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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1315.

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. 95 of 1989: Development Amendment Act (House of Representatives), 1989.

No. 1315.

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. 95 van 1989: Wysigingswet op Ontwikkeling (Raad van Verteenwoordigers), 1989.

Act No. 95, 1989

DEVELOPMENT 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 Development Act (House of Representatives), 1987, in order to further regulate the constitution of standing committees of the Development Board; to grant certain powers to the Minister of the Budget in respect of conditions subject to which the said Board functions, and in respect of the investment of moneys in the Development Fund; to empower the said Board to employ certain staff; to delete the provision that the Minister and the Minister of the Budget must concur in regulations of the Director-General regarding control over the said Fund; to grant to the Treasury wider powers in relation to regulations on the accounts of the said Fund; to provide for the establishment and functions of Local Development Committees; to further regulate the legal remedies of the Development Board against certain defaulting lessees and other occupiers of immovable property; to do away with the duty to table certain statements of the Development Fund; and to effect certain textual improvements; and to provide for matters connected therewith.

(English 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 8 of Act 3 of 1987

1. Section 8 of the Development Act (House of Representatives), 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words: 5

“The Minister may appoint one or more standing committees, consisting of one or more members of the Development Board or of one or more such members and one or more officers of the Department or only of one or more such officers or one or more other persons, to perform, subject to such conditions as the Minister may determine, such of the functions of the Development Board as the Minister may, after consultation with the Development Board, specify, and any such standing committee may for the proper performance of such functions exercise all the powers and perform all the duties conferred or imposed upon the Development Board in respect of the carrying out of such functions:” 10 15

WYSIGINGSWET OP ONTWIKKELING (RAAD VAN
VERTEENWOORDIGERS), 1989

Wet No. 95, 1989

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987, ten einde die samestelling van vaste komitees van die Ontwikkelingsraad verder te reël; aan die Minister van Begroting sekere bevoegdhede te verleen ten opsigte van voorwaardes onderworpe waaraan genoemde Raad funksioneer, en ten opsigte van die belegging van geld in die Ontwikkelingsfonds; genoemde Raad te magtig om sekere personeel in diens te neem; die bepaling dat die Minister en die Minister van Begroting instemming moet verleen tot voorskrifte van die Direkteur-generaal oor die beheer van genoemde Fonds, te skrap; aan die Tesourie wyer bevoegdhede te verleen met betrekking tot voorskrifte oor die rekeninge van genoemde Fonds; voorsiening te maak vir die instelling en werksaamhede van Plaaslike Ontwikkelingskomitees; die regsmiddels van die Ontwikkelingsraad teen sekere versuimende huurders en ander okkupeerders van onroerende goed verder te reël; die verpligting tot tertafellegging van sekere state van die Ontwikkelingsfonds op te hef; en sekere teksverbeterings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse 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 8 van Wet 3 van 1987

1. Artikel 8 van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987
5 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

10 “Die Minister kan een of meer vaste komitees aanstel wat uit een of meer lede van die Ontwikkelingsraad of uit een of meer sodanige lede en een of meer beamptes in die Departement of slegs uit een of meer sodanige beamptes of een of meer ander persone bestaan, om, onderworpe aan die voorwaardes wat die Minister bepaal, die werksaamhede van die Ontwikkelingsraad wat die Minister na oorlegpleging met die Ontwikkelingsraad bepaal, te verrig, en so 'n vaste komitee kan vir die behoorlike verrigting van bedoelde werksaamhede al die bevoegdhede uitoefen en al die pligte verrig wat met betrekking tot die verrigting van daardie werksaamhede aan die Ontwikkelingsraad verleen of hom opgelê is.”

Act No. 95, 1989

DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1989

Amendment of section 10 of Act 3 of 1987

2. Section 10 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“For the purpose of achieving its objects the Development Board shall, in addition to any other powers vested in it by this Act, have power, with the approval of the Minister and subject to such conditions as the Minister may with the concurrence of the Minister of **[Finance]** the Budget determine—”.

Insertion of section 10A in Act 3 of 1987

3. The following section is hereby inserted in the principal Act after section 10:

“Powers of Development Board as public authority

10A. (1) If the Development Board is in terms of paragraph (e) of the definition of “public authority” in section 1 of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), approved as a public authority for the purposes of that Act and is by virtue of the provisions of that Act charged or vested with duties, functions and powers, and staff is in terms of the provisions of that Act transferred to the Development Board, the Development Board may employ the persons concerned on the conditions determined in any applicable law, and the Development Board may, if necessary, employ other persons for the purposes of the carrying out, performing or exercising of any such duties, functions or powers, on the conditions which the Development Board determines.

(2) The Minister may in accordance with and subject to the provisions of section 8 of this Act appoint under subsection (1) of the said section 8 one or more standing committees to perform functions of the Development Board contemplated in subsection (1) of this section in areas determined by the Minister.”.

Amendment of section 12 of Act 3 of 1987

4. Section 12 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any moneys in the fund which are not required for immediate use shall, subject to the provisions of subsection (4), be invested with the Public **[Debt]** Investment Commissioners or in such other manner as may be determined by the Minister with the concurrence of the Minister of **[Finance]** the Budget and the Minister of Finance.”.

Amendment of section 13 of Act 3 of 1987

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

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“The Director-General may **[with the concurrence of the Minister of Finance and of the Minister of the Budget]** prescribe—”; and

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

“(4) The Director-General shall keep such accounts as are prescribed by the Treasury with the concurrence of the Auditor-General **[, including—**

(a) a revenue account to which he may transfer all surplus revenue of the fund derived from rent and interest 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;

(b) a rent account which shall be credited with all rents collected, and debited with all expenses necessarily incurred by the Development Board in connection with the upkeep of its projects or dwellings; and

WYSIGINGSWET OP ONTWIKKELING (RAAD VAN
VERTEENWOORDIGERS), 1989

Wet No. 95, 1989

Wysiging van artikel 10 van Wet 3 van 1987

2. Artikel 10 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

- 5 “Vir die bereiking van sy oogmerke is die Ontwikkelingsraad, benewens enige ander bevoegdheid by hierdie Wet aan hom verleen, bevoeg om met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat die Minister met die instemming van die Minister van **[Finansies]** Begroting bepaal—”.

Invoeging van artikel 10A in Wet 3 van 1987

- 10 3. Die volgende artikel word hierby in die Hoofwet na artikel 10 ingevoeg:

“Bevoegdhede van Ontwikkelingsraad as owerheidsgesag

15 **10A.** (1) Indien die Ontwikkelingsraad ingevolge paragraaf (e) van die omskrywing van “owerheidsgesag” in artikel 1 van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986), vir die doeleindes van daardie Wet as owerheidsgesag goedgekeur word en uit hoofde van die bepalinge van daardie Wet belas of beklee word met pligte, werksaamhede en bevoegdhede, en personeel ingevolge die bepalinge van daardie Wet na die Ontwikkelingsraad oorgeplaas word, kan die Ontwikkelingsraad die betrokke persone in diens neem op die

20 voorwaardes in 'n toepaslike wet bepaal, en kan die Ontwikkelingsraad, indien nodig, ander persone in diens neem vir die doeleindes van die uitvoering, verrigting of uitoefening van sodanige pligte, werksaamhede of bevoegdhede, op die voorwaardes wat die Ontwikkelingsraad bepaal.

25 (2) Die Minister kan ooreenkomstig en behoudens die bepalinge van artikel 8 van hierdie Wet een of meer vaste komitees kragtens subartikel (1) van genoemde artikel 8 aanstel om werksaamhede van die Ontwikkelingsraad, in subartikel (1) van hierdie artikel beoog, in gebiede deur die Minister bepaal, te verrig.”.

Wysiging van artikel 12 van Wet 3 van 1987

- 30 4. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

35 “(3) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet, behoudens die bepalinge van subartikel (4), belê word by die Openbare **[Skuldkommissaris]** Beleggingskommissaris of op die ander wyse wat die Minister met die instemming van die Minister van **[Finansies]** Begroting en die Minister van Finansies bepaal.”.

Wysiging van artikel 13 van Wet 3 van 1987

- 40 5. Artikel 13 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die Direkteur-generaal kan **[met die instemming van die Minister en van die Minister van Begroting]** voorskryf—”; en

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

45 “(4) 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 surplus-inkomste van die fonds wat verkry word uit huurgeld en rente kan oordra en welke rekening met die goedkeuring van die Tesourie met alle inkomsteversiese en alle uitgawes waarvoor nie ander voorsiening deur die Raad van Verteenwoordigers gemaak is nie, gedebiteer kan word;

50 (b) ’n huurgeldrekening wat gekrediteer moet word met alle huurgeld wat ingevorder word en gedebiteer moet word met alle uitgawes noodsaaklikerwys deur die Ontwikkelingsraad aangegaan in verband met die instandhouding van sy projekte of wonings; en

55

Act No. 95, 1989

DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1989

- (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 Development Board, and the total cost to the Development Board of the construction, purchase or carrying out of that dwelling or project as soon as the Development Board has fixed such selling price or value of any dwelling or project, as determined by the Development Board, and the total cost to the Development Board of the construction, purchase or carrying out of that dwelling or project as soon as the Development Board has fixed such selling price or value].”.

Amendment of section 14 of Act 3 of 1987

6. Section 14 of the principal Act is hereby amended by the substitution in the Afrikaans text of subsection (1) for the words following upon paragraph (b) of the following words:

“en is by die toepassing van die regulasies uitgevaardig kragtens die Skatkis- en Ouditwet, [1957 (Wet No. 66 van 1957)] 1975 (Wet No. 66 van 1975), die rekenpligtige beaampte met betrekking tot die geld van die Fonds.”.

Insertion of section 28A in Act 3 of 1987

7. The following section is hereby inserted in the principal Act after section 28:

“Establishment and functions of Local Development Committees

28A. (1) The Minister may, subject to Items 5 and 6 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), on the recommendation of the Development Board and after consultation with any local authorities concerned, establish by notice in the *Gazette* a committee known as a Local Development Committee, to perform, subject to the provisions of this Act, in one or more areas whether adjacent or not which are defined in the notice, in accordance with the objects of the Development Board, such functions in connection with community development and local government and the rendering of agency services against consideration and such other functions as may be set out in the notice.

(2) A local Development Committee—

- (a) shall be a body corporate;
 - (b) shall consist of the number of members determined by the Minister, who shall be appointed by him by reason of their knowledge of or experience in matters relating to community development or local government;
 - (c) may with the concurrence of the Minister and the Minister of the Budget appoint persons in its service on the conditions determined by the Committee; and
 - (d) shall take over such assets and liabilities of the Development Board, and shall be vested or charged with such rights and obligations and functions of the said Board, and subject to such conditions, as may be determined in the notice referred to in subsection (1).
- (3) (a) The provisions relating to the Development Board as contained in sections 4 (2), 5 (2) and (3), 6, 9, 11 (2), 27, 35, 36 and 40 of this Act shall apply *mutatis mutandis* to a Local Development Committee.
- (b) The Minister may by regulation under section 41 regulate any other matter in connection with the activities or functioning of a Local Development Committee which the Minister, subject to the provisions of this section, deems necessary or expedient in order to attain the objects of this section.
- (4) (a) The Minister may at any time, on the recommendation of the Development Board and after consultation with any local authorities concerned, by like notice amend or withdraw a notice published under subsection (1).

WYSIGINGSWET OP ONTWIKKELING (RAAD VAN VERTEENWOORDIGERS), 1989

Wet No. 95, 1989

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

Wysiging van artikel 14 van Wet 3 van 1987

6. Artikel 14 van die Hoofwet word hierby gewysig deur in subartikel (1) die 10 woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

“en is by die toepassing van die regulasies uitgevaardig kragtens die Skatkis- en Ouditwet, [1957 (Wet No. 66 van 1957)] 1975 (Wet No. 66 van 1975), die rekenpligtige beampte met betrekking tot die geld van die fonds.”.

Invoeging van artikel 28A in Wet 3 van 1987

- 15 7. Die volgende artikel word hierby in die Hoofwet na artikel 28 ingevoeg:

“Instelling en werksaamhede van Plaaslike Ontwikkelingskomitees

- 20 28A. (1) Die Minister kan, behoudens Items 5 en 6 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), op aanbeveling van die Ontwikkelingsraad en na raadpleging van enige betrokke plaaslike owerhede, by kennisgewing in die *Staatskoerant* 'n komitee bekend as 'n Plaaslike Ontwikkelingskomitee instel om, behoudens die bepalings van hierdie Wet, in een of meer gebiede hetsy aangrensend al dan nie wat in die kennisgewing omskryf word, in ooreenstemming met die oogmerke van die Ontwikkelingsraad, die 25 werksaamhede in verband met gemeenskapsontwikkeling en plaaslike bestuur en die lewering van agentskapsdienste teen vergoeding en die ander werksaamhede wat in die kennisgewing uiteengesit word, te verrig.

- 30 (2) 'n Plaaslike Ontwikkelingskomitee—
 (a) is 'n regspersoon;
 (b) bestaan uit die getal lede wat die Minister bepaal, wat deur hom op grond van hul kennis of ervaring van aangeleenthede betreffende gemeenskapsontwikkeling of plaaslike bestuur aangestel word;
 35 (c) kan met die instemming van die Minister en die Minister van Begroting persone in sy diens aanstel op die voorwaardes wat die Komitee bepaal; en
 (d) neem die bates en laste van die Ontwikkelingsraad oor, en is bekleed of belas met die regte en verpligtinge en werksaamhede van genoemde Raad, en onderworpe aan die voorwaardes, wat in die 40 kennisgewing bedoel in subartikel (1) bepaal word.

- (3) (a) Die bepalings met betrekking tot die Ontwikkelingsraad soos vervat in artikels 4 (2), 5 (2) en (3), 6, 9, 11 (2), 27, 35, 36 en 40 van hierdie Wet is *mutatis mutandis* op 'n Plaaslike Ontwikkelingskomitee van toepassing.

- 45 (b) Die Minister kan by regulasie kragtens artikel 41 enige ander aangeleentheid in verband met die werksaamhede of funksionering van 'n Plaaslike Ontwikkelingskomitee reël wat die Minister, behoudens die bepalings van hierdie artikel, nodig of dienstig ag ten einde die oogmerke van hierdie artikel te verwesenlik.

- 50 (4) (a) Die Minister kan te eniger tyd, op aanbeveling van die Ontwikkelingsraad en na oorlegpleging met betrokke plaaslike owerhede, 'n kennisgewing gepubliseer kragtens subartikel (1) by soortgelyke kennisgewing wysig of intrek.

Act No. 95, 1989

DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1989

- (b) On any such withdrawal the assets, liabilities, rights and obligations of the relevant Local Development Committee shall vest in the person or body, and subject to the conditions, determined by the Minister in the withdrawal notice concerned.”.

Amendment of section 31 of Act 3 of 1987

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8. Section 31 of Act 3 of 1987 is hereby amended—

- (a) by the substitution in subsection (1) for the words following upon paragraph (b) of the following words:

“the Development Board may, without having obtained any judgment or order of court, by resolution declare that such property may be entered upon and taken possession of after [having given] seven days’ notice (in the case of any such land occupied for residential purposes), or 30 days’ notice (in the case of any such land occupied for any other purpose), by letter delivered either to such tenant or other occupier personally or to some adult person living on the property, or, if such letter cannot be so delivered, by letter affixed to the outer or principal door of the building erected on such land, or by registered letter addressed to such tenant or occupier at the address where the land is situated [, without having obtained any judgment or order of court, by resolution declare that such property may be entered upon and taken possession of].”; and

- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Whenever the Development Board has made any declaration under subsection (1) the Director-General or any person acting under his authority may, after the relevant period of notice has expired—”.

Repeal of section 16 of Act 3 of 1987

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

Short title

10. This Act shall be called the Development Amendment Act (House of Representatives), 1989.

WYSIGINGSWET OP ONTWIKKELING (RAAD VAN VERTEENWOORDIGERS), 1989

Wet No. 95, 1989

- (b) By so 'n intrekking vestig die bates, laste, regte en verpligtinge van die betrokke Plaaslike Ontwikkelingskomitee in die persoon of liggaam, en onderworpe aan die voorwaardes, in die betrokke intrekkingenkennisgewing deur die Minister bepaal."

5 Wysiging van artikel 31 van Wet 3 van 1987

8. Artikel 31 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

10 "kan die Ontwikkelingsraad **[nadat hy]**, sonder om 'n vonnis of bevel van die hof te verkry, by besluit verklaar dat die betrokke grond (in die geval van sodanige grond wat vir woondoeleindes geokkupeer word) met sewe dae kennis of (in die geval van sodanige grond wat vir 'n ander doel geokkupeer word) met 30 dae kennis **[gegee het]** per brief gelewer of aan die huurder of ander okkupeerder persoonlik of aan 'n

15 volwasse persoon wat op die grond woonagtig of werksaam 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 grond opgerig is, of per aangetekende brief gerig aan die huurder of ander okkupeerder by die adres waar die grond geleë is, **[sonder om 'n vonnis of bevel van die hof te verkry, by besluit verklaar dat die betrokke grond]** betree en in besit geneem kan word."; en

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- (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

25 "Wanneer die Ontwikkelingsraad ingevolge subartikel (1) 'n verklaring gedoen het, kan die Direkteur-generaal of iemand wat deur hom daartoe gemagtig is, nadat die betrokke tydperk van kennisgewing verstryk het—".

Herroeping van artikel 16 van Wet 3 van 1987

9. Artikel 16 van die Hoofwet word hierby herroep.

30 Kort titel

10. Hierdie Wet heet die Wysigingswet op Ontwikkeling (Raad van Verteenwoordigers), 1989.

