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OFFICE OF THE PRESIDENT

No. 508.

28 April 1999

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

No. 27 of 1999: Housing Consumers Protection Amendment Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 508.

28 April 1999

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

No. 27 van 1999: Wysigingswet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1999.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)
(Assented to 14 April 1999.)*

ACT

To amend the Housing Consumers Protection Measures Act, 1998, so as to rectify certain cross-references; to remove ambiguity in the wording of certain sections; to make further provision for regulating measures; to make better provision for the necessary phased implementation of the Act; and to provide for matters connected therewith.

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

Amendment of section 7 of Act 95 of 1998

1. Section 7 of the Housing Consumers Protection Measures Act, 1998 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion in subsection (2)(d) after the expression “serviceability,” of the expression “materials,”; and
- (b) by the addition of the following subsection:

“(4) (a) The disciplinary committee may, whenever a fine has been imposed on a home builder in terms of subsection (2)(c), order that any portion of the fine, but not exceeding 80 per cent of such fine, be applied towards the payment of compensation to a housing consumer who suffered a pecuniary loss as a result of the conduct of the home builder concerned.”

(b) The Council shall on receipt of the fine imposed on the home builder concerned, make the payment to the housing consumer concerned: Provided that such payment shall not be made until all appeals in respect of the imposition of the fine have lapsed or have been finalised or have been abandoned.

(c) This subsection shall not preclude any person from pursuing any civil remedy against a home builder: Provided that if an award is made by a court in favour of a person who has received payment from the Council as contemplated in this subsection, the court shall take the payment into account.”.

Amendment of section 14 of Act 95 of 1998

2. Section 14 of the principal Act is hereby amended by the substitution in subsection (7) for the expression “subsection (1)” of the expression “subsections (1) and (2)”.

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.

(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)

WET

Om die Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998, te wysig ten einde sekere kruisverwysings reg te stel; dubbelsinnigheid in die bewoording van sekere artikels te verwyder; verder voorsiening vir regulerende maatreëls te maak; beter voorsiening vir die nodige gefaseerde inwerkingstelling van die Wet te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 7 van Wet 95 van 1998

1. Artikel 7 van die Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in subartikel (2)(d) na die uitdrukking “diensbaarheid,” die uitdrukking “materiale,” in te voeg; en
- (b) deur die volgende subartikel by te voeg:
- “(4) (a) Die dissiplinêre komitee kan, wanneer 'n boete aan 'n
 10 huisbouer ingevolge subartikel (2)(c) opgelê is, beveel dat enige gedeelte van die boete, maar nie meer as 80 persent van die boete nie, aangewend kan word vir die betaling van vergoeding aan 'n behuisingsverbruiker wat 'n geldelike verlies gely het as gevolg van die optrede van die betrokke huisbouer.
- 15 (b) Die Raad moet by ontvangs van die boete wat aan die betrokke huisbouer opgelê is, die betaling aan die betrokke behuisingsverbruiker doen: Met dien verstande dat so 'n betaling nie gedoen word nie totdat alle appêlle ten opsigte van die oplegging van die boete verstryk het of afgehandel is of laat vaar is.
- 20 (c) Hierdie subartikel verhinder niemand om 'n siviele remedie teen 'n huisbouer in te stel nie: Met dien verstande dat indien 'n toekenning deur 'n hof ten gunste van 'n persoon gemaak word wat betaling van die Raad ontvang het soos beoog in hierdie subartikel, die hof die betaling in berekening moet bring.”

25 Wysiging van artikel 14 van Wet 95 van 1998

2. Artikel 14 van die Hoofwet word hierby gewysig deur in subartikel (7) die uitdrukking “subartikel (1)” deur die uitdrukking “subartikels (1) en (2)” te vervang.

Act No. 27, 1999

HOUSING CONSUMERS PROTECTION
MEASURES AMENDMENT ACT, 1999**Amendment of section 16 of Act 95 of 1998**

3. Section 16 of the principal Act is hereby amended—

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

“(2) The Council shall [subject to section 6] appoint—”; and

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

“(6) [Subject to section 17(3), (4) and (5)] If at any time the funds of the Council appear insufficient to meet anticipated demands, the Council may, on the recommendation of the funds advisory committee and after the procedures referred to in section 17(3), (4) and (5), with the necessary changes required by the context, have been followed, increase the fees payable by home builders and provincial housing development boards in respect of the enrolment of homes contemplated in section 14.”.

Amendment of section 17 of Act 95 of 1998

4. Section 17 of the principal Act is hereby amended—

- (a) by the substitution in subsection (6) for the expression “13(2)” of the expression “17(1)”; and

- (b) by the substitution in subsection (8)—

- (i) for the expression “10(6)(a)” of the expression “10(6)(b)”; and
(ii) for the expression “10(6)(b)” of the expression “10(7)”.

Amendment of section 18 of Act 95 of 1998

5. Section 18(3) of the principal Act is hereby amended by the substitution in the words following upon paragraph (c) for the word “home”, where it appears for the second time, of the word “project”.

Amendment of section 23 of Act 95 of 1998

6. Section 23 of the principal Act is hereby amended by the substitution in subsection (10) for the expression “(5)” of the expression “(9)”.

Amendment of section 31 of Act 95 of 1998

7. Section 31 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) Different dates may be fixed in respect of different sections of this Act.”.

Short title

8. This Act shall be called the Housing Consumers Protection Measures Amendment Act, 1999.

Wysiging van artikel 16 van Wet 95 van 1998

3. Artikel 16 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- 5 “(2) Die Raad moet [**behoudens artikel 6**]—”; en
- (b) deur subartikel (6) deur die volgende subartikel te vervang:
- 10 “(6) Indien die fondse van die Raad te eniger tyd onvoldoende voorkom om verwagte aansprake te dek, kan die Raad [**behoudens artikel 17(3), (4) en (5)**] op aanbeveling van die fondse-advieskomitee en nadat die prosedures bedoel in artikel 17(3), (4) en (5), met die nodige aanpassings soos deur die konteks vereis, gevolg is, die gelde betaalbaar deur huisbouers en provinsiale behuisingsontwikkelingsrade ten opsigte van die inskrywing van huise beoog in artikel 14 verhoog.”.

Wysiging van artikel 17 van Wet 95 van 1998

15 4. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (6) die uitdrukking “13(2)” deur die uitdrukking “17(1)” te vervang; en
- (b) deur in subartikel (8)—
- 20 (i) die uitdrukking “10(6)(a)” deur die uitdrukking “10(6)(b)” te vervang; en
- (ii) die uitdrukking “10(6)(b)” deur die uitdrukking “10(7)” te vervang.

Wysiging van artikel 18 van Wet 95 van 1998

5. Artikel 18(3) van die Hoofwet word hierby gewysig deur in die woorde wat op paragraaf (c) volg, die woord “huis” deur die woord “projek” te vervang.

25 Wysiging van artikel 23 van Wet 95 van 1998

6. Artikel 23 van die Hoofwet word hierby gewysig deur in subartikel (10) die uitdrukking “(6)” deur die uitdrukking “(9)” te vervang.

Wysiging van artikel 31 van Wet 95 van 1998

7. Artikel 31 van die Hoofwet word hierby gewysig deur die volgende subartikel by 30 te voeg, terwyl die bestaande artikel subartikel (1) word:

“(2) Verskillende datums kan ten opsigte van verskillende artikels van hierdie Wet bepaal word.”.

Kort titel

8. Hierdie Wet heet die Wysigingswet op Beskermingsmaatreëls vir Behuisingsver- 35 bruikers, 1999.

