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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. 181.

8 Februarie 1989

8 February 1989

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

No. 104 van 1988: Wysigingswet op die Voorkoming van Onregmatige Plakkery, 1988.

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

No. 104 of 1988: Prevention of Illegal Squatting Amendment Act, 1988.

Wet No. 104, 1988 WYSIGINGSWET OP DIE VOORKOMING VAN ONREGMATIGE PLAKKERY, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, ten einde sekere vermoedens in verband met die verbod op onregmatige plakkery te skep; die voorgeskrewe strawwe wat ingevalle genoemde Wet opgelê kan word, te verhoog; die hof te verplig om sekere bevele uit te reik indien 'n persoon skuldig bevind is weens sekere misdrywe; die reg van sekere persone om sekere geboue of bouwerke te sloop, verder te reël; uitgediende uitdrukings te verander; sekere werksaamhede van die Minister van Staatkundige Ontwikkeling en Beplanning en sy Departement aan die Administrateur en die administrasie, soos omskryf, op te dra; die administratiewe bevoegdhede van 'n landdros om die verwydering van plakkers te bewerkstellig, verder te reël; voorsiening te maak vir die verklaring van deurgangsgebiede in plaas van die oprigting van noodkampe; weg te doen met beheerde plakkery en voorsiening te maak vir die aanwysing van grond vir die ontwikkeling van woongebiede; plaaslike owerhede te magtig om beampes vir sekere doeleindes aan te wys; voorsiening te maak vir die stappe wat gedoen kan word deur 'n Administrateur in die geval van versuim deur 'n plaaslike owerheid om sy werksaamhede te verrig; voorsiening te maak vir die delegering van bevoegdhede deur 'n Administrateur en 'n plaaslike owerheid; voorsiening te maak vir die instelling van komitees deur 'n Administrateur ten opsigte van gebiede buite dieregsgebied van 'n plaaslike owerheid; en voorsiening te maak vir die uitsetting van sekere persone uit of van geboue, bouwerke of grond geleë buite dieregsgebied van 'n plaaslike owerheid; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 30 Januarie 1989.)*

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

Wysiging van artikel 1 van Wet 52 van 1951, soos gewysig deur artikel 12 van Wet 76 van 1963 en artikel 2 van Wet 68 van 1986

1. Artikel 1 van die Wet op die Voorkoming van Onregmatige Plakkery, 1951 5 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

- “(2) Indien daar by die vervolging van 'n persoon weens 'n oortreding van subartikel (1) bewys word—
 (a) dat hy grond of 'n gebou van 'n ander persoon betree of binnegegaan het, word daar vermoed dat daardie persoon die grond of gebou sonder wettige rede betree of binnegegaan het;
 (b) dat hy op of in grond of 'n gebou van 'n ander persoon vervoef het, word daar vermoed dat daardie persoon sonder verlof van die ander persoon aldus vervoef het, tensy die teendeel bewys word.”.

Vervanging van artikel 2 van Wet 52 van 1951, soos gewysig deur artikel 1 van Wet 92 van 1976 en artikel 3 van Wet 68 van 1986

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

PREVENTION OF ILLEGAL SQUATTING AMENDMENT ACT, 1988 Act No. 104, 1988

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 Prevention of Illegal Squatting Act, 1951, so as to create certain presumptions in connection with the prohibition of illegal squatting; to increase the prescribed penalties which may be imposed in terms of the said Act; to compel the Court to issue certain orders if a person is convicted of certain offences; to further regulate the right of certain persons to demolish certain buildings or structures; to alter obsolete expressions; to assign certain powers of the Minister of Constitutional Development and Planning and his Department to the Administrator and the administration, as defined; to further regulate the administrative powers of a magistrate to effect the removal of squatters; to provide for the declaration of transit areas in lieu of the establishment of emergency camps; to do away with controlled squatting and to provide for the designation of land for the development of residential areas; to authorize local authorities to designate officers for certain purposes; to make provision for the steps which may be taken by an Administrator in the event of failure by a local authority to perform its functions; to provide for the delegation of powers by an Administrator and a local authority; to provide for the establishment of committees by an Administrator in respect of areas outside the area of jurisdiction of a local authority; and to provide for the ejection of certain persons from buildings, structures or land situated outside the area of jurisdiction of a local authority; and to provide for incidental matters.

(English text signed by the acting State President.)
(Assented to 30 January 1989.)

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

**Amendment of section 1 of Act 52 of 1951, as amended by section 12 of Act 76 of 1963
and section 2 of Act 68 of 1986**

5 1. Section 1 of the Prevention of Illegal Squatting Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

(2) If in the prosecution of a person for a contravention of subsection (1) it is proved—

10 (a) that he entered upon or into land or a building of any other person, it shall be presumed that that person entered upon or into the land or building without lawful reason:

(b) that he remained on or in any land or building of any other person, it shall be presumed that person so remained without the permission of the

unless the contrary is proved.”

**Substitution of section 2 of Act 52 of 1951, as amended by section 1 of Act 92 of 1976
and section 3 of Act 68 of 1986**

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

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WYSIGINGSWET OP DIE VOORKOMING VAN ONREGMATIGE
PLAKKERY, 1988**"Strawwe"**

2. (1) Iemand wat die bepalings van artikel 1 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R1 000]** R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens **[ses]** 12 maande of met sowel sodanige boete as sodanige gevangenisstraf.

(2) Iemand wat veroordeel is weens 'n oortreding ingevolge subartikel (1) en wat na so 'n veroordeling volhard met die gedrag ten opsigte waarvan hy aldus veroordeel is, is aan 'n voortdurende misdryf skuldig en strafbaar met 'n boete van hoogstens **[tien rand]** R20 of met gevangenisstraf vir 'n tydperk van hoogstens **[sewe]** 14 dae of met sowel sodanige boete as sodanige gevangenisstraf ten opsigte van elke dag wat hy aldus volhard."

Vervanging van artikel 3 van Wet 52 van 1951, soos gewysig deur artikel 4 van Wet 68 van 1986

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

"Bevele uitsetting en verplasing van oortreders en vir sloping van bouwerke"

3. (1) Die hof wat iemand kragtens artikel 2 aan 'n oortreding van artikel 1 skuldig bevind **[kan]**—

(a) moet, benewens enige ander straf wat opgelê is, 'n bevel uitreik vir die summiere uitsetting van so 'n persoon vanaf of vanuit die betrokke grond of gebou;

(b) moet sodanige verdere bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelikerwys nodig is—

(i) om aan so 'n uitsettingsbevel gevolg te gee;

(ii) om die verplasing van so 'n persoon en sy familie en afhanklikes na sodanige ander plek, hetsy binne of buite die regsgebied van bedoelde hof, as wat hy mag aandui, te bewerkstellig, met inbegrip van 'n plek waar 'n bepaalde gedeelte grond deur die Minister van Staatkundige Ontwikkeling en Beplanning

kragtens artikel 6A aangewys is of andersins deur die Staat, 'n plaaslike overheid of 'n ander bevoegde gesag beskikbaar gestel is as grond waarop persone wat nie in staat is om huisvesting te bekom nie, hulself kan vestig of kan woon;

(iii) om te verseker dat alle geboue of bouwerke wat deur of vir so 'n persoon op sodanige grond opgerig is, gesloop en daarvan-aanverwyder word; en

(c) kan sodanige verdere bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelickerwys nodig is om die verplasing van so 'n persoon en sy familie en afhanklikes na sodanige ander plek, hetsy binne of buite die regsgebied van bedoelde hof, as wat hy mag aandui, te bewerkstellig, met inbegrip van 'n plek waar 'n bepaalde gedeelte grond deur die Administrateur kragtens artikel 6A aangewys is of andersins deur die Staat, 'n plaaslike overheid of 'n ander bevoegde gesag beskikbaar gestel is.

(2) Indien sodanige persone soos voormeld te eniger tyd ingevolge subartikel (1) na 'n bepaalde plek verplaas is, en die **[magistraat]** landdros van die distrik waarin daardie plek geleë is, oortuig is, op grond van inligting aan hom verstrek, of van persoonlike ondersoek, dat bedoelde plek nie geskikte huisvesting vir genoemde persone bied nie, of dat hulle elders op meer geskikte wyse gehuisves kan word, of dat hulle nie behoorlike werk binne 'n redelike afstand van daardie plek het nie, dan kan so 'n **[magistraat]** landdros alle stappe doen wat hy redelickerwys nodig ag ten einde genoemde persone, of een of meer van hulle, na 'n ander geskikte plek hetsy binne of buite genoemde **[magistraat]** landdros se distrik wat hy aantoon, te verplaas, en vir dié doel **[het]** kan so 'n **[magistraat]** landdros **[onvoorwaardelik al die bevoegdhede wat aan so 'n magistraat kragtens subartikel (1) verleen is]** enige bevel, instruksie of gesag in subartikel (1) bedoel, uitreik, gee of verleen."

Wysiging van artikel 3A van Wet 52 van 1951, soos ingevoeg deur artikel 2 van Wet 92 van 1976 en gewysig deur artikel 5 van Wet 68 van 1986

4. Artikel 3A van die Hoofwet word hierby gewysig—

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PLAKKERY, 1988**

beëdigde verklaring of deur sodanige verteenwoordigers op die bewerings in voormalde beëdigde verklarings uiteengesit, te antwoord.

(2) Indien sodanige persone soos voormald te eniger tyd ooreenkomstig subartikel (1) na 'n besondere plek verplaas is, en die **[magistraat]** landdros in wie se distrik so 'n plek geleë is, oortuig is, as gevolg van inligting aan hom verstrek, of na persoonlike ondersoek, dat bedoelde plek nie gesikte huisvesting vir genoemde persone bied nie, of dat hulle elders op meer gesikte wyse gehuisves kan word, of dat hulle nie behoorlike werk binne 'n redelike afstand van so 'n plek het nie, dan kan so 'n **[magistraat]** landdros alle stappe doen wat hy redelik nodig ag ten einde genoemde persone, of een of meer van hulle, na sodanige ander gesikte plek (hetsy binne of buite genoemde **[magistraat]** landdros se distrik) as wat hy mag aantoon, te verplaas, en vir vermelde doel het so 'n **[magistraat]** landdros onvoorwaardelik al die bevoegdhede wat aan 'n **[magistraat]** landdros kragtens subartikel (1) verleen is.”.

Vervanging van artikel 6 van Wet 52 van 1951, soos gewysig deur artikel 4 van Wet 92 van 1976 en artikel 11 van Wet 68 van 1986

9. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verklaring en afskaffing van deurgangsgebied deur plaaslike owerheid 20

6. (1) Behoudens die bepalings van subartikel (2), kan 'n plaaslike owerheid grond onteien, of die reg om grond tydelik te gebruik, neem, met die doel om dit tot 'n deurgangsgebied te verklaar.

(2) Die bepalings van artikels 6 tot en met 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), is *mutatis mutandis* van toepassing ten opsigte van die onteiening van grond of die neem van die reg om grond tydelik te gebruik kragtens subartikel (1), en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet na—

- (a) 'Minister' uitgelê as 'n verwysing na 'n plaaslike owerheid; en
- (b) 'artikel 2' uitgelê as 'n verwysing na subartikel (1).

(3) 'n Plaaslike owerheid kan, by kennisgewing in die *Offisiële Koerant*—

(a) 'n gedeelte grond in die kennisgewing omskryf, as 'n deurgangsgebied vir die tydelike vestiging van daklose persone verklaar, hetsy die grond deur daklose persone bewoon word al dan nie; en

(b) so 'n deurgangsgebied afskaf.

(4) Ondanks die bepalings van die Onteieningswet, 1975, is geen vergoeding betaalbaar vir die gebruik as 'n deurgangsgebied van—

(a) private grond wat deur daklose persone bewoon word nie, tensy die eienaar of wettige okkuperdeer van sodanige grond kan bewys dat dit sonder sy toestemming aldus bewoon word; of

(b) grond wat die eiendom van 'n plaaslike owerheid is nie, indien die grond deur die Administrateur as 'n deurgangsgebied aangewys is in omstandighede beoog in artikel 6C.

(5) 'n Plaaslike owerheid kan, behoudens die bepalings van subartikel (8), by kennisgewing in die *Offisiële Koerant* verordnings maak betrekende—

(a) die beheer, administrasie, instandhouding en sanitasie van 'n deurgangsgebied;

(b) die beperking van, of verbod op, die toegang van persone tot 'n deurgangsgebied;

(c) die uitsetting van 'n inwoner of ander persoon uit 'n deurgangsgebied;

(d) die sloping en verwydering van 'n gebou of bouwerk wat in 'n deurgangsgebied opgerig is;

(e) die instelling van 'n plaaslike komitee wat bestaan uit die inwoners van 'n deurgangsgebied, en die bevoegdhede, pligte en werksamehede van so 'n komitee;

(f) die samestelling van 'n plaaslike komitee, met inbegrip van die verkiesing of aanstelling van sy lede en voorsitter;

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specified portion of land has been designated by an Administrator under section 6A or otherwise been made available by the State, a local authority or any other competent authority.”.

**Substitution of section 5 of Act 52 of 1951, as amended by section 30 of Act 62 of 1955
5 and section 10 of Act 68 of 1986**

8. The following section is hereby substituted for section 5 of the principal Act:

“Administrative powers of magistrate to effect removal of squatters

5. (1) Whenever it is proved to the satisfaction of the magistrate of a district by means of affidavits placed before him—
- (a) by or on behalf of the owner or lawful occupier of any land or building situated within the said district that any persons have entered upon or into such land or building without the permission of the said owner or occupier, are remaining thereon or therein against his will, and refuse, despite warning, to depart therefrom; or
- (b) by [the head of a government department] an Administrator or his authorized representative, or by any local authority or any commissioned officer of police, that any persons have entered and are congregating upon any land or in any building situated within the said district, whether with or without the consent of the owner or occupier of such land or building,
- [and that the condition and the circumstances under which such persons are living on or in the said land or building are such that unless they are removed therefrom, the health or safety of the public generally, or of any class or classes of person (including the said persons themselves) may be endangered] such magistrate may after consultation with the local authority or local authorities concerned or its or their authorized representative or representatives issue such orders, give such instructions and confer such authority as may be reasonably necessary—
- (i) to effect the removal of such persons from the land or building;
- (ii) to effect the transfer of such persons to such other place, whether within or [without] outside the said district, as he may indicate, including a place where a specified portion of land has been designated by the [Minister of Constitutional Development and Planning] Administrator under section 6A or otherwise been made available by the State, a local authority or any other competent authority [as land on which persons who are unable to find accommodation may settle or reside];
- (iii) to ensure the demolition and removal from such land of all buildings and structures which may have been erected thereon by any such person or on his behalf:
- Provided that—
- (aa) before a magistrate issues any order as aforesaid, he shall be satisfied on affidavit that the aforesaid affidavits (drawn up in both of the official languages and, where such persons are Blacks, in a Black language generally used by Blacks in the said district) have been posted up in a prominent place on the said land or on or in the vicinity of the said building, accompanied by a notice informing the persons that an application will be made to the said magistrate for their removal, and giving such persons at least three days' notice of the intention to make such application, and that the said period of three days has elapsed;
- (bb) such persons shall be entitled to be suitably represented before such magistrate by one or more persons out of their own number or by an advocate or attorney and to reply either by affidavit or

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DBB 'n Administrateur kragtens artikel 6A aangewys is of andersins deur die Staat, 'n plaaslike owerheid of 'n ander bevoegde gesag beskikbaar gestel is.'".

Vervanging van artikel 5 van Wet 52 van 1951, soos gewysig deur artikel 30 van Wet 62 van 1955 en artikel 10 van Wet 68 van 1986 5**8. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:****"Administratiewe bevoegdhede van landdros om verwydering van plakkery te bewerkstellig"**

5. (1) Wanneer dit tot bevrediging van die **[magistraat]** landdros van 'n distrik bewys word, by wyse van beëdigde verklarings aan hom 10 voorgelê—

- (a) deur of namens die eienaar of wettige okkuperer van grond of 'n gebou wat binne genoemde distrik geleë is, dat enige persoon sonder die verlof van bedoelde eienaar of okkuperer bedoelde grond of gebou betree het of binnegegaan het, daarop of daarbinne teen sy 15 wil vertoeft, en ten spye van waarskuwing weier om daarvandaan te vertrek; of

- (b) deur **[die hoof van 'n regeringsdepartement]** 'n Administrateur of sy gemagtigde verteenwoordiger, of 'n plaaslike owerheid of 'n polisiebeampete met kommissierang, dat persone enige grond of 'n gebou 20 betree of binnegegaan het en daarop of daarbinne vergader, hetsy met of sonder die toestemming van die eienaar of okkuperer van sodanige grond of gebou,

[en dat die toestande waarin en die omstandighede waaronder sodanige persone op of in bedoelde grond of gebou lewe sodanig is dat, tensy hulle 25 daarvandaan verwyder word, die gesondheid of veiligheid van die publiek in die algemeen, of van enige klas of klasse persone (met inbegrip van genoemde persone self) in gevaar gestel mag word] kan so 'n **[magistraat]** landdros na raadpleging met die betrokke plaaslike owerheid of owerhede of sy of hulle gemagtigde verteenwoordiger of verteenwoordigers 30 sodanige bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelikerwys nodig mag wees—

- (i) om die verwydering van bedoelde persone van daardie grond of gebou te bewerkstellig;
- (ii) om die verplasing van bedoelde persone na sodanige ander plek, 35 hetsy binne of buite genoemde distrik, as wat hy mag aantoon, te bewerkstellig, met inbegrip van 'n plek waar 'n bepaalde gedeelte grond deur **[die Minister van Staatkundige Ontwikkeling en Beplanning]** die Administrateur kragtens artikel 6A aangewys is of andersins deur die Staat, 'n plaaslike owerheid of 'n ander bevoegde 40 gesag beskikbaar gestel is **[as grond waarop persone wat nie in staat is om huisvesting te bekom nie, hulself kan vestig of kan woon]**;
- (iii) om te verseker dat alle geboue of bouwerke wat deur of vir so 'n persoon op sodanige grond opgerig is, gesloop en daarvandaan verwyder word:

Met dien verstaande dat—

- (aa) voor 'n **[magistraat]** landdros so 'n bevel soos voormeld uitreik, hy by wyse van beëdigde verklaring oortuig is dat voormalde beëdigde verklarings, in albei die amptelike tale opgestel en, waar sodanige persone Swartes is, in 'n Swart taal wat gewoonlik deur Swartes in 50 bedoelde distrik gebruik word, op 'n in die oog lopende plek op bedoelde grond of op of in die nabijheid van bedoelde gebou opgeplak is, tesame met 'n kennisgewing wat genoemde persone in kennis stel dat 'n aansoek by die genoemde **[magistraat]** landdros om hulle verwydering gedoen sal word, en wat genoemde persone minstens drie dae kennis gee van die voorname om so 'n aansoek te doen, en dat bedoelde tydperk van drie dae verstryk is;

- (bb) sodanige persone geregtig is om voor so 'n **[magistraat]** landdros deur een of meer persone uit hul midde of deur 'n advokaat of prokureur paslik verteenwoordig te wees, en om of by wyse van 60

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- (e) by the deletion of paragraphs (b), (c) and (d) of subsection (4); and
(f) by the deletion of subsection (5).

Substitution of section 3D of Act 52 of 1951, as inserted by section 2 of Act 33 of 1980 and amended by section 8 of Act 68 of 1986

5 6. The following section is hereby substituted for section 3D of the principal Act:

“Extension of area of jurisdiction of local authority

3D. [The Minister of Constitutional Development and Planning] An Administrator may, after consultation with any local authority, by notice published in the *Official Gazette*, declare that any area situated outside the area of jurisdiction of that local authority and defined in that notice, shall for the purposes of this Act form part of the area of jurisdiction of the local authority: Provided that if such an area previously formed part of the area of jurisdiction of another local authority, any approval contemplated in section 3B (1) (b) or (c) granted by such other local authority in respect of a building or structure shall be deemed to have been granted by the first-mentioned local authority.”.

Amendment of section 4 of Act 52 of 1951, as amended by section 3 of Act 92 of 1976 and section 9 of Act 68 of 1986

7. Section 4 of the principal Act is hereby amended—

- 20 (a) by the substitution for subsection (1) of the following subsection:
“(1) Any person who directly or indirectly receives or solicits payment of any moneys or other consideration as a fee or charge, or other payment connected whether directly or indirectly with the arrangement or organization of the occupation of any land or buildings in contravention of the provisions of section 1 or of any order or instruction issued under section 5 or controls or exercises any degree of authority in connection with such occupation as aforesaid, shall be guilty of an offence and liable on conviction to a fine not exceeding [R2 000] R10 000 or to imprisonment for a period not exceeding [one year] five years or to both such fine and such imprisonment, and the Court convicting such person shall order any such moneys or other consideration that may have been seized and made available to be confiscated, and the said moneys and the proceeds of such other consideration shall thereupon be paid into the State Revenue Fund.”;
- 25 (b) by the substitution for subsection (3) of the following subsection:
30 “(3) The Court which convicts any person of a contravention of subsection (1) [may]—
(a) shall make an order for the summary ejection of the occupants of the land or buildings concerned; [and]
(b) shall issue such further orders, give such instructions and confer such authority as may be reasonably necessary—
35 (i) to give effect to the said order of ejection;
(ii) to effect the transfer of such occupants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate, including a place where a specified portion of land has been designated by the Minister of Constitutional Development and Planning under section 6A or otherwise been made available by the State, a local authority or any other competent authority as land on which persons who are unable to find accommodation may settle or reside.]; and
40 (c) may issue such further orders, give such instructions and confer such authority as may be reasonably necessary to effect the transfer of such occupants to such other place, whether within or outside the jurisdiction of the said Court, as it may indicate, including a place where a

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- (e) deur paragrawe (b), (c) en (d) van subartikel (4) te skrap; en
 (f) deur subartikel (5) te skrap.

Vervanging van artikel 3D van Wet 52 van 1951, soos ingevoeg deur artikel 2 van Wet 33 van 1980 en gewysig deur artikel 8 van Wet 68 van 1986

6. Artikel 3D van die Hoofwet word hierby deur die volgende artikel vervang: 5

“Uitbreiding van regsgebied van plaaslike owerheid

3D. [Die Minister van Staatkundige Ontwikkeling en Beplanning] ’n Administrateur kan, na oorlegpleging met ’n plaaslike owerheid, by kennisgewing gepubliseer in die **[Staatskoerant] Offisiële Koerant**, verklaar dat ’n gebied wat buite dieregsgebied van daardie plaaslike 10 owerheid geleë is en wat in daardie kennisgewing omskryf is by die toepassing van hierdie Wet deel van dieregsgebied van daardie plaaslike owerheid uitmaak: Met dien verstande dat indien so ’n gebied voorheen deel uitgemaak het van dieregsgebied van ’n ander plaaslike owerheid enige goedkeuring beoog in artikel 3B (1) (b) of (c) wat deur so ’n ander 15 plaaslike owerheid ten opsigte van ’n gebou of bouwerk verleen is, geag word verleen te gewees het deur eersbedoelde plaaslike owerheid.”.

Wysiging van artikel 4 van Wet 52 van 1951, soos gewysig deur artikel 3 van Wet 92 van 1976 en artikel 9 van Wet 68 van 1986

7. Artikel 4 van die Hoofwet word hierby gewysig— 20

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

“(1) Iemand wat direk of indirek betaling van gelde of ander vergoeding by wyse van fooie of koste of ander betaling in verband, hetsy direk of indirek, met die reëling of organisering van die okkupasie van grond of ’n gebou wat in stryd is met die bepaling van artikel 1 of met ’n bevel of 25 instruksie kragtens artikel 5 uitgereik, ontvang of daarom vra, of sodanige okkupasie soos voormeld beheer, of ’n mate van gesag in verband daarmee uitoefen, is aan ’n misdryf skuldig en strafbaar met ’n boete van hoogstens **[R2 000]** **R10 000** of met gevangenisstraf vir ’n tydperk van hoogstens **[twaalf maande]** **vyf jaar** of met sowel sodanige boete as sodanige 30 gevangenisstraf, en diehof wat so ’n persoon veroordeel, moet beveel dat sodanige gelde of ander vergoeding as wat in beslag geneem en beskikbaar gestel mag wees, verbeurd verklaar word, en bedoelde gelde en die opbrengs van sodanige ander vergoeding word daarop in die Staatsinkomstefonds gestort.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Diehof wat iemand aan ’n oortreding van subartikel (1) skuldig bevind **[kan]**—

- (a) moet ’n bevel uitreik vir die summiere uitsetting van die bewoners van die betrokke grond of gebou; **[en]**

(b) moet sodanige verdere bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelikerwys nodig is—

- (i) om aan so ’n uitsettingsbevel gevolg te gee;

(ii) om die verplasing van sodanige bewoners na sodanige ander plek, hetsy binne of buite dieregsgebied van bedoeldehof, as wat hy mag 45 aandui, te bewerkstellig, met inbegrip van ’n plek waar ’n bepaalde gedeelte grond deur die Minister van Staatkundige Ontwikkeling en Beplanning kragtens artikel 6A aangewys is of andersins deur die Staat, ’n plaaslike owerheid of ’n ander bevoegde gesag beskikbaar gestel is as grond waarop persone wat nie in staat is om huisvesting te bekom nie, hulself kan vestig of kan woon.]; en

(c) kan sodanige verdere bevele uitreik, sodanige instruksies gee en sodanige gesag verleen as wat redelickerwys nodig is om die verplasing van sodanige bewoners na sodanige ander plek, hetsy binne of buite dieregsgebied van bedoeldehof, as wat hy mag aandui, te bewerkstellig, met inbegrip van ’n plek waar ’n bepaalde gedeelte grond deur

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- (a) by the substitution for subsection (2) of the following subsection:
- “(2) Any person who contravenes a provision of subsection (1) (a), shall be guilty of an offence and liable on conviction to a fine not exceeding [R2 000] R10 000 or to imprisonment for a period not exceeding [twelve months] five years or to both such fine and such imprisonment.”; and
- (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- “(a) Any person who fails to comply with the provisions of subsection (3), shall be guilty of an offence and on conviction be liable in respect of every day that he thus fails to a fine not exceeding [ten rand] R30 or to imprisonment for a period not exceeding [seven] 21 days or to both such fine and such imprisonment.”.

Amendment of section 3B of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976 and amended by section 1 of Act 72 of 1977, section 1 of Act 33 of 1980 and section 15 6 of Act 68 of 1986

5. Section 3B of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:
- “(i) [is intended] can be used for occupation by persons;”;
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- “(c) an officer of [the Department of Constitutional Development and Planning] an administration, or the incumbent of any particular post in the [Department] administration, designated by the [Minister of Constitutional Development and Planning for this purpose,] Administrator concerned may without an order of court and at the expense of the owner of the land, demolish any building or structure which—
- (i) [is intended] can be used for occupation by persons;
- (ii) does not comply with the requirements of any legal provision under which a plan or description is to be approved by the local authority in question before the building or structure may be erected; and
- (iii) is situated on land which is not the property of the [said Department] administration,
- and remove the material from the land.”;
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) (a) The owner referred to in subsection (1) shall forthwith, when it is brought to his notice that the building or structure has been erected on his land, notify the local authority or the [Department of Constitutional Development and Planning] administration in writing thereof.
- (b) Any person who fails to comply with the provisions of paragraph (a), shall be guilty of an offence and liable on conviction to a fine not exceeding [R1 000] R2 000 or to imprisonment for a period not exceeding [six] 12 months or to both such fine and such imprisonment.”;
- (d) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- “(a) It shall not be competent for any person to ask for any order, judgment or other relief in any civil proceedings of whatever nature in any court that are founded on the demolition or intended demolition or the prevention of the demolition under this section of any building or structure, or on the removal or intended removal or the prevention of the removal of any material or contents thereof from the land on which the building or structure was or is situated, and it shall not be competent for any court to grant or give such order, judgment or other relief unless such person first satisfies the court on a balance of probabilities that [he has a title or right to the land on which the building or structure was or is situated, by virtue of which right he may lawfully occupy the land] mala fide action has been or is to be taken.”;

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- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Iemand wat ’n bepaling van subartikel (1) (a) oortree, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens **[R2 000]** R10 000 of gevengenisstraf vir ’n tydperk van hoogstens **[twaalf maande]** vyf jaar of met sodanige boete sowel as sodanige gevengenisstraf.”; en

- (b) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Iemand wat versuim om aan die bepalings van subartikel (3) te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding ten opsigte van elke dag wat hy aldus versuim, strafbaar met ’n boete van hoogstens **[tien rand]** R30 of met gevengenisstraf vir ’n tydperk van hoogstens **[sewe]** 21 dae of met sodanige boete sowel as sodanige gevengenisstraf.”.

**Wysiging van artikel 3B van Wet 52 van 1951, soos ingevoeg deur artikel 2 van Wet 15
92 van 1976 en gewysig deur artikel 1 van Wet 72 van 1977, artikel 1 van Wet 33 van
1980 en artikel 6 van Wet 68 van 1986**

5. Artikel 3B van die Hoofwet word hierby gewysig—

- (a) deur subparagraph (i) van paragraaf (b) van subartikel (1) deur die volgende subparagraph te vervang:

“(i) vir okkupasie deur persone **[bedoel is]** gebruik kan word;”;

- (b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) kan ’n beampte van **[die Departement van Staatkundige Ontwikkeling en Beplanning]** ’n administrasie, of die bekleer van ’n bepaalde pos in die **[Departement]** administrasie, deur die **[Minister van Staatkundige Ontwikkeling en Beplanning vir dié doel]** betrokke Administrateur aangewys, ’n gebou of bouwerk wat—

(i) vir okkupasie deur persone **[bedoel is]** gebruik kan word;

(ii) nie voldoen aan die vereistes van ’n wetsbepaling waarkragtens die betrokke plaaslike owerheid ’n plan of beskrywing van ’n gebou of bouwerk moet goedkeur alvorens die gebou of bouwerk opgerig mag word nie; en

(iii) op grond geleë is wat nie die eiendom van **[bedoelde Departement]** die administrasie is nie,
sonder ’n bevel van ’n hof en op koste van die eienaar van die grond sloop en die materiaal van die grond verwyder.”;

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) (a) Die in subartikel (1) bedoelde eienaar moet, wanneer dit tot sy kennis kom dat die gebou of bouwerk op sy grond opgerig is, onverwyld die plaaslike owerheid of die **[Departement van Staatkundige Ontwikkeling en Beplanning]** administrasie skriftelik daarvan in kennis stel.

(b) Iemand wat versuim om aan die bepalings van paragraaf (a) te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens **[R1 000]** R2 000 of met gevengenisstraf vir ’n tydperk van hoogstens **[ses]** 12 maande of met sodanige boete sowel as sodanige gevengenisstraf.”;

- (d) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Dit is nie vir enigiemand veroorloof om enige bevel, vonnis of ander regshulp in enige siviele verrigtinge van watter aard ook al in enige hof aan te vra wat gefundeer is op die sloping of voorgenome sloping of die voorkoming van die sloping ingevolge hierdie artikel van ’n gebou of bouwerk, op of die verwydering of voorgenome verwydering of die voorkoming van die verwydering van enige materiaal of inhoud daarvan van die grond waarop die gebou of bouwerk geleë was of is nie, en geen hof is bevoeg om so ’n bevel, vonnis of ander regshulp toe te staan of te gee nie tensy so iemand die hof eers op ’n oorwig van waarskynlikheid oortuig dat **[hy op die grond waarop die betrokke gebou of bouwerk geleë was of is, ’n titel of reg het uit hoofde waarvan hy die grond wettiglik mag okkuper]** daar **mala fide** opgetree is of gaan word.”;

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“Penalties

2. (1) Any person contravening the provisions of section 1 shall be guilty of an offence and liable on conviction to a fine not exceeding **[R1 000]** R2 000 or to imprisonment for a period not exceeding **[six]** 12 months or to both such fine and such imprisonment.
- (2) Any person convicted of an offence in terms of subsection (1) who persists after such conviction in the conduct in respect of which he has been so convicted shall be guilty of a continuing offence and liable to a fine not exceeding **[ten rand]** R20 or to imprisonment for a period not exceeding **[seven]** 14 days in respect of every day he so persists or to both such fine and such imprisonment.”.

Substitution of section 3 of Act 52 of 1951, as amended by section 4 of Act 68 of 1986

3. The following section is hereby substituted for section 3 of the principal Act:
- “Orders for ejection and transfer of trespassers and for demolition of structures**
3. (1) The Court which convicts any person under section 2 of a contravention of section 1, **[may]**—
- (a) shall, in addition to any other penalty inflicted, make an order for the summary ejection of such person from the land or building concerned;
 - (b) shall issue such further orders, give such instructions and confer such authority as may be reasonably necessary—
 - (i) to give effect to the said order for ejection;
 - [(ii) to effect the transfer of such person and his family and dependants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate, including a place where a specified portion of land has been designated by the Minister of Constitutional Development and Planning under section 6A or otherwise been made available by the State, a local authority or any other competent authority as land on which persons who are unable to find accommodation may settle or reside;]**
 - (iii) to ensure the demolition and removal from the said land of all buildings or structures which may have been erected thereon by any such person or on his behalf; and
 - (c) may issue such further orders, give such instructions and confer such authority as may be reasonably necessary to effect the transfer of such person and his family and dependants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate, including a place where a specified portion of land has been designated by the Administrator under section 6A or otherwise been made available by the State, a local authority or any other competent authority.”.
- (2) If such persons as aforesaid have at any time been transferred to any particular place in terms of subsection (1), and the magistrate within whose district such place is situated is satisfied, on information placed before him, or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place (whether within or without the said magistrate's district) as he may indicate, and for such purpose such magistrate **[shall have unconditionally all the powers conferred on a magistrate under subsection (1)]** may issue, give or confer any order, instruction or authority referred to in subsection (1).”.

Amendment of section 3A of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976 and amended by section 5 of Act 68 of 1986

- 60 4. Section 3A of the principal Act is hereby amended—

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through such representatives to the allegations set out in the said affidavits.

(2) If such persons as aforesaid have at any time been transferred to any particular place in terms of subsection (1), and the magistrate within whose district such place is situated is satisfied, on information placed before him or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place whether within or **[without]** outside the said magistrate's district, as he may indicate, and for such purpose such magistrate shall have unconditionally all the powers conferred on a magistrate under subsection (1).".

Substitution of section 6 of Act 52 of 1951, as amended by section 4 of Act 92 of 1976 and section 11 of Act 68 of 1986

9. The following section is hereby substituted for section 6 of the principal Act:

"Declaration and abolition of transit area by local authority

20 6. (1) A local authority may, subject to the provisions of subsection (2), expropriate land, or take the right to use land temporarily, for the purpose of declaring it a transit area.

(2) The provisions of sections 6 to 23 inclusive of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of the expropriation of land or the taking of the right to use land temporarily under subsection (1), and in such application a reference in the said sections of that Act to—

- (a) 'Minister' shall be construed as a reference to a local authority; and
 - (b) 'section 2' shall be construed as a reference to subsection (1).
- (3) Any local authority may, by notice in the *Official Gazette*—
- (a) declare a portion of land defined in the notice to be a transit area for the temporary settlement of homeless persons, whether the land is occupied by homeless persons or not; and
 - (b) abolish such a transit area.

(4) Notwithstanding the provisions of the Expropriation Act, 1975, no compensation shall be payable for the use as a transit area of—

- (a) private land that is occupied by homeless persons, unless the owner or lawful occupier of such land can prove that it is so occupied without his permission; or
- (b) land that is the property of a local authority, if the land has been designated as a transit area by the Administrator in circumstances contemplated in section 6C.

(5) Any local authority may, subject to the provisions of subsection (8), by notice in the *Official Gazette* make by-laws relating to—

- (a) the control, administration, maintenance and sanitation of a transit area;
- (b) the restriction or prohibition of the access of persons to a transit area;
- (c) the ejectment of any occupier or other person from a transit area;
- (d) the demolition and removal of a building or structure erected in a transit area;
- (e) the establishment of a local committee consisting of inhabitants of a transit area, and the powers, duties and functions of such a committee;
- (f) the constitution of a local committee, including the election or appointment of its members and chairman;

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(g) die ampstermy van lede van, die vulling van toevallige vakturen in, en die prosedure by vergaderings van, 'n plaaslike komitee;	5
(h) die gesondheidstandaarde in 'n deurgangsgebied ten opsigte waarvan 'n verklaring kragtens subartikel (10) uitgereik is;	
(i) die heffing van leges of gelde deur plaaslike owerhede ten opsigte van—	
(i) bewoning van grond; en	
(ii) dienste deur die plaaslike owerheid voorsien;	
(j) oor die algemeen, enige ander aangeleentheid wat die plaaslike owerheid nodig of wenslik ag vir die doeltreffende funksionering van 'n plaaslike komitee.	10
(6) Verskillende verordeninge kan gemaak word ten opsigte van verskillende gedeeltes van 'n deurgangsgebied of verskillende kategorieë van persone, geboue of bouwerke.	
(7) 'n Verordening beoog in subartikel (5) kan bepaal dat iemand wat 'n bepaling daarvan oortree of versuum om daaraan te voldoen, aan 'n misdryf skuldig is en by eerste skuldigbevinding strafbaar is met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens drie maande, en by 'n latere skuldigbevinding, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.	15
(8) Geen verordening word kragtens subartikel (5) gemaak nie betrekende—	
(a) die reëling of beperking van of verbod op enige onderneming, nywerheid, ambag of beroep in 'n deurgangsgebied, behalwe ten opsigte van hinderlike bedrywighede; en	20
(b) die standaarde waaraan geboue of bouwerke in 'n deurgangsgebied moet voldoen.	
(9) Die bepaling van—	
(a) wette betrekende dorpsstigting en -beplanning;	
(b) die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966);	30
(c) die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977);	
(d) die Slumswet, 1979 (Wet No. 76 van 1979); en	
(e) verordeninge van plaaslike owerhede betrekende die standaarde en vereistes waaraan geboue moet voldoen,	35
is nie van toepassing ten opsigte van 'n deurgangsgebied nie.	
(10) 'n Administrateur kan, na oorlegpleging met die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling, by kennisgewing in die <i>Offisiële Koerant</i> verklaar dat enige bepaling van 'n wet betrekende gesondheid nie in 'n deurgangsgebied in sodanige kennisgewing vermeld, van toepassing is nie.	40
(11) 'n Noodkamp opgerig kragtens hierdie artikel soos dit bestaan het onmiddellik voor die inwerkingtreding van die Wysigingswet op die Voorkoming van Onregmatige Plakkery, 1988, en wat onmiddellik voor daardie inwerkingtreding bestaan het, word vanaf daardie inwerkingtreding vir die doeleindes van hierdie Wet en enige ander Wet geag kragtens subartikel (3) as 'n deurgangsgebied verklaar te gewees het, en enige regulasie wat onmiddellik voor sodanige inwerkingtreding ten opsigte van so 'n noodkamp gegeld het, word geag 'n verordening te wees wat kragtens subartikel (5) gemaak is.”	45
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Vervanging van artikel 6A van Wet 52 van 1951, soos ingevoeg deur artikel 12 van Wet 68 van 1986

10. Artikel 6A van die Hoofwet word hierby deur die volgende artikel vervang:

“Aanwysing van grond vir ontwikkeling van woongebiede

6A. (1) 'n Administrateur kan behoudens subartikel (2) grond onteien of op enige ander wyse verkry ten einde 'n gebied vir die doeleindes van hierdie artikel aan te wys.

(2) Die bepalinge van artikels 6 tot en met 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), is *mutatis mutandis* van toepassing op die onteiening van grond kragtens subartikel (1), en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet na—

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- (g) the tenure of office of members of, the filling of casual vacancies in, and the procedure at meetings of, a local committee;
- (h) the health standards in a transit area in respect of which a declaration under subsection (10) has been issued;
- 5 (i) the levying of fees or charges by local authorities in respect of—
 (i) occupation of land; and
 (ii) services provided by the local authority;
- (j) in general, any other matter which the local authority may deem necessary or desirable for the effective functioning of a local committee.
- 10 (6) Different by-laws may be made in respect of different portions of a transit area or different categories of persons, buildings or structures.
- 15 (7) A by-law contemplated in subsection (5) may provide that any person who contravenes a provision thereof or fails to comply therewith shall be guilty of an offence, and liable on a first conviction to a fine not exceeding R500 or imprisonment for a period not exceeding three months, and on a subsequent conviction, to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months.
- 20 (8) No by-law relating to—
 (a) the regulation, restriction or prohibition of any undertaking, industry, trade or occupation in a transit area, except in respect of noxious activities; and
 (b) the standards with which buildings or structures in a transit area shall comply,
 shall be made under subsection (5).
- 25 (9) The provisions of—
 (a) laws relating to the establishment of townships and town planning;
 (b) the Group Areas Act, 1966 (Act No. 36 of 1966);
 (c) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
 (d) the Slums Act, 1979 (Act No. 76 of 1979); and
 (e) by-laws of local authorities relating to the standards and requirements with which buildings shall comply,
 shall not apply in respect of a transit area.
- 30 (10) An Administrator may, after consultation with the Minister of National Health and Population Development, by notice in the *Official Gazette* declare that any provision of a law relating to health shall not apply in a transit area mentioned in such a notice.
- 35 (11) An emergency camp established under this section as it existed before the commencement of the Prevention of Illegal Squatting Amendment Act, 1988, and in existence immediately before such commencement, shall, for the purposes of this Act and any other law, from that commencement be deemed to have been declared a transit area under subsection (3), and any regulation which applied in respect of such an emergency camp immediately prior to such commencement shall be deemed to be a by-law made under subsection (5).".

Substitution of section 6A of Act 52 of 1951, as inserted by section 12 of Act 68 of 1986

50 10. The following section is hereby substituted for section 6A of the principal Act:

"Designation of land for development of residential areas

6A. (1) An Administrator may, subject to subsection (2), expropriate or in any other manner acquire land in order to designate an area for the purposes of this section.

(2) The provisions of sections 6 to 23 inclusive of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of the expropriation of land under subsection (1), and in such application a reference in the said sections of that Act to—

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(a) 'Minister' uitgelê as 'n verwysing na die betrokke Administrateur; en	
(b) 'artikel 2' uitgelê as 'n verwysing na subartikel (1).	
(3) 'n Administrateur kan by kennisgewing in die <i>Offisiële Koerant</i> —	
(a) 'n gedeelte grond in die kennisgewing omskryf, aanwys vir ontwikkeling as 'n woongebied ooreenkomsdig die bepalings van hierdie artikel, hetsy die grond deur daklose persone bewoon word al dan nie;	5
(b) sodanige aanwysing intrek of, behoudens die bepalings van subartikels (1) en (2), wysig.	
(4) Die bepalings van—	10
(a) artikels 9, 9A en 11 van die Wet op Adverteer langs en Toebou van Paaie, 1940 (Wet No. 21 van 1940);	
(b) die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966);	
(c) artikel 12 van die Wet op Nasionale Paaie, 1971 (Wet No. 54 van 1971);	15
(d) die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977);	
(e) die Slumswet, 1979 (Wet No. 76 van 1979);	
(f) wette betreffende dorpstigting en -beplanning;	
(g) verordnings van plaaslike owerhede betreffende die standarde en vereistes waaraan gebou moet voldoen; en	20
(h) wette waarby die goedkeuring van 'n owerheid vereis word vir die onderverdeling van grond,	
is behoudens subartikel (5) nie van toepassing ten opsigte van 'n aangewese gebied nie.	25
(5) Die Administrateur kan by kennisgewing in die <i>Offisiële Koerant</i> verklaar dat 'n bepaling van 'n wet in subartikel (4) (d), (e) en (g) bedoel op die aangewese gebied in die kennisgewing vermeld, van toepassing is.	
(6) 'n Aangewese gebied word deur die Administrateur of sy behoorlik aangestelde agent geadministreer.	30
(7) 'n Eienaar of dorpsontwikkelaar van grond wat as 'n aangewese gebied kragtens subartikel (3) aangewys is, kan, onderworpe aan die regulasies kragtens subartikel (10) uitgevaardig—	
(a) die ontwikkeling van daardie gebied beplan of herbeplan;	
(b) paaie en strate in daardie gebied bou, herbou en onderhou;	35
(c) dienste en geriewe in daardie gebied voorsien;	
(d) sodanige ander werk ten opsigte van geboue, bouwerke, heinings, verbeterings, grond, paaie, strate, dienste en geriewe in daardie gebied verrig as wat in die belang van die inwoners is; en	
(e) erwe in daardie gebied verhuur of vervreem.	40
(8) (a) Indien 'n eienaar of dorpsontwikkelaar bedoel in subartikel (7) van voorname is om erwe te vervreem, moet hy die erwe deur 'n landmeter laat opmeet en op 'n algemene plan laat aandui ooreenkomsdig die bepalings van die Opmetingswet, 1927 (Wet No. 9 van 1927).	45
(b) Behoudens enige voorwaarde deur die Administrateur gestel, moet—	
(i) die betrokke landmeter-generaal die algemene plan goedkeur indien dit voldoen aan die vereistes van die Opmetingswet, 1927 (Wet No. 9 van 1927); en	
(ii) die betrokke registrateur van aktes 'n register open ooreenkomsdig artikel 46 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937).	50
(c) Indien die registrateur van aktes kragtens—	
(i) artikel 46 (3) van die Registrasie van Aktes Wet, 1937, op die titelbewys en die registrasieduplikaat daarvan 'n aantekening gemaak het waaruit blyk dat die aangewese gebied of gedeelte daarvan ooreenkomsdig die algemene plan as 'n dorp of nedersetting ingedeel is; of	55
(ii) artikel 46 (4) van daardie Wet 'n sertifikaat van dorps- of nedersettingstitel uitgereik het,	60
moet die betrokke Administrateur by kennisgewing in die <i>Offisiële Koerant</i> bekend maak dat die aangewese gebied of gedeelte daarvan	

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- (a) 'Minister' shall be construed as a reference to the Administrator concerned; and
- (b) 'section 2' shall be construed as a reference to subsection (1).
- (3) An Administrator may, by notice in the *Official Gazette*—
- (a) designate a portion of land defined in the notice for development as a residential area in accordance with the provisions of this section, whether such land is occupied by homeless persons or not;
- (b) withdraw or, subject to subsections (1) and (2), amend such designation.
- (4) The provisions of—
- (a) sections 9, 9A and 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940);
- (b) the Group Areas Act, 1966 (Act No. 36 of 1966);
- (c) section 12 of the National Roads Act, 1971 (Act No. 54 of 1971);
- (d) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- (e) the Slums Act, 1979 (Act No. 76 of 1979);
- (f) laws relating to the establishment of townships and town planning;
- (g) by-laws of local authorities relating to the standards and requirements with which buildings shall comply; and
- (h) laws requiring the approval of an authority for the subdivision of land,
- shall, subject to subsection (5), not apply in respect of a designated area.
- (5) The Administrator may, by notice in the *Official Gazette*, declare that any provision of a law referred to in subsection (4) (d), (e) and (g) shall apply to the designated area mentioned in the notice.
- (6) A designated area shall be administered by the Administrator or his duly appointed agent.
- (7) An owner or township developer of land which has been designated as a designated area under subsection (3) may, subject to the regulations made under subsection (10)—
- (a) plan or replan the development of that area;
- (b) construct, reconstruct and maintain roads and streets in that area;
- (c) provide services and amenities in that area;
- (d) perform such other work in respect of buildings, structures, fences, improvements, land, roads, streets, services and amenities in that area as may be in the interest of the inhabitants; and
- (e) let or alienate erven in that area.
- (8) (a) If an owner or township developer referred to in subsection (7) intends to alienate erven, he shall cause the erven to be surveyed by a land surveyor and to be shown on a general plan in accordance with the provisions of the Land Survey Act, 1927 (Act No. 9 of 1927).
- (b) Subject to any condition the Administrator may impose—
- (i) the surveyor-general concerned shall approve the general plan if it complies with the requirements of the Land Survey Act, 1927 (Act No. 9 of 1927); and
- (ii) the registrar of deeds concerned shall open a register in accordance with section 46 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).
- (c) If the registrar of deeds—
- (i) has made an endorsement under section 46 (3) of the Deeds Registries Act, 1937, on the title deed and registry duplicate thereof from which it appears that the designated area or portion thereof has been laid out as a township or settlement in accordance with the general plan; or
- (ii) has issued a certificate of township or settlement title under section 46 (4) of that Act,
- the Administrator concerned shall by notice in the *Official Gazette* make known that the designated area or portion thereof has been so laid out or

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aldus ingedeel is of dat sodanige sertifikaat uitgereik is, waarop beheer oor en eiendomsreg ten opsigte van alle openbare plekke in die aangewese gebied of gedeelte daarvan in die Administrateur vestig, welke vestiging deur daardie registrator in die registrasiekantoor geregistreer moet word op die wyse wat hy geskik ag.

5

(d) By die toepassing van paragraaf (c) beteken 'openbare plek' die grond wat bestaan uit enige straat, pad, plein, deurgang, sanitêre gang, park, ontspannings- of sportterrein of oop gebied wat op die algemene plan van 'n dorp aangewys word en alle grond wat in 'n plaaslike owerheid vestig of waarop die eienaars van erwe in die dorp 'n gemeenskaplike reg het.

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(e) Die betrokke registrator van aktes kan, behoudens enige voorwaarde deur die Administrateur gestel en nadat kennis ingevolge paragraaf (c) gegee is, oordragte van erwe en ander regstreerbare transaksies ten opsigte daarvan regstreer.

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(9) 'n Administrateur kan by kennisgewing in die *Offisiële Koerant* 'n plaaslike komitee vir 'n aangewese gebied instel, of so 'n komitee afskaf.

16

(10) Die Administrateur kan by kennisgewing in die *Offisiële Koerant* regulasies uitvaardig betreffende—

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(a) die ordelike ontwikkeling van 'n aangewese gebied;

(b) die aktiwiteit wat toegelaat word op erwe vir kommersiële of nywerheidsdoeleindes;

(c) die oprigting van geboue of bouwerke;

(d) aangeleenthede in subartikel (7) bedoel;

(e) die samestelling van 'n plaaslike komitee kragtens subartikel (9) ingestel, met inbegrip van die verkiesing of aanstelling van sy lede en voorsitter;

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(f) die ampstermy van lede van, die vulling van toevallige vakatures in, en die prosedure by vergaderings van, 'n plaaslike komitee;

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(g) die bevoegdhede, pligte en werksaamhede van 'n plaaslike komitee;

(h) die verbetering en onderhoud van dienste en geriewe in 'n aangewese gebied voorsien deur 'n plaaslike komitee, 'n plaaslike owerheid, die eienaar van private grond waarop so 'n gebied geleë is of enige ander persoon;

(i) die persone of kategorieë persone aan wie erwe verhuur of vervreem mag word;

35

(j) die heffing van leges of gelde deur die Administrateur ten opsigte van—

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(i) bewoning van grond; en

(ii) dienste deur die Administrateur voorsien; en

(k) enige ander aangeleenthede wat hy nodig of wenslik ag vir die doeltreffende funksionering van 'n plaaslike komitee.

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(11) Die Administrateur kan by kennisgewing in die *Offisiële Koerant* 'n regulasie uitgevaardig kragtens subartikel (10) wat strydig is met 'n in subartikel (4) bedoelde bepaling intrek.

(12) Die bepaling van artikel 6 (5) (i), (6) en (8) (a) ten opsigte van verordeninge is *mutatis mutandis* van toepassing op 'n regulasie uitgevaardig kragtens subartikel (10).

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(13) 'n Regulasie kragtens subartikel (10) uitgevaardig, kan bepaal dat iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by eerste skuldigbevinding strafbaar is met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens drie maande, en by 'n latere skuldigbevinding, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

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(14) Regulasies kragtens subartikel (10) uitgevaardig, is van toepassing op enige uitbreiding van die betrokke aangewese gebied.

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(15) Ondanks andersluidende wetsbepalings kan die Administrateur by kennisgewing in die *Offisiële Koerant* verklaar dat 'n bepaling van 'n wet betreffende—

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(a) behuisig; of

(b) statutêre besitreg ten opsigte van grond,
van toepassing is in die aangewese gebied in sodanige kennisgewing
vermeld.

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that such certificate has been issued, whereupon control of and ownership in respect of all public places in the designated area or portion thereof shall vest in the Administrator, which vesting shall be registered by that registrar in the deeds registry in the manner he deems fit.

(d) For the purposes of paragraph (c), 'public place' means the land consisting of any street, road, square, thoroughfare, sanitary lane, park, recreation or sports ground or open area shown on the general plan of a township and all land vesting in a local authority or to which the owners of erven in the township have a common right.

(e) The registrar of deeds concerned may, subject to any condition which the Administrator may impose and after notice in terms of paragraph (c) has been given, register transfers of erven and other registrable transactions in respect thereof.

(9) An Administrator may by notice in the *Official Gazette* establish a local committee for a designated area, or dissolve such a committee.

(10) An Administrator may by notice in the *Official Gazette* make regulations relating to—

(a) the orderly development of a designated area;

(b) the activities which are permitted on erven for commercial or industrial purposes;

(c) the erection of buildings or structures;

(d) matters referred to in subsection (7);

(e) the constitution of a local committee established under subsection (9), including the election or appointment of its members and chairman;

(f) the tenure of office of members of, the filling of casual vacancies in, and the procedure at meetings of, a local committee;

(g) the powers, duties and functions of a local committee;

(h) the improvement and maintenance of services and amenities in a designated area provided by a local committee, a local authority, the owner of private land on which such an area is situated or any other person;

(i) the persons or categories of persons to whom erven may be let or alienated;

(j) the levying of fees or charges by the Administrator in respect of—
(i) occupation of land; and
(ii) services provided by the Administrator; and

(k) any other matter which he may consider necessary or desirable for the effective functioning of any local committee.

(11) The Administrator may by notice in the *Official Gazette*, withdraw any regulation made under subsection (10) that is in conflict with a provision referred to in subsection (4).

(12) The provisions of section 6 (5) (i), (6) and (8) (a) in respect of by-laws shall *mutatis mutandis* apply to a regulation made under subsection (10).

(13) A regulation made under subsection (10) may provide that a person who contravenes or fails to comply therewith shall be guilty of an offence, and liable on a first conviction to a fine not exceeding R500 or imprisonment for a period not exceeding three months, and on a subsequent conviction, to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months.

(14) Regulations made under subsection (10) shall apply to any extension of the designated area concerned.

(15) The Administrator may, notwithstanding anything to the contrary in any other law contained, by notice in the *Official Gazette* declare that any provision of a law relating to—

(a) housing; or

(b) statutory right of tenure in respect of land,
shall apply in the designated area mentioned in such notice.

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(16) Ondanks andersluidende wetsbepalings kan die Administrateur, voordat 'n register bedoel in subartikel (8) (b) (ii) geopen word, by kennisgewing in die <i>Offisiële Koerant</i> enige beperkende voorwaarde of serwituit wat na sy mening strydig is met, of onwenslik is met betrekking tot, die gebruik, okkupasie, ontwikkeling of onderverdeling van grond vir die stigting van 'n dorp of wat die opening van 'n dorpsregister ten opsigte van daardie grond kan benadeel, ophef of opskort vir 'n tydperk of wysig op die wyse en in die mate in die kennisgewing vermeld.	5
(17) 'n Administrateur moet binne 30 dae na kennisgewing van so 'n opheffing of opskorting of wysiging kragtens subartikel (16)—	10
(a) die registrateur van aktes dienooreenkomsig in kennis stel, en daarna moet die registrateur so 'n opheffing, opskorting of wysiging in sy registers aanteken;	15
(b) enigiemand wat skade gely het as gevolg van die opheffing, opskorting of wysiging vergoed vir sodanige skade met die bedrag waarop die Administrateur en daardie persoon ooreenkom, of by ontstentenis van 'n ooreenkoms, met die bedrag deur arbitrasie bepaal, in welke geval die bepalings van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), <i>mutatis mutandis</i> van toepassing is.	15
(18) 'n Administrateur kan—	20
(a) in soverre dit redelikerwys uitvoerbaar en nodig is vir die voorsiening van noodsaklike dienste in 'n aangewese gebied; of	20
(b) om gerieflike toegang tot of uitgang uit daardie gebied te verseker, met die instemming van 'n nabyleë plaaslike owerheid en op die voorwaardes waaraan daar tussen die Administrateur en so 'n plaaslike owerheid ooreengekom word—	25
(i) 'n afvoersloot, riool, pyp-, water- of ander hoofleiding of kraglyn in daardie aangewese gebied met 'n soortgelyke afvoersloot, riool, pyp-, water- of ander hoofleiding of kraglyn in die omgewing van daardie gebied wat onder so 'n plaaslike owerheid se beheer is; of	30
(ii) 'n pad, straat of deurgang in daardie aangewese gebied met 'n pad, straat of deurgang wat deur so 'n plaaslike owerheid beheer word, laat aansluit.	30
(19) 'n Plaaslike owerheid in subartikel (18) bedoel, moet—	35
(a) sodanige bystand verleen of inligting verskaf as wat die Administrateur nodig mag ag vir die effektiewe uitoefening van sy bevoegdhede kragtens daardie subartikel;	35
(b) sover redelickerwys uitvoerbaar en op die voorwaardes en op die wyse waaraan daar deur die Administrateur en so 'n plaaslike owerheid ooreengekom word, water en elektrisiteit verskaf en water en rioolslyk ontvang by 'n aansluiting kragtens subartikel (18) gemaak; en	40
(c) sodanige ander dienste as wat deur die Administrateur verlang word en wat normaalweg deur so 'n plaaslike owerheid voorsien word, op dieselfde wyse en voorwaardes as in die geval van grond binne die regsgebied van so 'n plaaslike owerheid, voorsien.	45
(20) (a) Die koste deur 'n plaaslike owerheid aangegaan ten einde aan 'n bepaling van subartikel (18) gevolg te gee of te voldoen, moet deur die betrokke Administrateur aan hom terugbetaal word.	50
(b) Die koste wat aldus aan 'n plaaslike owerheid terugbetaal word ten opsigte van dienste bedoel in subartikel (19) (c) mag nie—	50
(i) sonder die goedkeuring van die Administrateur hoër wees as die werklike koste vir die verskaffing van sodanige dienste nie; of	50
(ii) hoër wees as die gewone vorderings, waar hulle hoër as die werklike koste is vir soortgelyke dienste wat binne die regsgebied van daardie plaaslike owerheid voorsien word nie.	55
(21) Grond wat kragtens hierdie artikel, soos dit bestaan het onmiddellik voor die inwerkingtreding van die Wysigingswet op die Voorkoming van Onregmatige Plakkery, 1988, aangewys is as grond waarop persone wat nie in staat is om huisvesting te bekom nie hulself kan vestig of kan woon, word vanaf daardie inwerkingtreding geag 'n aangewese	60

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- 5 (16) The Administrator may, notwithstanding anything to the contrary in any law contained and before a register referred to in subsection (8) (b) (ii) is opened, by notice in the *Official Gazette* cancel, suspend for any period or amend in the manner and to the extent mentioned in the notice any suspensive condition or servitude that in his opinion is inconsistent with, or undesirable in relation to, the use, occupation, development or subdivision of land for the establishment of a township, or which may prejudice the opening of a township register in respect of that land.
- 10 (17) An Administrator shall within 30 days after notification of such a cancellation, suspension or amendment in terms of subsection (16)—
- 15 (a) notify the registrar of deeds concerned accordingly, and the registrar shall thereupon note such a cancellation, suspension or amendment in his registers;
- 20 (b) compensate any person who has suffered any damages as a result of the cancellation, suspension or amendment for such damages to an amount agreed upon between the Administrator and that person, or in the absence of an agreement, to an amount determined by arbitration, in which case the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), shall *mutatis mutandis* apply.
- 25 (18) An Administrator may—
- 30 (a) in so far as it may be reasonably practicable and necessary for the provision of essential services in a designated area; or
- 35 (b) to ensure convenient entrance to or exit from that area, with the consent of a local authority situated nearby and on such conditions as may be agreed upon between the Administrator and such a local authority, cause—
- (i) any drain, sewer, conduit, water or other mains or power line in that designated area to be connected to a similar drain, sewer, conduit, water or other mains or power line in the vicinity of that area which is under the control of such a local authority; or
- (ii) any road, street or thoroughfare on such designated area to be connected to any road, street or thoroughfare controlled by such a local authority.
- 40 (19) A local authority referred to in subsection (18), shall—
- 45 (a) furnish such assistance or information as the Administrator may consider necessary for the effective exercise of his powers under that subsection;
- (b) in so far as may be reasonably practicable, and on such conditions and in such manner as may be agreed upon between the Administrator and such a local authority, supply water and electricity from and receive water and sewage at any connection made under subsection (18); and
- (c) provide such other services as may be required by the Administrator and as are normally supplied by such a local authority, in the same manner and on the same conditions as in the case of land within the jurisdiction of such a local authority.
- 50 (20) (a) The expenses incurred by a local authority in order to give effect to a provision of subsection (19), shall be refunded to it by the Administrator concerned.
- (b) The expenses so refunded to a local authority shall in respect of services contemplated in subsection (19) (c) not—
- 55 (i) without the approval of the Administrator, exceed the actual cost of providing such services; or
- (ii) exceed the ordinary charges, where these exceed the actual cost, for similar services provided in respect of an area within the jurisdiction of such local authority.
- 60 (21) Land designated under this section as it existed immediately before the commencement of the Prevention of Illegal Squatting Amendment Act, 1988, as land on which persons who are unable to find accommodation may settle or reside shall from that commencement be

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gebied te wees, en 'n regulasie kragtens bedoelde artikel uitgevaardig betreffende sodanige grond word geag kragtens subartikel (10) uitgevaardig te gewees het.”.

Invoeging van artikels 6B tot 6F in Wet 52 van 1951

11. Die volgende artikels word hierby in die Hoofwet na artikel 6A ingevoeg: 5

“Aangewese beampete

6B. (1) 'n Plaaslike owerheid kan skriftelik 'n persoon in diens van die plaaslike owerheid as 'n aangewese beampete aanwys.

(2) 'n Administrateur kan by kennisgewing in die *Offisiële Koerant* regulasies uitvaardig betreffende— 10

(a) die bevoegdhede, werksaamhede en pligte van 'n aangewese beampete; en

(b) die aanstelling, bevoegdhede, werksaamhede en pligte van 'n tolk of ander assistent vir 'n aangewese beampete.

Versuim deur plaaslike owerheid om werksaamhede te verrig 15

6C. (1) Indien 'n Administrateur van oordeel is dat 'n oogmerk van hierdie Wet verydel word deur die versuim van 'n plaaslike owerheid om enige bevoegdheid, werksaamheid of plig wat by of kragtens hierdie Wet aan hom opgedra word, uit te oefen of te verrig, kan hy die betrokke plaaslike owerheid by skriftelike kennisgewing gelas om die bevoegdheid, werksaamheid of plig wat die Administrateur nodig ag, binne 'n tydperk vermeld in die kennisgewing uit te oefen of te verrig.

(2) Indien die plaaslike owerheid versuim om tot bevrediging van die Administrateur aan 'n kennisgewing beoog in subartikel (1) te voldoen, kan hy die bevoegdheid, werksaamheid of plig uitoefen of verrig wat hy die plaaslike owerheid gelas het om uit te oefen of te verrig, en vir daardie doel word hy geag beklee te wees met al die bevoegdhede, werksaamhede en pligte wat aan 'n plaaslike owerheid by of kragtens hierdie Wet verleen of opgedra is.

(3) Koste wat deur 'n Administrateur uit hoofde van subartikel (2) aangegaan is, kan deur hom verhaal word deur—

(a) geregtelike stappe teen die betrokke plaaslike owerheid in 'n bevoegde hof in te stel;

(b) dit af te trek van 'n subsidie, terugbetaling, toelae of ander gelde betaalbaar aan die betrokke plaaslike owerheid uit die Staatsinkomstefonds; of

(c) 'n spesiale belasting op alle belasbare eiendom binne die regssgebied van die betrokke plaaslike owerheid by kennisgewing in die *Offisiële Koerant* te hef.

(4) 'n Sertifikaat wat die bedrag wat deur die plaaslike owerheid uit hoofde van hierdie artikel verskuldig is, aantoon en wat deur die Administrateur onderteken is, is *prima facie*-bewys van daardie bedrag.

Delegering van bevoegdhede 45

6D. (1) 'n Administrateur kan enige bevoegdheid by of kragtens hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig of 'n bevoegdheid wat by kennisgewing in die *Offisiële Koerant* uitgeoefen kan word, deleger—

(a) in die geval van 'n Administrateur bedoel in paragraaf (c) van die omskrywing van "Administrateur", aan—

(i) 'n lid van die uitvoerende komitee van die betrokke provinsie;

(ii) die betrokke provinsiale sekretaris; of

(iii) die in subparagraaf (i) en (ii) bedoelde persone gesamentlik; en

(b) in enige ander geval, aan 'n beampete in diens van die administrasie.

(2) 'n Plaaslike owerheid kan 'n bevoegdheid by of kragtens hierdie Wet aan hom verleen, behalwe die bevoegdheid om verordeninge te maak, aan enige beampete in sy diens deleger.

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deemed to be a designated area, and any regulation relating to such land shall be deemed to have been made under subsection (10).”.

Insertion of sections 6B to 6F in Act 52 of 1951

11. The following sections are hereby inserted in the principal Act after section 5 6A:

“Designated officers

6B. (1) A local authority may designate in writing any person in the service of the local authority as a designated officer.

(2) An Administrator may by notice in the *Official Gazette* make regulations relating to—
 (a) the powers, functions and duties of a designated officer; and
 (b) the appointment, powers, functions and duties of an interpreter and other assistant to such designated officer.

Failure by local authority to perform its functions

6C. (1) If an Administrator is of the opinion that an object of this Act is being frustrated by the failure of a local authority to exercise or perform any power, function or duty assigned to it by or under this Act, he may by written notice direct the local authority concerned to exercise or perform such power, function or duty as the Administrator may consider necessary, within a period mentioned in the notice.

(2) If the local authority fails to comply with a notice contemplated in subsection (1) to the satisfaction of the Administrator, he may exercise or perform such power, function or duty as he directed the local authority to exercise or perform, and he shall for that purpose be deemed to be vested with all the powers, functions and duties conferred or assigned to a local authority by or under this Act.

(3) Expenditure incurred by an Administrator by virtue of subsection (2) may be recovered by him by—
 (a) instituting legal proceedings in any competent court against the local authority concerned;
 (b) deducting it from any subsidy, refund, grant or other moneys payable out of the State Revenue Fund to the local authority concerned; or
 (c) levying a special tax by notice in the *Official Gazette*, on all rateable property within the area of jurisdiction of the local authority concerned.

(4) A certificate indicating the amount due by a local authority by virtue of this section and signed by the Administrator shall be *prima facie* proof of that amount.

Delegation of powers

6D. (1) An Administrator may delegate any power conferred on him by or under this Act, other than a power to make regulations or a power which may be exercised by notice in the *Official Gazette*—

(a) in the case of an Administrator referred to in paragraph (c) of the definition of “Administrator”, to—
 (i) a member of the executive committee of the province concerned;
 (ii) the provincial secretary concerned;
 (iii) the persons referred to in subparagraph (i) and (ii) jointly; and

(b) in any other case, to an officer in the service of the administration.
 (2) A local authority may delegate any power conferred on it by or under this Act, other than the power to make by-laws, to any person in its service.

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(3) 'n Delegering kragtens subartikel (1) of (2) belet nie die uitoefening van die betrokke bevoegdheid deur die Administrateur of die plaaslike owerheid, na gelang van die geval, nie.	5
(4) Die persoon aan wie 'n bevoegdheid kragtens subartikel (1) of (2) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Administrateur of plaaslike owerheid, na gelang van die geval, wat ook die betrokke delegasie te eniger tyd kan intrek.	10
Instelling en bevoegdhede van komitees	
6E. (1) 'n Administrateur kan, by kennisgewing in die <i>Offisiële Koerant</i> , 'n komitee vir enige gebied onder sy gesag buite die regsgebied van 'n plaaslike owerheid instel.	15
(2) Benewens die bevoegdhede, pligte en werksaamhede deur hierdie Wet aan 'n komitee opgedra, moet 'n komitee die bevoegdhede, pligte en werksaamhede wat kragtens subartikel (3) by regulasie voorgeskryf word, uitoefen en verrig.	20
(3) 'n Administrateur kan by kennisgewing in die <i>Offisiële Koerant</i> regulasies uitvaardig betreffende—	25
(a) die samestelling van 'n komitee, met inbegrip van die verkiesing of aanstelling van sy lede en voorsitter;	
(b) die ampstermyn van lede van 'n komitee, die vulling van toevallige vakatures in 'n komitee en die prosedure by vergaderings van 'n komitee;	
(c) die bevoegdhede, pligte en werksaamhede van 'n komitee; en	
(d) oor die algemeen, enige ander aangeleentheid wat die Administrateur nodig of wenslik ag vir die doeltreffende funksionering van 'n komitee.	
(4) 'n Regulasie kragtens subartikel (3) uitgevaardig, kan bepaal dat iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by eerste skuldigbevinding strafbaar is met 'n boete van hoogstens R500 of gevengenisstraf vir 'n tydperk van hoogstens drie maande, en by 'n latere skuldigbevinding, met 'n boete van hoogstens R1 000 of gevengenisstraf vir 'n tydperk van hoogstens ses maande.	30
Uitsetting van sekere persone uit of van geboue, bouwerke of grond geleë buite regsgebied van 'n plaaslike owerheid	35
6F. (1) Indien 'n komitee redelike gronde het om te vermoed dat 'n gebou, bouwerk of grond geleë in 'n gebied buite die regsgebied van 'n plaaslike owerheid bewoon word deur persone wat nie in diens van die eienaar of wettige okkupererder daarvan is nie, moet die komitee 'n beampte van die betrokke administrasie gelas om ondersoek na die aangeleentheid in te stel en 'n skriftelike verslag daaroor aan die komitee voor te lê.	40
(2) Indien die komitee na oorweging van so 'n verslag bevind dat die gebou, bouwerk of grond bewoon word deur persone in daardie subartikel bedoel, moet hy 'n skriftelike kennisgewing aan die eienaar of wettige okkupererder, na gelang van die geval, laat beteken waarin die komitee se bevinding uiteengesit word en daardie eienaar of wettige okkupererder gelas word om binne 'n tydperk van 30 dae na die datum waarop die kennisgewing beteken is daardie persone uit of van die betrokke gebou, bouwerk of grond te sit op die wyse in die kennisgewing gespesifieer.	45
(3) Indien 'n eienaar of wettige okkupererder hom veronreg voel deur 'n kennisgewing ingevalle subartikel (2) kan daardie eienaar of wettige okkupererder binne 14 dae na die betekening op hom van sodanige kennisgewing skriftelik sy beswaar teen die kennisgewing en sy redes daarvoor aan die komitee voorlê.	50
(4) Die komitee kan na oorweging van 'n beswaar bedoel in subartikel (3) die skriftelike kennisgewing bedoel in subartikel (2) bevestig, tersyde stel of verander, en moet die betrokke eienaar of wettige okkupererder skriftelik verwittig van sy beslissing, wat finaal is.	55
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PREVENTION OF ILLEGAL SQUATTING AMENDMENT ACT, 1988 Act No. 104, 1988

(3) A delegation of a power under subsection (1) or (2) shall not prevent the exercise of the relevant power by the Administrator or the local authority, as the case may be.

(4) The person to whom a power has been delegated under subsection (1) or (2), shall exercise that power subject to the directions of the Administrator or local authority, as the case may be, who or which may also withdraw the delegation concerned at any time.

Establishment and powers of committees

6E. (1) An Administrator may by notice in the *Official Gazette*, establish a committee for any area under his authority outside the area of jurisdiction of a local authority.

(2) In addition to the powers, duties and functions assigned to a committee by this Act, a committee shall exercise and perform such powers, duties and functions as may be prescribed by regulation under subsection (3).

(3) An Administrator may, by notice in the *Official Gazette*, make regulations relating to—

- (a) the constitution of a committee, including the election or appointment of its members and chairman;
- (b) the tenure of office of members of a committee, the filling of casual vacancies on a committee, and the procedure at meetings of a committee;
- (c) the powers, duties and functions of a committee; and
- (d) in general, any other matter which the Administrator may consider necessary or desirable for the effective functioning of a committee.

(4) A regulation made under subsection (3) may provide that a person who contravenes or fails to comply therewith shall be guilty of an offence, and liable on a first conviction to a fine not exceeding R500 or imprisonment for a period not exceeding three months, and on a subsequent conviction, to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months.

Ejectment of certain persons from buildings, structures or land situated outside area of jurisdiction of a local authority

6F. (1) If a committee has reasonable grounds to believe that a building, structure or land situated in an area outside the area of jurisdiction of a local authority, is occupied by persons not employed by the owner or legal occupier thereof, the committee shall direct an officer of the administration concerned to investigate the matter and to submit a report thereon in writing to the committee.

(2) If the committee after consideration of such report finds that the building, structure or land is occupied by persons referred to in subsection (1), it shall cause the owner or legal occupier, as the case may be, to be served with a notice in writing in which the finding of the committee is set out and the owner or legal occupier is directed to eject those persons from the building, structure or land concerned in the manner mentioned in the notice within a period of 30 days after the date on which the notice has been served on him.

(3) If an owner or legal occupier feels himself aggrieved by a notice in terms of subsection (2), that owner or legal occupier may, within 14 days after such notice has been served on him, in writing submit his objection against the notice and his reasons therefor to the committee.

(4) The committee may, after consideration of an objection referred to in subsection (3), confirm, set aside or amend the notice referred to in subsection (2), and shall notify the owner or legal occupier concerned in writing of its decision, which shall be final.

Wet No. 104, 1988

WYSIGINGSWET OP DIE VOORKOMING VAN ONREGMATIGE
PLAKKERY, 1988

- (5) 'n Eienaar of wettige okkupererder wat versuim om 'n persoon uit te sit ooreenkomsdig 'n skriftelike kennisgewing in subartikel (2) bedoel of, indien dit kragtens subartikel (4) verander is, ooreenkomsdig so 'n veranderde kennisgewing is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel sodanige boete as sodanige gevangenisstraf. 5
- (6) (a) Indien 'n persoon in subartikel (1) bedoel nie die betrokke gebou, bouwerk of grond binne die tydperk vermeld in subartikel (2) op versoek van die eienaar of wettige okkupererder, ontruim nie, kan die komitee daardie persoon skriftelik beveel om die gebou, bouwerk of grond te ontruim binne die tydperk in daardie bevel vermeld. 10
- (b) Iemand wat versuim om te voldoen aan 'n bevel beoog in paragraaf (a), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande. 15
- (c) Die hof wat iemand aan 'n oortreding van paragraaf (b) skuldig bevind, moet benewens enige ander straf wat opgelê word, 'n bevel uitrek vir die summiere uitsetting van so 'n persoon uit of van die betrokke grond, gebou of bouwerk. 20
- (7) (a) 'n Kennisgewing in subartikels (2) en (4) bedoel en 'n bevel in subartikel (6) (a) bedoel, word beteken deur 'n persoon wat gemagtig is om 'n dagvaarding in strafregtelike verrigtinge te beteken, deur dit aan die persoon daarin genoem, te oorhandig of, indien hy nie gevind kan word nie, deur dit by sy woon- of werks- of besigheidsplek aan 'n persoon te oorhandig wat blykbaar oor die ouderdom van sestien jaar is en blykbaar daar woonagtig of werkzaam is, of deur dit deur die pos aan hom te bestel. 25
- (b) 'n Relaas deur die persoon wat die kennisgewing beteken het dat die betekening daarvan ooreenkomsdig paragraaf (a) geskied het, kan, by die vervolging van die betrokke persoon, by bedoelde verrigtinge ingelewer word en is *prima facie*-bewys van sodanige betekening. 30
- (8) Geen persoon is aanspreeklik ten opsigte van 'n handeling verrig of iets deur hom gedoen te goeder trou en sonder nalatigheid in die uitoefening van 'n bevoegdheid of die verrigting van 'n plig wat by of kragtens hierdie artikel aan hom verleen of opgedra is nie.". 35

Vervanging van artikel 7 van Wet 52 van 1951, soos gewysig deur artikel 5 van Wet 92 van 1976 en artikel 13 van Wet 68 van 1986

12. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang: 40

"Verbod op belemmering van polisie, aangewese beampes en ander gemagtigde persone**7. Iemand wat—**

(a) 'n polisiebeampte of ander persoon wat handel op gesag van 'n instruksie of bevel deur die hof kragtens artikel 3 of deur 'n landdros kragtens artikel 5 uitgereik, hinder, belemmer of weerstaan wanneer hy so 'n instruksie of bevel uitvoer; 45

(b) 'n aangewese beampte, wanneer hy 'n bevoegdheid, plig of werkzaamheid uitoefen, uitvoer of verrig, hinder, belemmer of weerstaan, of [wat] 50

(c) 'n eienaar of 'n beampte van 'n plaaslike owerheid of die **[Departement van Staatkundige Ontwikkeling en Beplanning]** administrasie by die uitoefening van 'n bevoegdheid by artikel 3B (1) verleen, hinder, belemmer of weerstaan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel sodanige boete as sodanige gevangenisstraf.". 55

Vervanging van artikel 8 van Wet 52 van 1951

13. Artikel 8 van Wet 52 van 1951 word hierby deur die volgende artikel vervang: 60

PREVENTION OF ILLEGAL SQUATTING AMENDMENT ACT, 1988 Act No. 104, 1988

- (5) An owner or legal occupier who fails to eject a person in accordance with a written notice referred to in subsection (2) or, if it has been amended under subsection (4), in accordance with such an amended notice, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.
- (6) (a) If a person referred to in subsection (1) does not vacate the building, structure or land concerned within the period mentioned in subsection (2) at the request of the owner or lawful occupier, the committee may order that person in writing to vacate the building structure or land within a period mentioned in that order.
- (b) Any person who fails to comply with an order contemplated in paragraph (a) shall be guilty of an offence and on conviction liable to a fine not exceeding R2 000 or imprisonment for a period not exceeding 12 months.
- (c) The court that convicts any person of a contravention of paragraph (b) shall, in addition to any other penalty imposed, issue an order for the summary ejection of such person from the land, structure or building concerned.
- (7) (a) A notice referred to in subsections (2) and (4), and an order referred to in subsection (6) (a), shall be served by a person empowered to serve a summons in criminal proceedings, by delivering it to the person named therein or, if he cannot be found, by delivering it at his residence or place of employment or business to a person apparently over the age of sixteen years and apparently residing or employed there or by delivering it to him by post.
- (b) A return by the person empowered to serve a notice that the service thereof has been duly effected in accordance with paragraph (a), may, at the prosecution of the person concerned, be handed in at such proceedings and shall be *prima facie* proof of such service.
- (8) No person is liable in respect of any act performed or anything done by him in good faith and without negligence in the exercise of a power or the performance of a duty conferred or assigned to him by or under this section.”.

35 Substitution of section 7 of Act 52 of 1951, as amended by section 5 of Act 92 of 1976 and section 13 of Act 68 of 1986

12. The following section is hereby substituted for section 7 of the principal Act:

“Obstruction of police, designated officers and other authorized persons prohibited

- 40 7. Any person who hinders, obstructs or resists—
 (a) any police officer or other person acting under the authority of an instruction or order issued by the Court in terms of section 3, or by a magistrate in terms of section 5, when carrying out such instruction or order;
- 45 (b) a designated officer when exercising or performing any power, duty and function; or [who hinders, obstructs or resists]
 (c) an owner or an officer of a local authority or [the Department of Constitutional Development and Planning] an administration when exercising any power granted under section 3B (1), shall be guilty of an offence and on conviction liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.”.

Substitution of section 8 of Afrikaans text of Act 52 of 1951

13. The following section is hereby substituted for section 8 of the Afrikaans text 55 of the principal Act:

Wet No. 104, 1988 **WYSIGINGSWET OP DIE VOORKOMING VAN ONREGMATIGE PLAKKERY, 1988**

“Jurisdiksie van landdroshof”

8. Ondanks andersluidende wetsbepalings het 'n **[magistraatshof]** **landdroshof** jurisdiksie om enige bevel of instruksie uit te vaardig of enige straf op te lê wat deur die bepalings van hierdie Wet gemagtig word.”.

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Vervanging van artikel 10 van Wet 52 van 1951, soos vervang deur artikel 14 van Wet 68 van 1986

14. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

“Woordomskrywing”

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

- (i) ‘aangewese beampte’ 'n beampte wat kragtens artikel 6B aangewys is; (vi)
- (ii) ‘aangewese gebied’ 'n gebied wat kragtens artikel 6A vir ontwikkeling as 'n woongebied aangewys is; (v)
- (iii) ‘administrasie’, met betrekking tot—
 - (a) 'n Administrateur bedoel in paragraaf (a) van die omskrywing van ‘Administrateur’, die Staatsdepartement wat deur die betrokke Minister gadministreer word;
 - (b) 'n Administrateur bedoel in paragraaf (b) van daardie omskrywing, die Departement van Ontwikkelingshulp;
 - (c) 'n Administrateur bedoel in paragraaf (c) van daardie omskrywing, die betrokke provinsiale administrasie; (i)
- (iv) ‘Administrateur’—
 - (a) binne 'n gebied bedoel in item 5 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), 'n Minister bedoel in artikel 21 (1) van daardie Wet wat verantwoordelik is vir behuisung binne so 'n gebied;
 - (b) met betrekking tot 'n afgesonderde Swart gebied soos omskryf in artikel 49 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), of met betrekking tot grond bedoel in artikel 21 (1) van daardie Wet, die Minister van Onderwys en Ontwikkelingshulp;
 - (c) buite die gebiede bedoel in paragrawe (a) en (b), 'n Administrateur soos omskryf in artikel 1 van die Wet op Provinciale Regering, 1986 (Wet No. 69 van 1986); (ii)
 - (v) ‘algemene plan’ 'n algemene plan soos omskryf in artikel 49 van die Opmetingswet, 1927 (Wet No. 9 van 1927); (vii)
 - (vi) ‘deurgangsgebied’ 'n gebied wat kragtens artikel 6 aldus verklaar is; (xiii)
 - (vii) ‘gebou of bouwerk’ ook 'n hut, pondok, tent of soortgelyke struktuur; (iii)
 - (viii) ‘grond’ ook 'n gedeelte van grond; (viii)
 - (ix) ‘komitee’ 'n komitee wat kragtens artikel 6E ingestel is; (iv)
 - (x) ‘landdros’ ook 'n addisionele en assistent-landdros; (x)
 - (xi) ‘Offisiële Koerant’, met betrekking tot 'n Administrateur bedoel in paragraaf (a) of (b) van die omskrywing van ‘Administrateur’, die Staatskoerant; (xi)
 - (xii) ‘plaaslike owerheid’ 'n instelling of liggaam soos omskryf in artikel 84 (1) (f) van die Wet op Provinciale Bestuur, 1961 (Wet No. 32 van 1961), of artikel 2 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), met uitsluiting van 'n bestuursliggaam of 'n verteenwoordigende liggaam soos omskryf in artikel 1 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), en vir die doeleindes van artikel 6A (18) ook 'n streeksdiensteraad ingestel kragtens artikel 3 van laasgenoemde Wet; (ix)
 - (xiii) ‘voorgeskryf’ by regulasies kragtens hierdie Wet voorgeskryf. (xii)”

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Invoeging van artikels 11A en 11B in Wet 52 van 1951

15. Die volgende artikels word hierby in die Hoofwet na artikel 11 ingevoeg:

PREVENTION OF ILLEGAL SQUATTING AMENDMENT ACT, 1988 Act No. 104, 1988

"Jurisdiksie van landdroshof"

8. Ondanks andersluidende wetsbepalings het 'n **[magistraatshof]** **landdroshof** jurisdiksie om enige bevel of instruksie uit te vaardig of enige straf op te lê wat deur die bepalings van hierdie Wet gemagtig word.”.

Substitution of section 10 of Act 52 of 1951, as substituted by section 14 of Act 68 of 1986

14. The following section is hereby substituted for section 10 of the principal Act:

"Definitions"

- 10 **10. In this Act, unless the context otherwise indicates—**
- (i) 'administration' means, in relation to—
- (a) an Administrator referred to in paragraph (a) of the definition of 'Administrator', the department of State which is administered by the Minister concerned;
 - (b) an Administrator referred to in paragraph (b) of that definition, the Department of Development Aid;
 - (c) an Administrator referred to in paragraph (c) of that definition, the provincial administration concerned; (iii)
- (ii) 'Administrator' means—
- (a) within an area referred to in item 5 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), a Minister referred to in section 21 (1) of that Act who is responsible for housing within such an area;
 - (b) in relation to a scheduled Black area as defined in section 49 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or in relation to land referred to in section 21 (1) of that Act, the Minister of Education and Development Aid;
 - (c) outside the areas referred to in paragraphs (a) and (b), an Administrator as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986); (iv)
 - (iii) 'building or structure' includes any hut, shack, tent or similar structure; (vii)
 - (iv) 'committee' means a committee established under section 6E; (ix)
 - (v) 'designated area' means an area designated under section 6A for development as a residential area; (ii)
 - (vi) 'designated officer' means an officer designated under section 6B; (i)
 - (vii) 'general plan' means a general plan as defined in section 49 of the Land Survey Act, 1927 (Act No. 9 of 1927); (v)
 - (viii) 'land' includes a portion of land; (viii)
 - (ix) 'local authority' means any institution or body as defined in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), but excluding a management body or representative body as defined in section 1 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), and for the purposes of section 6A (18) includes a regional services council established under section 3 of the last-mentioned Act; (xii)
 - (x) 'magistrate' includes an additional and assistant magistrate; (x)
 - (xi) 'Official Gazette' means, in relation to an Administrator referred to in paragraph (a) or (b) of the definition of 'Administrator', the *Government Gazette*; (xi)
 - (xii) 'prescribed' means prescribed by regulation under this Act; (xiii)
 - (xiii) 'transit area' means an area as declared under section 6. (vi)"

Insertion of sections 11A and 11B in Act 52 of 1951

- 55 **15. The following section is hereby inserted in the principal Act after section 11:**

Wet No. 104, 1988

WYSIGINGSWET OP DIE VOORKOMING VAN ONREGMATIGE PLAKKERY, 1988

“Bepaling van algemene beleid met betrekking tot voorkoming van onregmatige plakkery

11A. (1) Die Minister van Staatkundige Ontwikkeling en Beplanning kan, by kennisgewing in die *Staatskoerant*, die algemene beleid met betrekking tot die voorkoming van onregmatige plakkery wat in die Republiek gevolg moet word, bepaal.

(2) Die Administrator en elke plaaslike owerheid moet die beleid wat kragtens subartikel (1) bepaal word, volg.

Gelding van bevel, instruksie of magtiging by aantekening van appèl of gedurende hersieningsverrigtinge

11B. Ondanks andersluidende wetsbepalings geld 'n bevel, instruksies of magtiging bedoel in hierdie Wet ongeag die aantekening van 'n appèl teen of hersieningsverrigtinge aangaande 'n skuldigbevinding, vonnis of bevel uit hoofde van die bepalings van hierdie Wet.”.

Kort titel

16. Hierdie Wet heet die Wysigingswet op die Voorkoming van Onregmatige Plakkery, 1988.

PREVENTION OF ILLEGAL SQUATTING AMENDMENT ACT, 1988 Act No. 104, 1988

"Determination of general policy regarding prevention of illegal squatting

11A. (1) The Minister of Constitutional Development and Planning may, by notice in the *Gazette*, determine the general policy in regard to the prevention of illegal squatting which shall be adhered to in the Republic.

(2) The Administrator and every local authority shall adhere to the policy determined under subsection (1).

Application of order, instruction or authority on noting of appeal or during review proceedings

11B. Notwithstanding anything to the contrary contained in any other law, any order, instruction or authority referred to in this Act shall, notwithstanding the noting of an appeal against or review proceedings concerning any conviction, punishment or order by virtue of the provisions of this Act, apply.”.

15 Short title

16. This Act shall be called the Prevention of Illegal Squatting Amendment Act, 1988.

"Decentralization of Local Government", including the creation of local districts
III. (1) The Minister of Constitutional Development may issue
may, by notice in the Gazette, declare that the District Officer is entitled to
the delegation of his powers and functions which shall be exercized by the
Regulatory
(2) The Administrator may issue such a local authority shall apply to the
body determining budgets and (1).
A delegation of other functions or authority to make or
during certain circumstances
HH. Following is a summary of the county council in any place
law, and other regulations of the county council to be made by the
decentralizing the function of a local authority to leave becomes
and controlling the county, pursuant to article 14 of the Local
town of the Act, apply.

17. Short title

18. This Act shall be called the Decentralization of Local Government Act,
1928.