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STAATSKOERANT

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No. 12590

KANTOOR VAN DIE STAATSPRESIDENT

No. 1466.

4 Julie 1990

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

No. 91 van 1990: Wysigingswet op Behuising en Ontwikkeling (Raad van Verteenwoordigers), 1990.

STATE PRESIDENT'S OFFICE

No. 1466.

4 July 1990

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

No. 91 of 1990: Housing and Development Amendment Act (House of Representatives), 1990.

Wet No. 91, 1990

WYSIGINGSWET OP BEHUISING EN ONTWIKKELING (RAAD
VAN VERTEENWOORDIGERS), 1990

ALGEMENE VERDUIDELIKENDE NOTA:

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

_____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.

WET

Tot wysiging van die Behuisingswet (Raad van Verteenwoordigers), 1987, ten einde die gebruik van geld in en die beheer van die Behuisingsfonds verder te reël; die vergoeding van sekere rente- en kapitaalverliese verder te reël; en voorsiening te maak dat in sekere gevalle 'n verband as sekuriteit ten opsigte van sekere lenings nie geregistreer hoef te word nie; tot wysiging van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987, ten einde die belegging van sekere geld in die Ontwikkelingsfonds verder te reël; en voorsiening te maak vir die besoldiging en toelaes van lede van Plaaslike Ontwikkelingskomitees; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)

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

Wysiging van artikel 1 van Wet 2 van 1987

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

“‘Minister’ die Minister **[van Plaaslike Bestuur, Behuising en Landbou van]** in die Ministersraad belas met behuisingsaangeleenthede;”.

Wysiging van artikel 12 van Wet 2 van 1987, soos gewysig deur artikel 2 van Wet 94 van 1989 10

2. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) die rentekoerse wat bereken moet word ten opsigte van geld wat uit die fonds voorgesiet word, wat kan wissel na gelang van die doel of 15
die geval waarvoor sulke geld gebruik staan te word;” en

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

“(9) Surplusgelde in die fonds wat nie gereedelik vir behuisingsdoeleindes aangewend kan word nie, moet **[by die Openbare Beleggingskommissaris]** belê word op die wyse wat die Minister met die instemming van die 20
Minister van Finansies bepaal: Met dien verstande dat alle sodanige surplusgelde wat voor die inwerkingtreding van die Wysigingswet op Behuising en Ontwikkeling (Raad van Verteenwoordigers), 1990, op enige wyse belê is, geag word op daardie wyse belê te wees.”.

HOUSING AND DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1990

Act No. 91, 1990

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 use of moneys in and the management of the Housing Fund; to further regulate the refund of certain losses of interest and capital; and to provide that in certain cases a mortgage bond as security in respect of certain loans need not be registered; to amend the Development Act (House of Representatives), 1987, so as to further regulate the investment of certain moneys in the Development Fund; and to provide for the remuneration and allowances of members of Local Development Committees; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 21 June 1990.)*

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

Amendment of section 1 of Act 2 of 1987

1. Section 1 of the Housing Act (House of Representatives), 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister **[of Local Government, Housing and Agriculture of]** in the Ministers' Council charged with housing matters;"

Amendment of section 12 of Act 2 of 1987, as amended by section 2 of Act 94 of 1989

2. Section 12 of the principal Act is hereby amended—
(a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

"(c) the rates of interest to be charged in respect of moneys advanced out of the fund, which may vary according to the purpose or the case for which such moneys are to be used;" and

(b) 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 Investment Commissioners]** in such manner as may be determined by the Minister with the concurrence of the Minister of Finance: Provided that all such surplus moneys which were in any manner invested prior to the date of commencement of the Housing and Development Amendment Act (House of Representatives), 1990, shall be deemed to have been invested in that manner."

Wet No. 91, 1990

WYSIGINGSWET OP BEHUISING EN ONTWIKKELING (RAAD
VAN VERTEENWOORDIGERS), 1990**Vervanging van artikel 13 van Wet 2 van 1987**

3. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

“Minister kan gelas dat sekere rente- en kapitaalverliese uit fonds vergoed word

13. Die Minister kan, met die instemming van die Minister van Begroting, ten opsigte van 'n betrokke projek bepaal dat verliese van rente, en ook kapitaalverliese, wat opgeloop het of verwag word gedurende 'n deur die Minister bepaalde tydperk, betaalbaar op alle geld geleen uit die fonds vir die uitvoering van sodanige projek, vergoed moet word uit die [in artikel 12 (6) (a) bedoelde inkomstereserwerekening] 10 fonds, en sodanige projek word gedurende sodanige tydperk, nieteenstaande andersluidende bepalings van hierdie Wet, geag 'n ekonomiese projek te wees.”

Wysiging van artikel 41 van Wet 2 van 1987

4. Artikel 41 van die Hoofwet word hierby gewysig deur die volgende subartikels 15 by te voeg:

“(3) Ondanks die bepalings van subartikels (1) en (2), en indien die Behuisingssraad oortuig is dat genoegsame sekuriteit vir 'n lening aangebied word, kan die Behuisingssraad daardie lening toestaan sonder dat 'n verband ten gunste van die Behuisingssraad geregistreer word, maar die Behuisingssraad kan die Registrateur versoek om die titelbewys van die betrokke grond te endosseer, en daardie endossement verleen aan die Behuisingssraad, behoudens enige bestaande verbande, 'n voorkeurreg op 'n eis teen daardie grond.

(4) Die Registrateur bedoel in subartikel (3) moet op versoek van die Behuisingssraad die titelbewys van die grond endosseer en die inskrywings in sy registers maak wat nodig is om aan te dui dat die bepalings van subartikel (3) op daardie grond van toepassing is.” 25

Wysiging van artikel 42 van Wet 2 van 1987

5. Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang: 30

“(2) 'n Verdere behuisingsslening wat ingevolge subartikel (1) (e) goedgekeur word, moet **[deur 'n verdere]**, indien 'n verband ten gunste van die Behuisingssraad geregistreer is oor die grond waarop die betrokke woning gebou is, deur 'n verdere verband oor sodanige grond versekureer word, en sodanige verdere verband geniet dieselfde voorrang as die eerste 35 verband oor bedoelde grond.”; en

(b) deur die volgende subartikel by te voeg:

“(3) Die bepalings van artikel 41 (3) en (4) is *mutatis mutandis* van toepassing op 'n verdere behuisingsslening wat ingevolge subartikel (1) (e) goedgekeur word.” 40

Wysiging van artikel 55 van Wet 2 van 1987

6. Artikel 55 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

“(6) Ondanks die bepalings van subartikel (3), en indien die betrokke plaaslike bestuur oortuig is dat genoegsame sekuriteit vir 'n lening aangebied word, kan die plaaslike bestuur daardie lening toestaan sonder dat 'n verband ten gunste van die plaaslike bestuur geregistreer word, maar die plaaslike bestuur kan die Registrateur versoek om die titelbewys van die betrokke grond te endosseer, en daardie endossement verleen aan die plaaslike bestuur, behoudens enige bestaande verbande, 'n voorkeurreg op 'n eis teen daardie grond. 50

(7) Die Registrateur bedoel in subartikel (6) moet op versoek van die plaaslike bestuur die titelbewys van die grond endosseer en die inskrywings in sy registers maak wat nodig is om aan te dui dat die bepalings van subartikel (6) op daardie grond van toepassing is.”

HOUSING AND DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1990

Act No. 91, 1990

Substitution of section 13 of Act 2 of 1987

3. The following section is hereby substituted for section 13 of the principal Act:

“Minister may direct that certain losses of interest and capital be refunded out of fund

5 13. The Minister may, with the concurrence of the Minister of the Budget, in respect of any project in question direct that losses of interest, as well as of capital, incurred or anticipated during a period specified by the Minister, payable on moneys borrowed from the fund for the execution of such project, shall be refunded out of the **[revenue reserve account referred to in section 12 (6) (a)]** fund, and such project shall
10 during such period, notwithstanding anything to the contrary in this Act contained, be deemed to be an economic project.”

Amendment of section 41 of Act 2 of 1987

4. Section 41 of the principal Act is hereby amended by the addition of the following subsections:

15 “(3) Notwithstanding the provisions of subsections (1) and (2), and if the Housing Board is satisfied that sufficient security is offered for a loan, it may grant that loan without a mortgage bond being registered in its favour, but it may request the Registrar to endorse the title deed of the land concerned, and
20 that endorsement shall confer upon the Housing Board a preferent right of claim against that land, subject to any existing mortgage bonds.

 (4) The Registrar referred to in subsection (3) shall at the request of the Housing Board endorse the title deed of the land and shall make the entries in his registers which are necessary to indicate that the provisions of subsection (3)
25 are applicable to that land.”

Amendment of section 42 of Act 2 of 1987

5. Section 42 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

30 “(2) Any further housing loan approved in terms of subsection (1) (e) shall **[be secured by a further]**, if a mortgage bond is registered in favour of the Housing Board over the land on which the dwelling in question is constructed, be secured by a further mortgage bond over such land, and such further bond shall rank with the first bond over such land.”; and

(b) by the addition of the following subsection:

35 “(3) The provisions of section 41 (3) and (4) shall apply *mutatis mutandis* to any further housing loan approved in terms of subsection (1) (e).”

Amendment of section 55 of Act 2 of 1987

6. Section 55 of the principal Act is hereby amended by the addition of the following subsections:

40 “(6) Notwithstanding the provisions of subsection (3), and if the local authority concerned is satisfied that sufficient security is offered for a loan, it may grant that loan without a mortgage bond being registered in its favour, but it may request the Registrar to endorse the title deed of the land concerned; and
45 that endorsement shall confer upon the local authority a preferent right of claim against that land, subject to any existing mortgage bonds.

 (7) The Registrar referred to in subsection (6) shall at the request of the local authority endorse the title deed of the land and shall make the entries in his registers which are necessary to indicate that the provisions of subsection (6) are applicable to that land.”

Wet No. 91, 1990

WYSIGINGSWET OP BEHUISING EN ONTWIKKELING (RAAD
VAN VERTEENWOORDIGERS), 1990**Wysiging van artikel 56 van Wet 2 van 1987**

7. Artikel 56 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Die bepalings van artikel 55 (6) en (7) is *mutatis mutandis* van toepassing op ’n verdere lening ingevolge subartikel (1) (d) toegestaan.”.

5

Wysiging van artikel 1 van Wet 3 van 1987

8. Artikel 1 van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987, word hierby gewysig deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“‘Minister’ die Minister **[van Plaaslike Bestuur, Behuising en Landbou van]** in die Ministersraad belas met gemeenskapsontwikkeling”;

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Wysiging van artikel 12 van Wet 3 van 1987, soos gewysig deur artikel 4 van Wet 95 van 1989

9. Artikel 12 van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 15

“(3) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet, behoudens die bepalings van subartikel (4), belê word **[by die Openbare Beleggingskommissaris of]** op die **[ander]** wyse wat die Minister met die instemming van die Minister van **[Begroting en die Minister van]** Finansies bepaal: Met dien verstande dat alle sodanige gelde wat voor die inwerkingtre- 20
ding van die Wysigingswet op Behuising en Ontwikkeling (Raad van Verteenwoordigers), 1990, op enige wyse belê is, geag word op daardie wyse belê te wees.”.

Wysiging van artikel 28A van Wet 3 van 1987, soos ingevoeg deur artikel 7 van Wet 95 van 1989

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10. Artikel 28A van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987, word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) Die bepalings met betrekking tot die Ontwikkelingsraad soos vervat in artikels 4 (2), 5 (2) en (3), 6, 7, 9, 11 (2), 27, 35, 36 en 40 van hierdie Wet 30
is *mutatis mutandis* op ’n Plaaslike Ontwikkelingskomitee van toepassing.”.

Kort titel

11. Hierdie Wet heet die Wysigingswet op Behuising en Ontwikkeling (Raad van Verteenwoordigers), 1990.

HOUSING AND DEVELOPMENT AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1990

Act No. 91, 1990

Amendment of section 56 of Act 2 of 1987

7. Section 56 of the principal Act is hereby amended by the addition of the following subsection:

- 5 “(3) The provisions of section 55 (6) and (7) shall apply *mutatis mutandis* to any further loan granted in terms of subsection (1) (d).”

Amendment of section 1 of Act 3 of 1987

8. Section 1 of the Development Act (House of Representatives), 1987, is hereby amended by the substitution for the definition of “Minister” of the following definition:

- 10 “‘Minister’ means the Minister **[of Local Government, Housing and Agriculture of]** in the Ministers’ Council charged with community development.”

Amendment of section 12 of Act 3 of 1987, as amended by section 4 of Act 95 of 1989

9. Section 12 of the Development Act (House of Representatives), 1987, is hereby amended by the substitution for subsection (3) of the following subsection:

- 15 “(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 Investment Commissioners or]** in such **[other]** manner as may be determined by the Minister with the concurrence of the Minister of **[the Budget and the Minister of]** Finance: Provided that all such moneys which were in any manner
20 invested prior to the date of commencement of the Housing and Development Amendment Act (House of Representatives), 1990, shall be deemed to have been invested in that manner.”

Amendment of section 28A of Act 3 of 1987, as inserted by section 7 of Act 95 of 1989

- 25 10. Section 28A of the Development Act (House of Representatives), 1987, is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“*(a)* The provisions relating to the Development Board as contained in sections 4 (2), 5 (2) and (3), 6, 7, 9, 11 (2), 27, 35, 36 and 40 of this Act shall apply *mutatis mutandis* to a Local Development Committee.”

30 **Short title**

11. This Act shall be called the Housing and Development Amendment Act (House of Representatives), 1990.

