(3) By die toepassing van hierdie artikel word 'behuisingsvoorskot' geag in te sluit enige voorskot of lening deur 'n bouvereniging toegestaan teen sessie aan hom, as sekerheid vir daardie voorskot of lening, van 'n aandeel in 'n aandeelblokmaatskappy soos omskryf in artikel 1 van die Wet op die Beheer van Aandeelblokke, 1980 (Wet No. 59 van 1980), en van 'n reg of belang verleen deur 'n gebruiksooreenkoms soos in daardie Wet omskryf.

(4) Indien die Minister van oordeel is dat 'n billike gedeelte van die bedrag wat 'n bouvereniging ingevolge subartikel (1) vir behuisingsvoorskotte aan lede van die publiek moet aanwend of beskikbaar moet hou, nie aangewend of beskikbaar gehou word vir lede van die publiek wat onder 'n by regulasie voorgeskrewe inkomstegroep val nie, kan hy by regulasie van bouverenigings vereis om die gedeelte wat by regulasie voorgeskryf word van die bedrag bedoel in genoemde subartikel (1) uitsluitlik aan te wend of beskikbaar te hou vir behuisingsvoorskotte aan lede van die publiek wat onder bedoelde inkomstegroep val.

Maksimum
omvang van
transaksies in
besigheids-
voorskotte.

49E. Die bedrag wat 'n vereniging gedurende die een of ander bepaalde kwartaal aanwend vir besigheidsvoorskotte aan persone anders as sy geassosieerdes, mag, behoudens nakoming van die voorskrifte van artikel 49D (1), nie meer bedra nie as 'n bedrag wat, saam met die totale bedrag deur ander persone as sy geassosieerdes aan hom soos op die laaste besigheidsdag van die vorige kwartaal ten opsigte van besigheidsvoorskotte verskuldig, gelykstaan met 20 persent van sy bedryfskapitaal soos op genoemde laaste besigheidsdag van bedoelde kwartaal.

Maksimum
omvang van
transaksies in
algemene
voorskotte.

49F. Die bedrag wat 'n vereniging gedurende die een of ander bepaalde kwartaal aanwend vir algemene voorskotte aan persone anders as sy geassosieerdes, mag, behoudens nakoming van die voorskrifte van artikel 49D (1), nie meer bedra nie as 'n bedrag wat, saam met die totale bedrag deur ander

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5 (2) A society shall not consent to the registration in favour of any other person of a mortgage on any property or on a right to property which will rank *pari passu* with a mortgage held by it on that property or right.

Minimum
extent of
transactions
in housing
advances.
10 49D. (1) (a) A society shall in respect of each quarter determine an amount in accordance with subsection (2) and shall during that quarter apply or hold available that amount for housing advances to members of the public.

15 (b) Paragraph (a) shall not be construed so as to bind a society to apply during any particular quarter for housing advances the whole or any portion of the amount determined in terms of the said paragraph in respect of that quarter, and any such amount or any portion thereof may be invested by the society in any way which does not render the availability thereof for housing advances impossible.

20 (2) The amount determined by a society in terms of subsection (1) in respect of any particular quarter shall not be less than an amount which, together with the total sum owing to it in respect of housing advances as at the last business day of the preceding quarter, equals 80 per cent of its operating capital as at the said last business day of the said quarter.

30 (3) For the purposes of this section 'housing advance' shall be deemed to include any advance or loan granted by a building society against the cession to it, as security for that advance or loan, of a share in a share block company as defined in section 1 of the Share Blocks Control Act, 1980 (Act No. 59 of 1980), and of any right or interest conferred by a use agreement as defined in that Act.

35 (4) If the Minister is of the opinion that a fair proportion of the amount which a building society is required in terms of subsection (1) to apply or hold available for housing advances to members of the public, is not being applied for housing advances to members of the public falling under an income group prescribed by regulation, he may by regulation require building societies to apply or hold available such proportion as may be prescribed by regulation of the amount referred to in the said subsection (1) exclusively for housing advances to members of the public falling under the said income group.

Maximum
extent of
transactions
in business
advances.
50 49E. The amount which a society applies during any particular quarter for business advances to persons other than its associates, shall, subject to compliance with the requirements of section 49D (1), not exceed an amount which, together with the total sum owing to it by persons other than its associates in respect of business advances as at the last business day of the preceding quarter, equals 20 per cent of its operating capital as at the said last day of the said quarter.

Maximum
extent of
transactions
in general
advances.
60 49F. The amount which a society applies during any particular quarter for general advances to persons other than its associates, shall, subject to compliance with the requirements of section 49D (1), not exceed an amount which, together with the total sum

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persone as sy geassosieerdes aan hom soos op die laaste besigheidsdag van die vorige kwartaal ten opsigte van algemene voorskotte verskuldig, gelykstaan met agt persent van sy bedryfskapitaal soos op genoemde laaste besigheidsdag van bedoelde kwartaal. 5

Voorskotte ten opsigte van eiendomme verkoop deur geassosieerdes.

49G. Die bedrag wat 'n vereniging gedurende die een of ander boekjaar aanwend vir die toestaan van behuisings- en besigheidsvoorskotte aan lede van die publiek ten opsigte van stedelike vaste eiendom, of regte op sodanige eiendom, wat aan hulle verkoop word deur 'n geassosieerde van die vereniging, mag nie meer bedra as vyf persent van die totale bedrag wat die vereniging gedurende daardie boekjaar vir die toestaan van behuisings- en besigheidsvoorskotte aanwend nie. 10 15

Maksimum bedrag van behuisings- of besigheidsvoorskotte.

49H. (1) Tensy kollaterale sekerheid ten gunste van die vereniging gestel word, staan 'n vereniging nie—

(a) 'n behuisingsvoorskot toe nie van meer as 90 persent, in die geval van 'n verband ingevolge waarvan die kapitaalbedrag wat voorgeskiet is, gedelg moet word deur gereelde paaiemente wat die betaling van rente op die uitstaande bedrag insluit, of van meer as 80 persent, in die geval van enige ander verband; of 20 25

(b) 'n besigheidsvoorskot toe nie van meer as 80 persent, van die redelik vasgestelde waarde van die eiendom of reg wat aan die vereniging verhipotekeer word.

(2) Indien stedelike vaste eiendom of 'n reg op stedelike vaste eiendom— 30

(a) wat voorheen aan 'n vereniging by wyse van 'n verband verhipotekeer was en deur die vereniging verkry is na aanleiding van die verbandgewer se versuim om aan 'n voorwaarde van die verband te voldoen, deur die vereniging verkoop word; of 35

(b) wat aan 'n vereniging by wyse van 'n verband verhipotekeer is, in eksekusie of by insolvensie van die verbandgewer of ingevolge magtiging deur die verbandgewer nadat hy versuim het om aan 'n voorwaarde van die verband te voldoen, verkoop word, 40

kan die vereniging ondanks subartikel (1) aan die koper van die eiendom of reg 'n behuisings- of besigheidsvoorskot, afhangende van die gebruik of bestemde gebruik van die betrokke eiendom, toestaan wat meer is as die bedrag bedoel in daardie subartikel maar nie meer is nie as die som van— 45

(i) die bedrag wat deur die verbandgewer aan die vereniging op die verband verskuldig was ten tyde, in 'n geval waar paragraaf (a) van toepassing is, van die verkryging van die eiendom of reg deur die vereniging, of, in 'n geval waar paragraaf (b) van toepassing is, van die verkoop van die eiendom of reg; en 50 55

(ii) die bedrag deur die vereniging bestee ten opsigte van—

(aa) regskoste vir die verhaal van enige geld wat deur bedoelde verbandgewer aan hom verskuldig is of was; 60

(bb) koste ten opsigte van die registrasie van die eiendom of reg op sy naam; en

(cc) noodsaaklike herstelwerk aan die betrokke eiendom en die aanlê van riolering, elektrisiteit, water of 'n ander diens waartoe hy wettig deur 'n plaaslike owerheid verplig was. 65

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owing to it by persons other than its associates in respect of general advances as at the last business day of the preceding quarter, equals eight per cent of its operating capital as at the said last day of the said quarter.

Advances in
respect of
properties
sold by
associates.

49G. The amount which a society applies during any financial year for the granting of housing and business advances to members of the public in respect of urban immovable property, or rights to such property, sold to them by an associate of the society, shall not exceed five per cent of the total amount which such society applies during that financial year for the granting of housing and business advances.

Maximum
amount of
housing or
business
advances.

49H. (1) Unless collateral security is furnished in favour of the society, a society shall not grant—

(a) a housing advance in excess of 90 per cent, in the case of a mortgage which provides for the redemption of the capital amount advanced by regular instalments which include interest on the outstanding amount, or in excess of 80 per cent, in the case of any other mortgage; or

(b) a business advance in excess of 80 per cent, of the reasonably established value of the property or right which is mortgaged to the society.

(2) If urban immovable property or a right to urban immovable property—

(a) which was previously mortgaged to a society and which was acquired by the society owing to the mortgagor's failure to comply with a condition of the mortgage, is sold by the society; or

(b) which is mortgaged to a society, is sold in execution or upon the insolvency of the mortgagor or under any authorization by the mortgagor after he has failed to comply with a condition of the mortgage,

the society may, notwithstanding subsection (1), grant the buyer of the property or right a housing or business advance, depending on the use or intended use of the property concerned, exceeding the limit referred to in that subsection but not exceeding the sum of—

(i) the amount owing by the mortgagor to the society at the time, in a case where paragraph (a) is applicable, of the acquisition of the property or right by the society, or, in a case where paragraph (b) is applicable, of the sale of the property or right; and

(ii) the amount expended by the society in respect of—

(aa) legal costs for the recovery of any money owed or owing to it by the said mortgagor;

(bb) costs in respect of the registration of the property or right in its name; and

(cc) essential repairs to the property concerned and the installation of sewerage, electricity, water or any other service which he was legally required to provide at the instance of a local authority.

- (3) Indien kollaterale sekerheid gestel word, mag 'n vereniging nie 'n behuisings- of besigheidsvoorskot toestaan nie wat meer is as die kleinste van—
- (a) die redelik vasgestelde waarde van die betrokke eiendom of reg; of 5
 - (b) die som van—
 - (i) die voorskot wat ingevolge paragraaf (a) of (b) van subartikel (1), na gelang van die geval, op die eiendom of reg sonder kollaterale sekerheid toegestaan mag word; en 10
 - (ii) die waarde van die kollaterale sekerheid wat gestel word.
- (4) By die toepassing van subartikel (3) word die waarde van enige kollaterale sekerheid wat gestel word, geneem, indien die kollaterale sekerheid bestaan uit— 15
- (a) kontant wat by die betrokke vereniging gedeponeer word, teen die volle bedrag aldus gedeponeer;
 - (b) 'n deposito by 'n bank of 'n bouvereniging ingevolge die Wet op Bouverenigings, 1986, of 'n deposito by of andele van 'n permanente vereniging, teen die volle bedrag van die deposito of aandele; 20
 - (c) 'n bankwaarborg, 'n garansiepolis soos omskryf in die Versekeringswet, 1943 (Wet No. 27 van 1943), 'n waarborg bedoel in artikel 25 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), of enige ander waarborg of borgstelling wat vir die betrokke vereniging aanneemlik is, teen die volle gewaarborgde bedrag; 25
 - (d) 'n lewenspolis soos omskryf in die Versekeringswet, 1943, teen die afkoopwaarde van die polis; 30
 - (e) effekte wat— 35
 - (i) op die Johannesburgse Effektebeurs genoteer is en uitgegee is deur—
 - (aa) die Regering van die Republiek, met inbegrip van aldus genoteerde effekte wat deur die Regering gewaarborg word; 40
 - (bb) 'n instelling, raad of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961); 45
 - (cc) 'n plaaslike bestuur ingestel kragtens die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982);
 - (dd) 'n ontwikkelingsraad ingestel kragtens die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984); 50
 - (ee) 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985); 55
 - (ff) die Randwaterraad vermeld in artikel 4 van die Private Wet op die Randwateraadstatute, 1950 (Wet No. 17 van 1950); 60
 - (gg) Evkom vermeld in artikel 2 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958);
 - (hh) die Land- en Landboubank van Suid-Afrika vermeld in artikel 3 van die Landbankwet, 1944 (Wet No. 13 van 1944); of 65
 - (ii) die Nywerheidontwikkelingskorporasie van Suid-Afrika, beperk, ingestel by

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(3) If collateral security is furnished a society shall not grant a housing or business advance which is greater than the lesser of—

(a) the reasonably established value of the property or right in question; or

(b) the sum of—

(i) the advance which may be granted on the property or right in terms of paragraph (a) or (b) of subsection (1), as the case may be, without collateral security; and

(ii) the value of the collateral security furnished.

(4) For the purposes of subsection (3) the value of any collateral security furnished shall be taken, if the collateral security consists of—

(a) cash which is deposited with the society concerned, at the full amount so deposited;

(b) a deposit with any bank or a building society in terms of the Building Societies Act, 1986, or a deposit with or shares in a permanent society, at the full amount of the deposit or shares;

(c) a bank guarantee, a guarantee policy as defined in the Insurance Act, 1943 (Act No. 27 of 1943), a guarantee referred to in section 25 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), or any other guarantee or suretyship acceptable to the society concerned, at the full amount guaranteed;

(d) a life insurance policy as defined in the Insurance Act, 1943, at the surrender value of the policy;

(e) securities—

(i) listed on the Johannesburg Stock Exchange and issued by—

(aa) the Government of the Republic, including any securities so listed which are guaranteed by such Government;

(bb) any institution, council or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);

(cc) any local authority established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982);

(dd) any development board established under the Black Communities Development Act, 1984 (Act No. 4 of 1984);

(ee) any regional service council established under the Regional Services Councils Act, 1985 (Act No. 109 of 1985);

(ff) the Rand Water Board mentioned in section 4 of the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950);

(gg) Escom mentioned in section 2 of the Electricity Act, 1958 (Act No. 40 of 1958);

(hh) the Land and Agricultural Bank of South Africa mentioned in section 3 of the Land Bank Act, 1944 (Act No. 13 of 1944); or

(ii) the Industrial Development Corporation of South Africa, Limited, estab-

artikel 2 van die Nywerheid-ontwikkelingswet, 1940 (Wet No. 22 van 1940), teen 90 persent van die jongste prys waarteen die effekte op daardie Beurs verhandel is; of

(ii) aldus genoteer is en nie aldus uitgegee is of gewaarborg word nie, teen 75 persent van die jongste prys waarteen die effekte op genoemde Beurs verhandel is; of

(f) enige ander bate wat vir die betrokke vereniging aanneemlik is, teen 75 persent van die redelike vasgestelde waarde van die bate.

(5) Afsien daarvan of 'n vereniging rente betaal of nie op enige kontant wat by hom as kollaterale sekerheid gedeponeer is, word so 'n kontantdeposito by die toepassing van hierdie Wet geag 'n vaste deposito te wees.

(6) By die toepassing van subartikels (1) en (3) word enige bedrae deur 'n vereniging uitbetaal ten opsigte van—

(a) premies op versekeringspolisse bedoel om verdere sekerheid te verskaf vir die terugbetaling van 'n voorskot wat deur die verhipotekering van die betrokke eiendom of reg verseker is;

(b) belastinge en lisensiegelde ten opsigte van die eiendom of reg;

(c) die instandhouding en herstel van die eiendom of die eiendom waarop die reg bestaan;

(d) die aanlê van riolering op die eiendom of die eiendom waarop die reg bestaan;

(e) die voorsiening van elektrisiteit of water op die eiendom of die eiendom waarop die reg bestaan;

(f) die koste aangegaan om die eiendom van huurbesit in eiendomsbesit te omskep; of

(g) regskoste deur die vereniging aangegaan ten opsigte van geregtelike prosesse deur hom ingestel teen die lener, en ook teen die verbandgewer indien die lener nie die verbandgewer is nie, vir die verhaal van enige gelde verskuldig ingevolge die verband of latere skriftelike ooreenkoms ingevolge die verband as gevolg van 'n versuim van die lener,

nie beskou as deel van die bedrag wat voorgeskiet is nie, ongeag of die bedrae bedoel in paragrafe (a) tot (f) namens die huidige lener of 'n vorige lener uitbetaal is.

Waardasie van stedelike vaste eiendom.

49I. (1) Geen behuisings- of besigheidsvoorskot word deur 'n vereniging toegestaan nie tensy 'n waardasie van die stedelike vaste eiendom of van die reg op sodanige eiendom ten opsigte waarvan die voorskot toegestaan word, gedoen is deur 'n persoon deur die vereniging vir daardie bepaalde waardasie of vir waardasies in die algemeen aangewys.

(2) Elke waardasie moet—

(a) op 'n persoonlike inspeksie gegrond word, tensy die waardasie betrekking het op onbeboende grond waarmee die waardeerder persoonlik vertrou is; en

(b) op die voorgeskrewe vorm aangeteken word, watter vorm deur die waardeerder onderteken moet word.

(3) Geen persoon doen 'n waardasie ingevolge subartikel (1) nie indien hy—

(a) 'n regstreekse of onregstreekse geldelike belang, behalwe die betaling van gelde vir professionele regsdienste deur hom gelewer, by die toestaan van die voorskot het; of

(b) binne die derde graad van bloed- of aanverwantskap verwant is aan 'n persoon wat so 'n belang het.

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lished by section 2 of the Industrial Development Act, 1940 (Act No. 22 of 1940),

at 90 per cent of the last price at which the securities were traded on that Stock Exchange; or

(ii) so listed and not so issued or guaranteed, at 75 per cent of the last price at which the securities were traded on the said Stock Exchange; or

(f) any other asset acceptable to the society concerned, at 75 per cent of the reasonably established value of the asset.

(5) Whether or not a society pays interest on any cash deposited with it as collateral security, such cash deposit shall for the purposes of this Act be deemed to be a fixed deposit.

(6) For the purposes of subsections (1) and (3) any amounts disbursed by a society in respect of—

(a) premiums on insurance policies designed to provide further security for the repayment of an advance secured by the mortgage of the property or right concerned;

(b) rates, taxes and licence fees in respect of the property or right;

(c) the maintenance and repair of the property or the property to which the right is attached;

(d) the installation of sewerage on the property or the property to which the right is attached;

(e) the provision of electricity or water on the property or the property to which the right is attached;

(f) the cost incurred in converting the property from leasehold to freehold; or

(g) legal costs incurred by the society in respect of legal proceedings instituted by it against the borrower and also against the mortgagor if the borrower is not the mortgagor, for the recovery of any monies due under the mortgage bond or any subsequent written agreement under the mortgage bond resulting from default on the part of such borrower,

shall not be reckoned as part of the amount advanced, irrespective of whether the amounts referred to in paragraphs (a) to (f) were disbursed on behalf of the present borrower or any previous borrower.

Valuation of urban immovable property.

49I. (1) No housing or business advance shall be granted by a society unless a valuation of the urban immovable property or of the right to such property in respect of which the advance is granted was performed by a person designated by the society for that particular valuation or for valuations in general.

(2) Every valuation shall be—

(a) based upon a personal inspection, unless the valuation relates to unimproved land with which the valuer is personally acquainted; and

(b) recorded on the prescribed form, which form shall be signed by the valuer.

(3) No person shall effect a valuation in terms of subsection (1) if he—

(a) has any direct or indirect pecuniary interest, other than the payment of fees for professional legal services rendered by him, in the granting of the advance; or

(b) is related within the third degree of consanguinity or affinity to any person having any such interest.

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Verhaal van sekere gelde wat nie deur Wet 73 van 1968 veroorloof word nie.

49J. Benewens die bedrae waarvoor 'n vereniging kragtens artikel 5 van die Wet op Beperking en Bekendmaking van Finansieringskoste, 1968 (Wet No. 73 van 1968), geregtig is om vonnis te verkry of wat hy geregtig is om daarkragtens te verhaal, kan hy, kragtens 'n verband oor stedelike vaste eiendom of oor 'n reg op sodanige eiendom, of kragtens 'n latere skriftelike ooreenkoms kragtens die verband, vonnis verkry vir die volgende bedrae of ditverhaal, naamlik—

(a) enige bedrag deur die vereniging namens die lener uitbetaal ten opsigte van—

(i) die aanlê van riolering op die eiendom of die eiendom waarop die reg bestaan;

(ii) die voorsiening van elektrisiteit of water op die eiendom of die eiendom waarop die reg bestaan;

(iii) die koste aangegaan om die eiendom van huurbesit in eiendomsbesit te omskep; en

(iv) belastinge en lisensiegelde ten opsigte van die eiendom of reg;

(b) rente op enige bedrag in paragraaf (a) bedoel teen 'n koers wat in die verbandakte of 'n latere skriftelike ooreenkoms kragtens die verband bepaal is, maar nie hoër nie as die koers waarteen rente betaalbaar is op die voorskot wat deur die verband verseker is; en

(c) regskoste deur die vereniging aangegaan ten opsigte van geregtelike proses deur hom ingestel teen 'n lener, en ook teen 'n verbandgewer indien die lener nie die verbandgewer is nie, vir die verhaal van enige gelde verskuldig ingevolge die verband of 'n latere skriftelike ooreenkoms ingevolge die verband as gevolg van 'n versuim aan die kant van die lener.

Uitwerking van sekere onreëlmatige voorskotte.

49K. 'n Voorskot wat deur 'n vereniging in stryd met 'n bepaling van hierdie Wet aan 'n persoon gegee is, raak nie die geldigheid van die regte en verpligtinge wat tussen die vereniging en so 'n persoon tot stand kom nie."

Invoeging van artikel 50A in Wet 24 van 1965.

30. Die volgende artikel word hierby in die Hoofwet na artikel 50 ingevoeg:

"Boete weens versuim om stukke of inligting voor te lê of te verstrek.

50A. (1) Indien 'n vereniging versuim om ooreenkomstig 'n voorskrif van hierdie Wet enige opgawe, staat, verslag of ander stuk of inligting aan die registrateur voor te lê of te verstrek binne die tydperk of verdere tydperk by of kragtens hierdie Wet bepaal, kan die registrateur hom by wyse van 'n skriftelike kennisgewing 'n boete van hoogstens R100 opleë vir elke dag waarop die versuim voortduur.

(2) 'n Boete kragtens subartikel (1) opgelê, moet aan die registrateur betaal word binne die tydperk in die kennisgewing vermeld, en indien die betrokke vereniging versuim om die boete binne die vermelde tydperk te betaal, kan die registrateur die bedrag van die boete of die gedeelte daarvan wat hy onder die omstandighede geregverdig ag, by wyse van 'n siviele aksie in 'n bevoegde hof op die betrokke vereniging verhaal."

Invoeging van artikel 64A in Wet 24 van 1965.

31. Die volgende artikel word hierby in die Hoofwet na artikel 64 ingevoeg:

"Verdeling van oorskot by likwidasie.

64A. Enige oorskot wat oorbly nadat alle eise betaal is by die likwidasie van 'n permanente vereniging, vrywillig of deur die hof, moet verdeel word onder die houders van aandele uitgereik ingevolge artikel 28 ooreenkomstig die bepalings van die reëls van die vereniging of by ontstentenis van sodanige

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Recovery of
certain mon-
ies not per-
mitted by
Act 73 of
1968.

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Effect of cer-
tain irregular
advances.

49J. In addition to the amounts which a society is entitled to obtain judgment for or recover under section 5 of the Limitation and Disclosure of Finance Charges Act, 1968 (Act No. 73 of 1968), it may, under a mortgage on urban immovable property or on any right to such property, or under any subsequent written agreement under the mortgage, obtain judgment for or recover the following amounts, namely—

- (a) any amount disbursed by the society on behalf of the borrower in respect of—
 - (i) the installation of sewerage on the property or the property to which the right is attached;
 - (ii) the provision of electricity or water on the property or the property to which the right is attached;
 - (iii) the cost incurred in converting such property from leasehold to freehold; and
 - (iv) rates, taxes and licence fees in respect of the property or right;
- (b) interest on any amount referred to in paragraph (a) at a rate stipulated in the mortgage bond or any subsequent written agreement under the mortgage, but not exceeding the rate at which interest is payable on the advance which is secured by the mortgage; and
- (c) legal costs incurred by the society in respect of legal proceedings instituted by it against a borrower, and also against a mortgagor if the borrower is not the mortgagor, for the recovery of any monies due under the mortgage bond or any subsequent written agreement under such bond resulting from default on the part of the said borrower.

49K. An advance granted by a society to any person contrary to a provision of this Act shall not affect the validity of the rights and obligations arising between the society and any such person.”

40 **30.** The following section is hereby inserted in the principal Act after section 50:

Insertion of
section 50A in
Act 24 of 1965.

“Fine for
failure to
submit or
furnish docu-
ments or in-
formation.

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50A. (1) If any society omits to submit or to furnish to the registrar any return, statement, report or other document or information in accordance with a requirement of this Act within the period or further period determined by or under this Act, the registrar may impose upon it by way of a notice in writing a fine not exceeding R100 for every day during which the omission continues.

(2) A fine imposed under subsection (1) shall be paid to the registrar within such period as may be specified in the notice, and if the society concerned omits to pay the fine within the specified period the registrar may by way of civil action in a competent court recover from such society the amount of the fine or any portion thereof which he may in the circumstances consider justified.”

31. The following section is hereby inserted in the principal Act after section 64:

Insertion of
section 64A in
Act 24 of 1965.

“Distribu-
tion of sur-
plus in wind-
ing-up.

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64A. Any surplus remaining after all claims have been satisfied in the winding-up of a permanent society, whether voluntary or by the court, shall be distributed to the holders of shares issued in terms of section 28 in accordance with the provisions of the rules of the society or in the absence of such provisions, on a *pro rata* basis: Provided that shares which

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bepalings, op 'n *pro rata*-grondslag: Met dien verstande dat aandeel watby die aanvang van die likwidasiëverrigtinge nie ten volle opbetaal is nie, vir 'n *pro rata*-verdeling slegs in die mate waarin sodanige aandeel opbetaal is". 5

Wysiging van artikel 66 van Wet 24 van 1965.

32. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Vereniging moet die bedrae in 'n fonds bedoel in subartikel (1) gereserveer, in likwiede bates omskep en sodanige bates vir die doeleindes van die fonds afsonder." 10

Wysiging van artikel 67 van Wet 24 van 1965, soos gewysig deur artikel 14 van Wet 64 van 1968 en artikel 56 van Wet 101 van 1976.

33. Artikel 67 van die Hoofwet word hierby gewysig—

(a) deur die volgende voorbehoudsbepaling by paragraaf (a) van subartikel (1) te voeg:

"Met dien verstande dat 'n vereniging minstens twee persone wat onafhanklik van mekaar is as ouditeure van die vereniging moet aanstel indien die bates van die vereniging soos op die laaste dag van die onmiddellik voorafgaande boekjaar R2 000 000 oorskry het."; en 15

(b) deur subartikel (19) deur die volgende subartikel te 20 vervang:

"(19) 'n Vereniging moet binne [veertien] dertig dae vanaf die aanstelling van 'n ouditeur kragtens hierdie artikel, by die registrateur om sy goedkeuring van die aanstelling aansoek doen." 25

Invoeging van artikel 71A in Wet 24 van 1965.

34. Die volgende artikel word hierby in die Hoofwet na artikel 71 ingevoeg:

"Sertifisering van sekere opgawes en stukke.

71A. 'n Opgawe of ander stuk wat ingevolge 'n voorskrif van hierdie Wet deur 'n vereniging aan die registrateur verstrek word, moet in tweevoud verstrek word, deur die hoof- uitvoerende beampte van die vereniging as waar en juis gesertifiseer wees en deur dié beampte geëndosseer wees met die datum waarop dit aldus gesertifiseer is." 30

Wysiging van artikel 73 van Wet 24 van 1965, soos gewysig deur artikel 31 van Wet 36 van 1981.

35. Artikel 73 van die Hoofwet word hierby gewysig deur 35 paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) die [maandelikse] opgawe in artikel 34 of 34A bedoel;"

Herroeping van artikel 74 van Wet 24 van 1965.

36. Artikel 74 van die Hoofwet word hierby herroep. 40

Wysiging van artikel 78 van Wet 24 van 1965.

37. Artikel 78 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde "of assosiasie van persone in artikel tien bedoel" te skrap.

Herroeping van artikel 79 van Wet 24 van 1965.

38. Artikel 79 van die Hoofwet word hierby herroep.

Vervanging van artikel 80 van Wet 24 van 1965, soos gewysig deur artikel 37 van Wet 86 van 1984.

39. Artikel 80 van die Hoofwet word hierby deur die volgende 45 artikel vervang:

"Misdrywe en strawwe.

80. (1) 'n Persoon wat—

(a) 'n bepaling van artikel 20 (2), 22 (4), 23A, 30 (1), 30B, 31 (1), 32 (1) of (2), 32A, 32C (1), 32D (1), 34, 34A, 40 (1), 42 (a) of (b), 43, 44 (1), 46, 48, 49, 49A (1), 49C (1) of (2), 49D (1), 49E, 49F, 49G, 49H (1) of (3), 49I (1) of (3) of 66 (1) of (2) oortree of versuim om daaraan te voldoen; 50

(b) 'n bepaling van 'n skema bedoel in artikel 30A 55 wat deur die registrateur goedgekeur is, oortree of versuim om daaraan te voldoen;

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are not fully paid up when the winding-up proceedings commence, shall qualify in a *pro rata* distribution to the extent only to which such shares are paid up.

- 5 32. Section 66 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 66 of Act 24 of 1965.

“(2) A society shall convert into liquid assets the amounts reserved in a fund referred to in subsection (1) and shall keep such assets separately for the purposes of the fund.”.

- 10 33. Section 67 of the principal Act is hereby amended— Amendment of section 67 of Act 24 of 1965, as amended by section 14 of Act 64 of 1968 and section 56 of Act 101 of 1976.

(a) by the addition to paragraph (a) of subsection (1) of the following proviso:

“Provided that a society shall appoint at least two persons who are independent of each other as auditors of the society if the assets of the society as at the last day of the immediately preceding financial year exceeded R2 000 000.”; and

- 15 (b) by the substitution for subsection (19) of the following subsection:

20 “(19) A society shall within **[fourteen]** thirty days of appointment of any auditor under this section apply to the registrar for his approval of the appointment.”;

34. The following section is hereby inserted in the principal Act after section 71:

Insertion of section 71A in Act 24 of 1965.

- 25 “Certain returns and documents to be certified. **71A.** Any return or other document to be furnished to the registrar by a society in terms of a requirement of this Act, shall be furnished in duplicate, be certified as true and correct by the chief executive officer of the society and be endorsed by such officer with the date on which it is so certified.”.

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35. Section 73 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 73 of Act 24 of 1965, as amended by section 31 of Act 36 of 1981.

“(a) the **[monthly]** return referred to in section 34 or 34A.”.

- 35 36. Section 74 of the principal Act is hereby repealed.

Repeal of section 74 of Act 24 of 1965.

37. Section 78 of the principal Act is hereby amended by the deletion in subsection (1) of the words “or any association of persons referred to in section ten”.

Amendment of section 78 of Act 24 of 1965.

38. Section 79 of the principal Act is hereby repealed.

Repeal of section 79 of Act 24 of 1965.

- 40 39. The following section is hereby substituted for section 80 of the principal Act:

Substitution of section 80 of Act 24 of 1965, as amended by section 37 of Act 86 of 1984.

“Offences and penalties. **80. (1)** Any person who—

- 45 (a) contravenes or fails to comply with a provision of section 20 (2), 22 (4), 23A, 30 (1), 30B, 31 (1), 32 (1) or (2), 32A, 32C (1), 32D (1), 34, 34A, 40 (1), 42 (a) or (b), 43, 44 (1), 46, 48, 49, 49A (1), 49C (1) or (2), 49D (1), 49E, 49F, 49G, 49H (1) or (3), 49I (1) or (3) or 66 (1) or (2);
- 50 (b) contravenes or fails to comply with a provision of a scheme referred to in section 30A which has been approved by the registrar;

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- (c) versuim om aan 'n vereiste kragtens artikel 34A (2) of 'n voorskrif kragtens artikel 38 te voldoen;
- (d) in 'n aansoek, opgawe, staat of ander stuk kragtens hierdie Wet opsetlike inligting verstrek of 'n verklaring doen wat in 'n wesenlike opsig vals is; 5
- (e) hom voordoen as 'n vereniging terwyl hy nie 'n vereniging is nie; of
- (f) 'n waardasie van stedelike vaste eiendom of van 'n reg oor stedelike vaste eiendom kragtens artikel 49I doen en so 'n eiendom of reg opsetlik te hoog waardeer, 10
is aan 'n misdryf skuldig.
- (2) 'n Persoon wat aan 'n misdryf ingevolge subartikel (1) of 'n ander bepaling van hierdie Wet skuldig bevind word, is strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf." 15

Herroeping van
artikel 86 van
Wet 24 van 1965.

40. Artikel 86 van die Hoofwet word hierby herroep.

Vervanging van
artikel 88 van
Wet 24 van 1965.

41. Artikel 88 van die Hoofwet word hierby deur die volgende 20
artikel vervang:

"Kort titel. 88. Hierdie Wet heet die **【Bouverenigingswet】** Wet op Onderlinge Bouverenigings, 1965." 15

Vervanging van
lang titel van
Wet 24 van 1965.

42. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang: 25

"WET

Tot samevatting van die wetsbepalings betreffende die registrasie van, die verlening van regspersoonlikheid aan en die reëling, bestuur en ontbinding van onderlinge bouverenigings."

Kort titel en in-
werkingtreding.

43. Hierdie Wet heet die Wysigingswet op Onderlinge Bouverenigings, 1986, en tree in werking op die datum waarop die Wet op Bouverenigings, 1986, in werking tree. 30

MUTUAL BUILDING SOCIETIES AMENDMENT ACT, 1986

Act No. 81, 1986

- 5 (c) fails to comply with a requirement under section 34A (2) or a directive under section 38;-
- (d) in any application, return, statement or other document under this Act wilfully furnishes information or makes a statement which is false in any material respect;
- (e) gives himself out to be a society while he is not a society; or
- 10 (f) performs a valuation of urban immovable property or of a right to urban immovable property under section 49I and wilfully over-values such property or right.
- shall be guilty of an offence.
- 15 (2) Any person convicted of an offence under subsection (1) or any other provision of this Act shall be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

40. Section 86 of the principal Act is hereby repealed.

Repeal of section 86 of Act 24 of 1965.

20 41. The following section is hereby substituted for section 88 of the principal Act:

Substitution of section 88 of Act 24 of 1965.

“Short title. 88. This Act shall be called the Mutual Building Societies Act, 1965.”.

25 42. The following long title is hereby substituted for the long title of the principal Act:

Substitution of long title of Act 24 of 1965.

“ACT

To consolidate the laws relating to the registration, incorporation, regulation, management and dissolution of mutual building societies.”.

30 43. This Act shall be called the Mutual Building Societies Amendment Act, 1986, and shall come into operation on the date on which the Building Societies Act, 1986, comes into operation.

Short title and commencement.

