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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1314.

23 June 1989

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

No. 94 of 1989: Housing Amendment Act (House of Representatives), 1989.

No. 1314.

23 Junie 1989

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

No. 94 van 1989: Wysigingswet op Behuising (Raad van Verteenwoordigers), 1989.

Act No. 94, 1989

HOUSING AMENDMENT ACT (HOUSE OF REPRESENTATIVES),
1989

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Housing Act (House of Representatives), 1987, so as to further regulate the constitution of regional committees; to further regulate the use of moneys in the Housing Fund and the accounts to be kept in relation to the Fund; to do away with an obligation to table certain statements in relation to the Fund; to further regulate the legal remedies of the Housing Board against certain defaulting lessees and other occupiers of immovable property; and to make provision for the granting of certain housing loans in rural areas; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 7 June 1989.)

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

Amendment of section 6 of Act 2 of 1987

1. Section 6 of the Housing Act (House of Representatives), 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (3) of the following subsection: 5

“(3) The Minister may appoint one or more regional committees, each consisting of one or more members of the Housing Board and one or more officers of the Department and one **[official of a local authority]** or more other persons, to perform, subject to the conditions determined by the Minister, such of the functions of the Housing Board as the Minister after consultation with the Housing Board may determine, and such a regional committee may for the proper performance of such functions, exercise the powers and carry out the duties which have in relation to the performance of those functions been conferred or imposed upon the Housing Board.”. 10 15

Amendment of section 12 of Act 2 of 1987

2. Section 12 of the principal Act is hereby amended—

- (a) by the deletion of subsection (5);
- (b) by the substitution for subsection (6) of the following subsection: 20
- “(6) The Director-General shall keep such accounts as are prescribed by the Treasury with the concurrence of the Auditor-General **[, including—**
- (a) **a revenue reserve account to which he may transfer all surplus revenue of the fund derived from rent and interest, including any interest**

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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 Behuisingswet (Raad van Verteenwoordigers), 1987, ten einde die samestelling van streekkomitees verder te reël; die gebruik van geld in die Behuisingsfonds en die rekeninge wat met betrekking tot die Fonds gehou moet word, verder te reël; 'n verpligting om sekere state met betrekking tot die Fonds ter Tafel te lê, op te hef; die regsmiddels van die Behuisingsraad teenoor sekere versuimende huurders en ander okkupeerders van onroerende goed verder te reël; en voorsiening te maak vir die toestaan van sekere behuisingslenings in landelike gebiede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1989.)*

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

Wysiging van artikel 6 van Wet 2 van 1987

1. Artikel 6 van die Behuisingswet (Raad van Verteenwoordigers), 1987
5 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die Minister kan een of meer streekkomitees aanstel wat elk uit een of meer lede van die Behuisingsraad en een of meer beamptes van die Departement en een **[amptenaar van 'n plaaslike bestuur]** of meer ander persone
10 bestaan, om, onderworpe aan die voorwaardes wat die Minister bepaal, die werksaamhede van die Behuisingsraad te verrig wat die Minister na oorlegpleging met die Behuisingsraad bepaal, en so 'n streekkomitee kan vir die behoorlike verrigting van bedoelde werksaamhede die bevoegdhede uitoefen en die pligte uitvoer wat met betrekking tot die verrigting van daardie werksaam-
15 hede aan die Behuisingsraad verleen of hom opgelê is.”.

Wysiging van artikel 12 van Wet 2 van 1987

2. Artikel 12 van die Hoofwet word hierby gewysig—
(a) deur subartikel (5) te skrap;
(b) deur subartikel (6) deur die volgende subartikel te vervang:
20 “(6) Die Direkteur-generaal moet die rekeninge hou wat die Tesourie met die instemming van die Ouditeur-Generaal voorskryf **[, met inbegrip van—**
(a) 'n inkomstereserwerekening waarna hy alle surplusinkomste van die fonds wat verkry word uit huurgeld en rente, met inbegrip van rente

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derived from the utilization of repayments in respect of loans for assisted housing projects accruing to the fund, and which account may be charged, with the approval of the Treasury, with all revenue losses and such expenses as are not otherwise provided for by the House of Representatives, including such amounts as may be necessary to supplement the approved annual redemption instalments in respect of any loan for an assisted housing project in order that such loan may be redeemed on the expiration of the period determined for the payment of that loan: Provided that any amount by which income derived from the utilization of repayments in respect of loans for assisted housing projects and transferred to the revenue reserve account exceeds the amount required to supplement such redemption instalments shall be utilized to reduce any amount which is or may become payable to the fund in terms of subsection (5);

- (b) a rent account which shall be credited with all rents collected, and debited with all expenses necessarily incurred by the Housing Board in connection with the upkeep of any of its projects or dwellings; and
- (c) a reserve account called the capital reserve account, in which shall be entered the amount representing the difference between the selling price or value of any dwelling or project, as determined by the Housing Board, and the total cost to the Housing Board of the construction, purchase or carrying out of that dwelling or project as soon as the Housing Board has fixed such selling price or value];
- (c) by the deletion of subsection (7); and
- (d) by the substitution for subsection (9) of the following subsection:
“(9) Surplus moneys in the fund which cannot be readily utilized for housing purposes shall be invested with the Public **[Debt]** Investment Commissioners.”.

Amendment of section 18 of Act 2 of 1987

3. Section 18 of the principal Act is hereby amended by the deletion of the word “or” at the end of paragraph (a), and the substitution in paragraph (b) for the words preceding subparagraph (i) of the following words:

“without prejudice to any other legal remedy which the Housing Board may have against such tenant, after having given seven days’ notice (in the case of such property occupied for residential purposes) or 30 days’ notice (in the case of such property occupied for any other purpose) by letter delivered either to such tenant or other occupier personally or to some adult person living or working on the property, or, if such letter cannot be delivered, by letter affixed to the outer or principal door of any building erected on such property, or by registered letter addressed to such tenant or occupier at the address where the property is situated, by any officer of the Department authorized by the Director-General in writing and without having obtained any judgment or order of the court—”.

Insertion of section 40A in Act 2 of 1987

4. The following section is hereby inserted after section 40 of the principal Act:

“Loans by Housing Board to certain occupiers of residential erven

40A. (1) Notwithstanding anything to the contrary contained in this Act or any other law, the Housing Board may on such conditions as the Board may, with the approval of the Minister and the concurrence of the Minister of the Budget, generally determine, grant a loan to a registered occupier referred to in the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987), to whom a residential erf situated in a portion of a board area as referred to in the said Act and in respect of which there is an approved general plan or in respect of which land surveyor’s pegs

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verkry uit die aanwending van terugbetalings ten opsigte van lenings vir
hulpbehuisingsprojekte wat die fonds toeval, kan oordra en welke
rekening met die goedkeuring van die Tesourie met alle inkomstever-
liese en alle uitgawes waarvoor nie ander voorsiening deur die Raad van
Verteenwoordigers gemaak is nie, gedebiteer kan word, met inbegrip
van die bedrae wat nodig is om die goedgekeurde jaarlikse delgingspaaie-
mente ten opsigte van 'n lening vir 'n hulpbehuisingsprojek aan te vul
sodat sodanige lening by verstryking van die tydperk wat vir die
terugbetaling van daardie lening bepaal is, gedelg kan word: Met dien
verstande dat 'n bedrag waarmee inkomste verkry uit die aanwending
van terugbetalings ten opsigte van lenings vir hulpbehuisingsprojekte en
oorgedra na die inkomstereserwerekening die bedrag oorskry wat nodig
is om sodanige delgingspaaielemente aan te vul, aangewend moet word
ter vermindering van 'n bedrag wat ingevolge subartikel (5) aan die
fonds betaalbaar is of word;

(b) 'n huurgeldrekening wat gekrediteer moet word met alle huurgeld wat
ingevorder word en gedebiteer moet word met alle uitgawes noodsaak-
likerwys deur die Behuisingsraad aangegaan in verband met die
instandhouding van sy projekte of wonings; en

(c) 'n reserwerekening, kapitaalreserwerekening genoem, waarin die be-
drag wat die verskil verteenwoordig tussen die verkoopprijs of waarde
van 'n woning of projek, soos deur die Behuisingsraad bepaal, en die
totale koste deur die Behuisingsraad aangegaan by die bou, aankoop of
uitvoering van daardie woning of projek, ingeskryf moet word sodra die
Behuisingsraad sodanige verkoopprijs of waarde bepaal het];

(c) deur subartikel (7) te skrap; en

(d) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Surplusgelde in die fonds wat nie geredelik vir behuisings-
doeleindes aangewend kan word nie, moet by die
[Staatskuldkommissaris] Openbare Beleggingskommissaris belê
word.”.

Wysiging van artikel 18 van Wet 2 van 1987

3. Artikel 18 van die Hoofwet word hierby gewysig deur die woord “of” aan die
einde van paragraaf (a) te skrap, en in paragraaf (b) die woorde wat subparagraaf (i)
35 voorafgaan deur die volgende woorde te vervang:

“sonder afbreuk aan enige ander regsmiddel wat die Behuisingsraad teen so 'n
huurder of ander okkupeerder mag hê, nadat (in die geval van sodanige
eiendom wat vir woondoeleindes geokkupeer word) sewe dae kennis of (in die
geval van sodanige eiendom wat vir 'n ander doel geokkupeer word) 30 dae
40 kennis gegee is per brief gelewer of aan die huurder of ander okkupeerder
persoonlik of aan 'n volwasse persoon wat op die eiendom woonagtig of
werkzaam is, of, indien daardie brief nie aldus afgelewer kan word nie, per brief
aangebring op die buite- of hoofdeur van enige gebou wat op daardie eiendom
opgerig is, of per aangetekende brief gerig aan die huurder of ander okku-
45 peerder by die adres waar die eiendom geleë is, deur middel van 'n beampte in
die Departement wat skriftelik deur die Direkteur-generaal gemagtig is, sonder
om 'n vonnis of bevel van die hof te verkry—”.

Invoeging van artikel 40A in Wet 2 van 1987

4. Die volgende artikel word hierby na artikel 40 van die Hoofwet ingevoeg:

“Lenings deur Behuisingsraad aan sekere okkupeerders van woonerwe

40A. (1) Nieteenstaande andersluidende bepalinge van hierdie Wet of
enige ander wet kan die Behuisingsraad op die voorwaardes wat die
Raad, met die goedkeuring van die Minister en met die instemming van
die Minister van Begroting, in die algemeen bepaal, 'n lening toestaan
aan 'n geregistreerde okkupeerder bedoel in die Wet op Landelike
Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987), aan
wie 'n woonerf geleë in 'n gedeelte van 'n raadsgebied soos bedoel in
55 genoemde Wet en ten opsigte waarvan daar 'n goedgekeurde algemene

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have in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), been positioned in accordance with an approved subdivision by a registered land surveyor, has been allotted for the erecting on the residential erf of a residence exclusively for occupation by that registered occupier or his dependants, or for the improvement of such residence.

(2) The person to whom the loan has been granted, shall not alienate the residential erf or relinquish possession thereof before transfer has been taken thereof, except if the Housing Board has consented thereto, and any such alienation or relinquishing without the said consent shall be void.

(3) No transfer of a residential erf in respect of which a loan has been granted in terms of subsection (1) shall be effected before sufficient guarantees have been given for the repayment of the full amount of the loan, and of all outstanding interest thereon, within a period of 60 days after registration of such transfer.

(4) If any condition of a loan which has been granted in terms of subsection (1) has been contravened or not been complied with, the Housing Board may, notwithstanding the provisions of any other law, enter upon the residential erf and residence concerned and take possession thereof and in its discretion allocate it for consideration to any qualified person referred to in section 1 of the said Rural Areas Act (House of Representatives), 1987, and any such allocation may be effected together with the grant of a loan in terms of the provisions of subsection (1): Provided that in the case of any such allocation the Housing Board shall be obliged to pay to the person from whom possession of the residence has been taken, the amount which may remain after the Housing Board has recovered the amount of the initial loan and the total interest thereon, together with the amount of any costs incurred or losses suffered by it, from the proceeds of the latest allocation.”.

Short title

5. This Act shall be called the Housing Amendment Act (House of Representatives), 1989.

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plan bestaan, of ten opsigte waarvan landmeterpenne ooreenkomstig 'n goedgekeurde onderverdeling ingevolge die bepalings van die Opmetingswet, 1927 (Wet No. 9 van 1927), geplaas is deur 'n geregistreerde landmeter, toegeken is vir die oprigting op die woonerf van 'n woning uitsluitlik vir bewoning deur daardie geregistreerde okkupeerder of sy afhanklikes, of vir die verbetering van so 'n woning.

(2) Die persoon aan wie die lening toegestaan is, mag nie die woonerf voordat oordrag daarvan geneem is, vervreem of van die besit daarvan afstand doen nie, behalwe indien die Behuisingsraad toestemming daartoe verleen het, en enige sodanige vervreemding of afstanddoening sonder bedoelde toestemming is nietig.

(3) Geen oordrag van 'n woonerf ten opsigte waarvan 'n lening ingevolge subartikel (1) toegestaan is, geskied voordat voldoende waarborge gegee is vir die terugbetaling van die volle bedrag van die lening, en van alle uitstaande rente daarop, binne 'n tydperk van 60 dae na registrasie van so 'n oordrag nie.

(4) Indien enige voorwaarde van 'n lening wat ingevolge subartikel (1) toegestaan is, oortree of nie aan voldoen is nie, mag die Behuisingsraad, nieteenstaande die bepalings van enige ander wet, die betrokke woonerf en woning betree en in besit neem en na goeddunke aan enige in artikel 1 van genoemde Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, bedoelde bevoegde persoon teen vergoeding toeken, en enige sodanige toekenning mag geskied tesame met die toestaan van 'n lening ingevolge die bepalings van subartikel (1): Met dien verstande dat in die geval van so 'n toekenning die Behuisingsraad verplig is om aan die persoon wat besit van die woning ontnem is, die bedrag uit te betaal wat mag oorbly nadat die Behuisingsraad die bedrag van die aanvanklike lening en die totale rente daarop, tesame met die bedrag van enige koste aangegaan of verliese gely deur hom, uit die opbrengs van die jongste toekenning verhaal het."

Kort titel

5. Hierdie Wet heet die Wysigingswet op Behuising (Raad van Verteenwoordigers), 1989.

