



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 406

CAPE TOWN, 30 APRIL 1999

No. 19977

KAAPSTAD, 30 APRIL 1999

OFFICE OF THE PRESIDENT

No. 509. 30 April 1999

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

No. 28 of 1999: Housing Amendment Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 509. 30 April 1999

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

No. 28 van 1999: Wysigingswet op Behuising, 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 Act, 1997, so as to recognise the Social Housing Foundation as a national institution; to provide for committees for the South African Housing Development Board and for the co-option of persons to that Board; to further regulate the transfer of movable and immovable property to the provincial housing development boards and the phasing out of certain housing subsidies; and to provide for matters connected therewith.

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

Amendment of section 3 of Act 107 of 1997

1. Section 3 of the Housing Act, 1997 (in this Act referred to as the principal Act), is hereby amended—

- (a) in the Afrikaans text by the substitution in subsection (6) for the expression “(3)(h)” of the expression “(4)(h)”; and
- (b) by the insertion after subsection (6) of the following subsection:

“(6A) The Social Housing Foundation, registered as a company in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973), under the name National Housing Finance Development Foundation, is deemed to be a national institution established by the Minister under subsection 4(h).”

Amendment of section 5 of Act 107 of 1997

2. Section 5 of the principal Act is hereby amended by the addition of the following subsections:

“(8) The Minister may—

- (a) establish one or more committees for the Board;
 - (b) co-opt one or more persons to the Board,
- for a specific purpose relating to the functions of the Board referred to in subsection (2).

(9) The Minister may appoint to a committee of the Board, established in terms of subsection (8)(a), one or more persons from any or all of the following categories:

- (a) members of the Board;
- (b) officers of the Department;
- (c) officers of one or more provincial administrations;

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Behuisingswet, 1997, ten einde die Maatskaplike Behuisingstiging as 'n nasionale instelling te erken; om voorsiening te maak vir komitees vir die Suid-Afrikaanse Behuisingsontwikkelingsraad en die koöptering van persone in daardie Raad; om die oordrag van roerende en onroerende eiendom na die provinsiale behuisingsontwikkelingsrade en die uitfasering van sekere behuisingssubsidies verder te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

Wysiging van artikel 3 van Wet 107 van 1997

1. Artikel 3 van die Behuisingswet, 1997 (in hierdie Wet die Hoofwet genoem), word 5 hierby gewysig—

- (a) deur in subartikel (6) die uitdrukking “(3)(h)” deur die uitdrukking “(4)(h)” te vervang; en
- (b) deur na subartikel (6) die volgende subartikel in te voeg:
- 10 “(6A) Die Maatskaplike Behuisingstiging, geregistreer as 'n maatskappy ingevolge artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), onder die naam ‘National Housing Finance Development Foundation’ word geag 'n nasionale instansie, te wees wat deur die Minister kragtens subartikel (4)(h) ingestel is.”.

Wysiging van artikel 5 van Wet 107 van 1997

2. Artikel 5 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

- “(8) Die Minister kan—
- (a) een of meer komitees vir die Raad instel;
- (b) een of meer persone in die Raad koöpteer,
- 20 vir 'n spesifieke doel wat op die funksies van die Raad, bedoel in subartikel (2), betrekking het.
- (9) Die Minister kan in 'n komitee van die Raad ingestel ingevolge subartikel 8(a), een of meer persone aanstel uit enige van of al die volgende kategorieë:
- (a) lede van die Raad;
- 25 (b) beamptes van die Departement;
- (c) beamptes van een of meer provinsiale administrasies;

(d) other persons whom the Minister considers to have the necessary specialised knowledge or skills relating to the specific purpose for which the committee is established.

(10)(a) Subject to the directions of the Board, a committee of the Board may exercise the powers of the Board, and must perform the duties of the Board, in relation to the specific purpose for which the committee is established.

(b) The Board may determine rules and procedures regarding the manner in which that committee exercises the powers and performs the duties of the committee.

(11) Any person whom the Minister co-opts to the Board in terms of subsection (8)(b) exercises his or her powers and performs his or her duties subject to the directions of the Board.

(12) A member of a committee of the Board or a person co-opted to the Board, except if he or she is an officer of the Department or a provincial administration, is paid the allowances determined in terms of subsection (6)."

Amendment of section 14 of Act 107 of 1997

3. Section 14 of the principal Act is hereby amended—

(a) by the insertion in paragraph (b) of subsection (4) after the word "scheme" of the words "or individual dwelling";

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

"(c)(i) Any—

(aa) movable and immovable property acquired by the premier of a province; and

(bb) immovable property of the Republic developed by the premier of a province,

by means of a loan or advance or other finance contemplated in paragraph (b), pass to the provincial housing development board for such province.

(ii) Subsection (2)(b), (c) and (d) applies, with the changes required by the context, to immovable property, or a registrable claim or right in respect thereof, transferred in terms of subparagraph (i).";

(c) by the substitution for paragraph (d) of subsection (4) of the following paragraph:

"(d)(i) The net proceeds derived from the recovery of any loan granted to a natural person by a municipality for the purposes of acquiring individual dwellings as contemplated in subsection (4)(b), must be paid into the separate operating account of such municipality referred to in section 15(5).

[(i)] (ii) Subsection (3)(a) to (e) applies, with the changes required by the context, in respect of any immovable property of a municipality or the premier of a province acquired by means of a loan, advance or other finance contemplated in paragraph (b).

[(ii)] (iii) The net proceeds of any letting or sale or other alienation in terms of subparagraph [(i)] (ii), read with subsection (3)(a) to (e), in respect of immovable property which was acquired by—

(aa) a municipality, must be paid into the separate operating account of such municipality referred to in section 15(5);

(bb) [a] the premier of a province, must be paid into the provincial housing development fund for such province or, if such fund has not been established when such net proceeds are received, be dealt with in accordance with section 13 of the Housing Arrangements Act, 1993, despite its repeal by section 20.

[(iii)] (iv) The net proceeds of the recovery of any loan referred to in subparagraph (i) or of any letting or sale or other alienation referred to in subparagraph [(ii)] (iii) must be utilised for housing development in accordance with national housing policy and a housing development project approved by—

(d) ander persone wat deur die Minister geag te word oor die vereiste gespesialiseerde kundigheid of vaardighede beskik met betrekking tot die spesifieke doel waarvoor die komitee aangestel is.

5 (10)(a) Onderhewig aan die lasgewings van die Raad kan 'n komitee van die Raad, die bevoegdhede van die Raad en moet die komitee die pligte van die Raad, met betrekking tot die spesifieke doel waarvoor die komitee ingestel is, uitoefen en verrig.

(b) Die Raad kan reëls en prosedures bepaal met betrekking tot die wyse waarop daardie komitee die bevoegdhede en pligte van die komitee uitoefen en verrig.

10 (11) Enige persoon wat die Minister ingevolge subartikel (8)(b) in die Raad koöpteer, oefen sy of haar bevoegdhede uit en verrig sy of haar pligte onderhewig aan die lasgewings van die Raad.

(12) 'n Lid van 'n komitee van die Raad of 'n persoon wat op die Raad gekoöpteer is, tensy hy of sy 'n beampte van die Departement of 'n provinsiale administrasie is, word die toelaes, bepaal ingevolge subartikel (6), betaal.”.

Wysiging van artikel 14 van Wet 107 van 1997

3. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) van subartikel (4) na die woord “skema” die woorde “of individuele woning” in te voeg;

20 (b) deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang:
“(c)(i) Enige—

(aa) roerende en onroerende eiendom verkry deur die premier van 'n provinsie; en

25 (bb) onroerende eiendom van die Republiek ontwikkel deur die premier van 'n provinsie,
by wyse van 'n lening of voorskot of ander finansiering beoog in paragraaf (b) gaan oor op die provinsiale behuisingsontwikkelingsraad vir sodanige provinsie.

30 (ii) Subartikel (2)(b), (c) en (d) is, met die veranderinge vereis deur die samehang, op onroerende eiendom, of 'n registreerbare eis of reg ten opsigte daarvan, oorgedra ingevolge subparagraaf (i) van toepassing.”;

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

35 “(d)(i) Die netto opbrengs verkry deur die verhaling van enige lening, toegestaan aan 'n natuurlike persoon deur 'n munisipaliteit vir die doeleindes van die verkryging van individuele wonings soos beoog in subartikel (4)(b), moet inbetaal word in die aparte bedryfsrekening van sodanige munisipaliteit bedoel in artikel 15(5).

40 [(i)] (ii) Subartikel (3)(a) tot (e) is, met die veranderinge vereis deur die samehang, van toepassing ten opsigte van enige onroerende eiendom van 'n munisipaliteit of die premier van 'n provinsie wat verkry is by wyse van 'n lening, voorskot of ander finansiering beoog in paragraaf (b).

45 [(ii)] (iii) Die netto opbrengs van enige verhuring of verkoop of ander vervreemding ingevolge subparagraaf [(i)] (ii), saamgelees met subartikel (3)(a) tot (e), ten opsigte van onroerende eiendom wat verkry is deur—

(aa) 'n munisipaliteit, moet inbetaal word in die aparte bedryfsrekening van sodanige munisipaliteit bedoel in artikel 15(5);

50 (bb) die premier van 'n provinsie, moet inbetaal word in die provinsiale behuisingsontwikkelingsfonds vir sodanige provinsie of, indien sodanige fonds nog nie ingestel is wanneer [die] sodanige netto opbrengs ontvang word nie, gehanteer word ooreenkomstig artikel 13 van die Wet op Behuisingsreëlings, 1993, ondanks die herroeping daarvan deur artikel 20.

55 [(iii)] (iv) Die netto opbrengs van die verhaling van enige lening bedoel in subparagraaf (i) of van enige verhuring of verkoop of ander vervreemding bedoel in subparagraaf [(ii)] (iii) moet benut word vir behuisingsontwikkeling ooreenkomstig nasionale behuisingsbeleid en 'n behuisingsontwikkelingsprojek wat goedgekeur is deur—

- (aa) in the case of **[subparagraph (ii)(aa)]** subparagraphs (i) and (iii)(aa), the MEC after consultation with the provincial housing development board in question;
- (bb) in the case of subparagraph **[(ii)(bb)]** (iii)(bb), the MEC.
- [(iv)]** (v) Every municipality must, in accordance with the directives of the MEC, furnish the MEC with monthly reports regarding the sale of immovable property by the municipality in terms of this paragraph, including the basis for the determination of selling prices. 5
- [(v)]** (vi) If the MEC is not satisfied with such basis for the determination of selling prices, the MEC may determine directives for this purpose.”; and 10
- (d) by the substitution for paragraph (a) of subsection (9) of the following paragraph:
- “(a) The Minister must, within one year of the commencement of the Housing Amendment Act, 1999, institute a national housing programme to phase out **[within one year of the commencement of this Act]** every housing subsidy granted in terms of— 15
- (i) the Housing Act, 1966;
 - (ii) the Development and Housing Act, 1985;
 - (iii) the Housing Act (House of Representatives), 1987; 20
 - (iv) the Development Act (House of Representatives), 1987; or
 - (v) the Housing Development Act (House of Delegates), 1987.”.

Amendment of section 15 of Act 107 of 1997

4. Section 15 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (2) for the expression “section 14(2)” of the expression “section 14(2) or (4)(c)”. 25

Short title

5. This Act is called the Housing Amendment Act, 1999.

(aa) in die geval van [subparagraaf (ii)(aa)] subparagrafe (i) en (iii)(aa), die LUR na oorleg met die betrokke provinsiale behuisingsontwikkelingsraad;

(bb) in die geval van subparagraaf [(ii)(bb)] (iii) (bb), die LUR.

5 [(iv)] (v) Elke munisipaliteit moet die LUR, ooreenkomstig die voorskrifte van die LUR, voorsien van maandelikse verslae met betrekking tot die verkoop van onroerende eiendom deur die munisipaliteit ingevolge hierdie paragraaf, met inbegrip van die grondslag vir die vasstelling van verkoopspryse.

10 [(v)] (vi) Indien die LUR nie tevrede is met sodanige grondslag vir die vasstelling van verkoopspryse nie, kan die LUR voorskrifte vir dié doel bepaal.”; en

(d) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:

15 “(a) Die Minister moet, binne een jaar na inwerkingtreding van die Wysigingswet op Behuising, 1999, ’n nasionale behuisingsprogram instel om [binne een jaar na die inwerkingtreding van hierdie Wet] elke behuisingssubsidie wat ingevolge—

(i) die Behuisingswet, 1966;

(ii) die Wet op Ontwikkeling en Behuising, 1985;

20 (iii) die Behuisingswet (Raad van Verteenwoordigers), 1987;

(iv) die Ontwikkelingswet (Raad van Verteenwoordigers), 1987; of

(v) die Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987,

toegestaan is, uit te faseer.”.

25 Wysiging van artikel 15 van Wet 107 van 1997

4. Artikel 15 van die Hoofwet word hierby gewysig deur in paragraaf (a) van subartikel (2) die uitdrukking “artikel 14(2)” deur die uitdrukking “artikel 14(2) of (4)(c)” te vervang.

Kort titel

30 5. Hierdie Wet heet die Wysigingswet op Behuising, 1999.

