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REPUBLIEK VAN SUID-AFRIKA

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## THE PRESIDENCY

No. 549 15 June 2001

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

No. 4 of 2001: Housing Amendment Act, 2001.

## DIE PRESIDENSIE

No. 549 15 Junie 2001

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

No. 4 van 2001: Wysigingswet op Behuising, 2001.



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

**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 13 June 2001.)*

**ACT**

To amend the Housing Act, 1997, so as to provide for the abolition of the South African Housing Development Board and Provincial Housing Development Boards; to establish advisory panels; to provide for the determination of procurement policy in respect of housing development; to provide for the publication in the *Gazette* of lists of national housing programmes and national institutions; to make the National Housing Code binding on all spheres of Government; to provide for the regulation of the sale of state-funded housing; to substitute an expression; to amend the Housing Consumers Protection Measures Act, 1998, so as to substitute certain expressions; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 107 of 1997**

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

- (a) by the insertion before the definition of "Constitution" of the following definition:
 

" 'Code' means the National Housing Code contemplated in section 4;";
- (b) by the insertion after the definition of "national housing programme" of the following definition:
 

" 'procurement' means the process by which organs of state procure goods, services and works from, dispose of movable property, hire or let anything, or grant rights to the private sector;";
- (c) by the deletion of the definition of "provincial housing development board".

**Amendment of section 3 of Act 107 of 1997, as amended by section 1 of Act 28 of 1999**

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

- (a) by the insertion in subsection (2) after paragraph (c) of the following paragraph:
 

"(cA) determine a procurement policy, by not later than April 2002, which is consistent with section 217 of the Constitution in relation to housing development;";

**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.

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 13 Junie 2001.)*

**WET**

Tot wysiging van die Behuisingswet, 1997, ten einde voorsiening te maak vir die afskaffing van die Suid-Afrikaanse Behuisingsontwikkelingsraad en provinsiale behuisingsontwikkelingsrade; adviespanele in te stel; voorsiening te maak vir die bepaling van verkrygingsbeleid betreffende behuisingsontwikkeling; voorsiening te maak vir die publisering, in die *Staatskoerant*, van lyste van nasionale behuisingsprogramme en nasionale instellings; die Nasionale Behuisingskode bindend te maak vir alle regeringsfere; voorsiening te maak vir die regulering van die verkoop van staatsgefinansierde behuisings; 'n uitdrukking te vervang; tot wysiging van die Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998, ten einde sekere uitdrukkings te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 107 van 1997**

1. Artikel van die Behuisingswet, 1997 (hierna die Hoofwet genoem), word hierby  
5 gewysig—

- (a) deur die volgende omskrywing voor die omskrywing van “LUR” in te voeg:  
“‘Kode’ die Nasionale Behuisingskode beoog in artikel 4;”;
- (b) deur die volgende omskrywing na die omskrywing van “provinsiale behuisingsontwikkelingsfonds” in te voeg:  
10 “‘verkryging’ die proses waarvolgens staatsorgane goedere, dienste en werke van die privaatsektor verkry, oor roerende eiendom beskik, enigiets huur of verhuur, of regte aan die privaatsektor toestaan;”;
- (c) deur die omskrywing van “provinsiale behuisingsontwikkelingsraad” te skrap.

15 Wysiging van artikel 3 van Wet 107 van 1997, soos gewysig deur artikel 1 van Wet 28 van 1999

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf na paragraaf (c) in subartikel (2) in te voeg:  
20 “(cA) teen nie later nie as April 2002 'n verkrygingsbeleid wat met artikel 217 van die Grondwet bestaanbaar is, bepaal met betrekking tot behuisingsontwikkeling;”;

(b) by the insertion after subsection (6A) of the following subsection:

“(6B) The Minister must, by notice in the *Gazette*, from time to time publish updated lists of—

- (a) national housing programmes instituted or deemed to have been instituted under subsection (4)(g);
- (b) national institutions established and financed or deemed to have been established and financed under subsection (4)(h), and must indicate in the notice that details of those national housing programmes and of the role and functions of those national institutions are contained in the Code.”;

(c) by the insertion after subsection (8) of the following subsection:

“(9) The Minister may, when a provincial government through the MEC cannot or does not fulfil an obligation in terms of this Act, intervene by taking any appropriate steps in accordance with section 100 of the Constitution to ensure fulfilment of that obligation.”.

#### Amendment of section 4 of Act 107 of 1997

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

(a) by the substitution for subsection (1) of the following subsection;

“(1) The Minister must publish a code called the National Housing Code [(in this section referred to as the “Code”)].”.

(b) by the insertion after subsection (5) of the following subsection:

“(6) The Code shall be binding on the provincial and local spheres of Government.”.

#### Substitution of section 5 of Act 107 of 1997, as amended by section 2 of Act 28 of 1999

4. The following section is hereby substituted for section 5 of the principal Act:

##### “Establishment of panel

5. (1) The Minister must establish a panel of persons to advise the Minister on any matter relating to housing development.

(2) A panel shall consist of not more than six fit and proper persons who have knowledge, qualifications or experience in the field of housing development.

(3) Members of a panel shall be appointed in accordance with procurement policy that is consistent with section 217 of the Constitution, and must be appointed only after the Minister has through the media and by notice in the *Gazette* invited nominations of persons as candidates for the respective positions on the panel.

(4) A member of a panel is appointed for the period determined by the Minister at his or her appointment, and may, subject to subsection (3), be reappointed on the termination of that period.

(5) The Minister may at any time terminate the membership of a member of a panel for reasons which are just and fair.

(6) A member of a panel other than a person who is in the full-time employment of the State, is paid an allowance determined by the Minister with the approval of the Minister of Finance.

(7) A member of the panel ceases to be a member if—

- (a) he or she resigns;
- (b) his or her estate is sequestrated or he or she applies for assistance contemplated in section 10(1)(c) of the Agricultural Credit Act, 1966;
- (c) he or she becomes of unsound mind;
- (d) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; and
- (e) he or she becomes a member of Parliament, a provincial legislature, a municipal council, the cabinet or the Executive Council of a Province.”.

- (b) deur die volgende subartikel na subartikel (6A) in te voeg:

“(6B) Die Minister moet, by kennisgewing in die *Staatskoerant*, van tyd tot tyd bygewerkte lysie publiseer van—

- (a) nasionale behuisingsprogramme wat kragtens subartikel (4)(g) ingestel is of geag word ingestel te gewees het;
- (b) nasionale instellings wat kragtens subartikel (4)(h) ingestel en gefinansier is of geag word ingestel en gefinansier te gewees het, en moet in die kennisgewing aandui dat besonderhede van daardie nasionale behuisingsprogramme en van die rol en werksaamhede van daardie nasionale instellings in die Kode vervat word.”;
- (c) deur die volgende subartikel na subartikel (8) in te voeg:
- “(9) Die Minister kan, wanneer ’n provinsiale regering, deur die LUR, ’n verpligting wat ingevolge hierdie Wet opgelê is, nie kan nakom nie of nie nakom nie, ingryp deur enige gepaste stappe in ooreenstemming met artikel 100 van die Grondwet te doen om nakoming van daardie verpligting te verseker.”.

### Wysiging van artikel 4 van Wet 107 van 1997

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Minister moet ’n kode [met die naam] wat die Nasionale Behuisingskode genoem word, [(in hierdie artikel “die Kode” genoem)] publiseer.”;
- (b) deur die volgende subartikel na subartikel (5) in te voeg:
- “(6) Die Kode is bindend vir die provinsiale en die plaaslike Regeringsfeer.”.

### Vervanging van artikel 5 van Wet 107 van 1997, soos gewysig deur artikel 2 van Wet 28 van 1999

4. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

#### “Instelling van paneel

5. (1) Die Minister moet ’n paneel instel om die Minister van raad te dien oor enige aangeleentheid wat met behuisingsontwikkeling verband hou.
- (2) ’n Paneel bestaan uit hoogstens ses geskikte en gepaste persone wat kennis, kwalifikasies of ervaring op die gebied van behuisingsontwikkeling het.
- (3) Lede van ’n paneel word aangestel in ooreenstemming met ’n verkrygingsbeleid wat bestaanbaar is met artikel 217 van die Grondwet, en word aangestel slegs nadat die Minister deur middel van die media en by kennisgewing in die *Staatskoerant* nominasies van persone vir kandidate vir die onderskeie ampte op die paneel versoek het.
- (4) ’n Lid van ’n paneel word aangestel vir die tydperk wat die Minister by sy of haar aanstelling bepaal en kan, behoudens subartikel (3), by verstryking van daardie tydperk heraangestel word.
- (5) Die Minister kan te eniger tyd die lidmaatskap van ’n lid van ’n paneel beëindig op grond van redes wat billik en regverdig is.
- (6) ’n Lid van ’n paneel, buiten ’n persoon wat voltyds in diens van die Staat is, word ’n toelae betaal wat die Minister met die goedkeuring van die Minister van Finansies bepaal.
- (7) ’n Lid van die paneel hou op om ’n lid te wees indien—
- (a) hy of sy bedank;
- (b) sy of haar boedel gesekwestreer word of hy of sy aansoek doen om bystand beoog in artikel 10(1)(c) van die Wet op Landboukrediet, 1966;
- (c) hy of sy geestelik versteurd raak;
- (d) hy of sy aan ’n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van ’n boete gevonnissen word; en
- (e) hy of sy ’n lid word van die Parlement, ’n provinsiale wetgewer, ’n munisipale raad, die Kabinet of die Uitvoerende Raad van ’n provinsie.”.

**Amendment of section 7 of Act 107 of 1997****5. Section 7 of the principal Act is hereby amended—****(a) by the substitution for subsection (1) of the following subsection:**

“(1) Every provincial government, through its MEC, must, after consultation with the provincial organisations representing municipalities as contemplated in section 163(a) of the Constitution, do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy.”; 5

**(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 10**

“(2) For the purposes of subsection (1) every provincial government must through its MEC—”;

**(c) by the insertion after subsection (2) of the following subsections:**

“(3) An MEC must— 15

(a) administer every national housing programme and every provincial housing programme which is consistent with national housing policy and section 3(2)(b), and for this purpose may, in accordance with that programme and the prescripts contained in the Code, approve— 20

(i) any projects in respect thereof; and

(ii) the financing thereof out of money paid into the provincial housing development fund as contemplated in section 12(2);

(b) determine provincial housing development priorities in accordance with national housing policy;

(c) apply procurement policy in respect of housing development determined by the Minister in terms of section 3(2)(c); and 25

(d) administer the assets contemplated in section 14.

(4) (a) The MEC must establish a panel of not more than six persons to advise the MEC on any matter relating to housing development. 30

(b) A panel shall consist of one or more fit and proper persons who have knowledge, qualifications or experience in the field of housing development.

(c) Members of the panel shall be appointed in accordance with a procurement policy that is consistent with section 217 of the Constitution, and must be appointed only after the MEC has through the media and by notice in the relevant *Provincial Gazette* invited nominations of persons as candidates for the respective positions on the panel. 35

(d) A member of a panel is appointed for the period determined by the MEC at his or her appointment and may subject to paragraph (c) be reappointed on the termination of that period. 40

(e) The MEC may at any time terminate the membership of a member of the panel for reasons which are just and fair.

(f) A member of the panel, other than a person who is in the full-time employment of the State, is paid an allowance determined by the MEC with the approval of the member of the Executive Council responsible for finance in the relevant province. 45

(g) A member of the panel ceases to be a member if—

(i) he or she resigns;

(ii) his or her estate is sequestrated or he or she applies for assistance contemplated in section 10(1)(c) of the Agricultural Credit Act, 1966; 50

(iii) he or she becomes of unsound mind;

(iv) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; and

(v) he or she becomes a member of Parliament, a provincial legislature, a municipal council, the cabinet or the Executive Council of a Province. 55

(5) The MEC may, subject to any conditions he or she may deem appropriate in any instance—

(a) delegate any power conferred on him or her by this Act; or 60

(b) assign any duty imposed upon him or her by this Act,

**Wysiging van artikel 7 van Wet 107 van 1997****5. Artikel 7 van die Hoofwet word hierby gewysig—****(a) deur subartikel (1) deur die volgende subartikel te vervang:**

5 “(1) Elke provinsiale regering moet, deur sy LUR en na oorleg met die provinsiale organisasies wat munisipaliteite verteenwoordig soos beoog in artikel 163(a) van die Grondwet, alles in sy vermoë doen om die verskaffing van geskikte behuising in sy provinsie binne die raamwerk van nasionale behuisingsbeleid te bevorder en te fasiliteer.”;

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

10 “(2) Vir die doeleindes van subartikel (1) moet elke provinsiale regering, deur sy LUR—”;

**(c) deur die volgende subartikels na subartikel (2) in te voeg:**

15 “(3) ’n LUR moet—

(a) elke nasionale behuisingsprogram en elke provinsiale behuisingsprogram wat met nasionale behuisingsbeleid en artikel 3(2)(b) bestaanbaar is, administreer en kan vir hierdie doel, in ooreenstemming met daardie program en die voorskrifte wat in die Kode vervat word—

20 (i) enige projekte in verband daarmee goedkeur; en  
(ii) die finansiering daarvan uit geld wat in die provinsiale behuisingsontwikkelingsfonds inbetaal is, soos beoog in artikel 12(2), goedkeur;

(b) provinsiale behuisingsontwikkelingsprioriteite in ooreenstemming met nasionale behuisingsbeleid bepaal;

25 (c) verkrygingsbeleid toepas betreffende behuisingsontwikkeling wat die Minister ingevolge artikel 3(2)(c) bepaal; en

(d) die bates in artikel 14 beoog, administreer.

30 (4) (a) Die LUR moet ’n paneel van hoogstens ses persone instel om die LUR van raad te dien oor enige aangeleentheid wat met behuisingsontwikkeling verband hou.

(b) ’n Paneel bestaan uit een of meer geskikte en gepaste persone wat kennis, kwalifikasies of ervaring op die gebied van behuisingsontwikkeling het.

35 (c) Lede van die paneel word aangestel in ooreenstemming met ’n verkrygingsbeleid wat met artikel 217 van die Grondwet bestaanbaar is, en word aangestel slegs nadat die LUR deur middel van die media en by kennisgewing in die tersaaklike *Provinsiale Koerant* nominasies van persone vir kandidate vir die onderskeie ampte op die paneel versoek het.

40 (d) ’n Lid van ’n paneel word aangestel vir die tydperk wat die LUR by sy of haar aanstelling bepaal en kan, behoudens paragraaf (c), by verstryking van daardie tydperk heraangestel word.

(e) Die LUR kan te eniger tyd die lidmaatskap van ’n lid van die paneel beëindig op grond van redes wat billik en regverdig is.

45 (f) ’n Lid van die paneel, buiten ’n persoon wat voltyds in diens van die Staat is, word ’n toelae betaal wat die LUR met die goedkeuring van die lid van die Uitvoerende Raad wat vir finansies in die tersaaklike provinsie verantwoordelik is, bepaal.

(g) ’n Lid van die paneel hou op om ’n lid te wees indien—

50 (i) hy of sy bedank;  
(ii) sy of haar boedel gesekwestreer word of hy of sy aansoek doen om bystand beoog in artikel 10(1)(c) van die Wet op Landboukrediet, 1966;  
(iii) hy of sy geestelik versteurd raak;  
(iv) hy of sy aan ’n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van ’n boete gevonnissen word; en

55 (v) hy of sy ’n lid word van die Parlement, ’n provinsiale wetgewer, ’n munisipale raad, die Kabinet of die Uitvoerende Raad van ’n provinsie.

(5) Die LUR kan, behoudens enige voorwaardes wat hy of sy in enige geval gepas ag—

60 (a) enige bevoegdheid wat by hierdie Wet aan hom of haar verleen word; of  
(b) enige plig wat deur hierdie Wet aan hom of haar opgelê word,

to an officer or employee of the department responsible for the administration of housing matters in a province, either in his or her personal capacity or by virtue of the rank he or she holds or the post he or she occupies: Provided that the delegation or assignment does not prevent the person who made the delegation or assignment from exercising that power or performing that duty himself or herself.”. 5

#### Repeal of section 8 of Act 107 of 1997

6. Section 8 of the principal Act is hereby repealed.

#### Insertion of sections 10A and 10B in Act 107 of 1997

7. The following sections are hereby inserted after section 10 of the principal Act: 10

##### **“Restriction on voluntary sale of state-subsidised housing**

**10A.** (1) Notwithstanding any provisions to the contrary in any other law, it shall be a condition of every housing subsidy, as defined in the Code, granted to a natural person in terms of any national housing programme for the construction or purchase of a dwelling or serviced site, that such person shall not sell or otherwise alienate his or her dwelling or site within a period of eight years from the date on which the property was acquired by that person unless the dwelling or site has first been offered to the relevant provincial housing department. 15

(2) The provincial housing department to which the dwelling or site has been offered as contemplated in subsection (1) shall endorse in its records that the person wishes to vacate his or her property and relocate to another property and is entitled to remain on a waiting list of beneficiaries requiring subsidised housing. 20

(3) When the person vacates his or her property the relevant provincial housing department shall be deemed to be the owner of the property and application must then be made to the Registrar of Deeds by the provincial housing department for the title deeds of the property to be endorsed to reflect the department’s ownership of that property. 25

(4) No purchase price or other remuneration shall be paid to the person vacating the property but such person will be eligible for obtaining another state-subsidised house, should he or she qualify therefor. 30

##### **Restriction on involuntary sale of state-subsidised housing**

**10B.** (1) Notwithstanding any provisions to the contrary in any other law, it shall be a condition of every housing subsidy, as defined in the Code, granted to a natural person in terms of any national housing programme for the construction or purchase of a dwelling or serviced site, that such person’s successors in title or creditors in law, other than creditors in respect of credit-linked subsidies, shall not sell or otherwise alienate his or her dwelling or site unless the dwelling or site has first been offered to the relevant provincial housing department at a price not greater than the subsidy which the person received for the property. 35 40

(2) Any such offer to the provincial housing department shall be made in writing and shall be accepted or rejected by the MEC within a period of 60 days from receipt thereof. 45

(3) If such offer is accepted, the purchase price shall be determined, subject to the provisions of subsection (1), by agreement between the MEC and the person or creditor concerned or, in the event of no agreement being reached, by a valuer acceptable to both parties and registered in terms of the Valuers’ Act, 1982 (Act No. 23 of 1982). 50

aan 'n beampte of werknemer van die departement verantwoordelik vir die administrering van behuisingsaangeleenthede in 'n provinsie deleger of toewys, hetsy in sy of haar persoonlike hoedanigheid of uit hoofde van die rang of pos wat hy of sy beklee: Met dien verstande dat daardie delegering of toewysing nie die persoon wat die delegering of toewysing gedoen het, verhoed om daardie bevoegdheid of plig, na gelang van die geval, self uit te oefen of te verrig nie.”.

#### Herroeping van artikel 8 van Wet 107 van 1997

6. Artikel 8 van die Hoofwet word hierby herroep.

#### 10 Invoeging van artikels 10A en 10B in Wet 107 van 1997

7. Die volgende artikels word hierby na artikel 10 van die Hoofwet ingevoeg:

##### “Beperking op vrywillige verkoop van staatsgesubsidieerde behuising

10A. (1) Ondanks enige andersluidende bepalinge in enige ander wet is dit 'n voorwaarde van elke behuisingssubsidie, soos in die Kode omskryf, wat ingevolge enige nasionale behuisingsprogram vir die oprigting of aankoop van 'n woning of gediens erf aan 'n natuurlike persoon toegestaan word, dat sodanige persoon nie binne 'n tydperk van agt jaar vanaf die datum waarop die eiendom deur daardie persoon verkry is, sy of haar woning of erf mag verkoop of andersins mag vervreem nie, tensy die woning of erf eers aan die tersaaklike provinsiale departement van behuising aangebied is.

(2) Die provinsiale departement van behuising aan wie die woning of erf aangebied is soos in subartikel (1) beoog, moet in sy rekords aanteken dat die persoon sy of haar eiendom wil ontruim en hom of haar op 'n ander eiendom wil hervestig en daarop geregtig is om op 'n waglys te bly van begunstigdes wat gesubsidieerde behuising benodig.

(3) Wanneer die persoon sy of haar eiendom ontruim, word die tersaaklike provinsiale departement van behuising geag die eienaar van die eiendom te wees en die provinsiale departement van behuising moet dan by die Registrateur van Aktes aansoek doen dat daar op die transportakte van die eiendom aangeteken word dat die departement die eienaar van daardie eiendom is.

(4) Geen koopprys of ander vergoeding word betaal nie aan die persoon wat die eiendom ontruim, maar sodanige persoon sal weer 'n staatsgesubsidieerde huis kan bekom indien hy of sy daarvoor kwalifiseer.

##### Beperking op onvrywillige verkoop van staatsgesubsidieerde behuising

10B. (1) Ondanks enige andersluidende bepalinge in enige ander wet is dit 'n voorwaarde van elke behuisingssubsidie, soos in die Kode omskryf, wat ingevolge enige nasionale behuisingsprogram vir die oprigting of aankoop van 'n woning of gediens erf aan 'n natuurlike persoon toegestaan word, dat sodanige persoon se regsopvolgers of regsgeldige skuldeisers, uitgesonderd skuldeisers met betrekking tot kredietgekoopde subsidies, nie sy of haar woning of erf mag verkoop of andersins mag vervreem nie, tensy sodanige woning of erf eers aan die tersaaklike provinsiale departement van behuising aangebied is teen 'n prys van hoogstens die subsidie wat die persoon vir die eiendom ontvang het.

(2) Enige sodanige aanbod aan die provinsiale departement van behuising moet skriftelik gemaak word en moet binne 'n tydperk van 60 dae vanaf ontvangs daarvan deur die LUR aanvaar of van die hand gewys word.

(3) Indien sodanige aanbod aanvaar word, word die koopprys, behoudens die bepalinge van subartikel (1), vasgestel deur ooreenkoms tussen die LUR en die betrokke persoon of skuldeiser of, indien hulle nie ooreenkoms kan bereik nie, deur 'n waardeerder wat vir albei partye aanvaarbaar is en wat ingevolge die Wet op Waardeerders, 1982 (Wet No. 23 van 1982), geregistreer is.

(4) The purchase price as determined in terms of subsection (3) shall be financed by the MEC out of the provincial housing development fund.

(5) An MEC may grant exemption from the provisions of subsection (1), either conditionally or unconditionally, in respect of any dwelling or site to which the provisions of that subsection apply.

(6) The Registrar of Deeds concerned shall—

(a) make such endorsements on the title deeds of any dwelling or site and such entries in his or her registers as may be necessary to indicate that the provisions of subsection (1) apply in respect of such dwelling or site;

(b) cancel any such endorsements or entries where an exemption has been granted unconditionally under subsection (5) or where satisfactory proof has been submitted that conditions imposed under subsection (5) have been complied with; or

(c) make such endorsements or entries as may be necessary to indicate any conditions subject to which an exemption has been granted under subsection (5).

(7) No transfer of any dwelling or site in respect of which subsection (1) applies, shall be passed to a person other than the provincial government unless the Registrar of Deeds is provided with a certificate, signed by the head of department, to the effect that such dwelling or site has been offered for sale to the provincial department of housing in terms of subsection (1) and that—

(a) the offer has been rejected; or

(b) an exemption has been granted under subsection (5), either unconditionally or subject to the conditions set out in the certificate.

(8) The Minister may, by notice in the *Gazette*, make rules on the granting of exemption in terms of subsection (5) as well as the amount that must be paid by the person or creditor concerned for the granting of such exemption.”.

#### **Amendment of section 14 of Act 107 of 1997, as amended by section 3 of Act 28 of 1999 and section 1 of Act 60 of 1999**

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

(a) by the substitution for the expressions “provincial housing development board” and “board”, wherever they occur, of the expression “Provincial Government”;

(b) by the substitution in subsection (4)(d) for subparagraph (iv) (aa) of the following subparagraph:

“(iv)(aa) in the case of subparagraphs (i) and (iii) (aa), the MEC [after consultation with the provincial housing development board in question];”;

(c) by the substitution in subsection (7)(b) for subparagraph (ii) of the following subparagraph:

“(ii) in the case of the municipality, the MEC [after consultation with the provincial housing development board in question].”.

#### **Amendment of section 15 of Act 107 of 1997, as amended by section 4 of Act 28 of 1999**

9. Section 15 of the principal Act is hereby amended—

(a) by the substitution for the expression “provincial housing development board”, wherever it occurs, of the expression “Provincial Government”;

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

“(c) The net proceeds of any letting, sale or other alienation in terms of paragraph (a) must be utilised by the municipality for housing development in accordance with national housing policy and a housing development project approved by the MEC [after consultation with the provincial housing development board in question].”.

(4) Die koopprys soos ingevolge subartikel (3) vasgestel, word deur die LUR uit die provinsiale behuisingsontwikkelingsfonds gefinansier.

(5) 'n LUR kan, ten opsigte van enige woning of erf waarop die bepalings van subartikel (1) van toepassing is, voorwaardelike of onvoorwaardelike vrystelling van die bepalings van daardie subartikel verleen.

(6) Die betrokke Registrateur van Aktes moet—

(a) die endossemente op die transportaktes van enige woning of erf aanbring, en die inskrywings in sy of haar registers doen, wat nodig is om aan te dui dat die bepalings van subartikel (1) ten opsigte van sodanige woning of erf van toepassing is;

(b) enige sodanige endossemente of inskrywings kanselleer waar 'n vrystelling onvoorwaardelik ingevolge subartikel (5) verleen is of waar bevredigende bewys voorgelê is dat daar aan voorwaardes wat ingevolge subartikel (5) opgelê is, voldoen is; of

(c) die endossemente aanbring of inskrywings doen wat nodig is om enige voorwaardes aan te dui ingevolge waarvan 'n vrystelling ingevolge subartikel (5) verleen is.

(7) Geen woning of erf ten opsigte waarvan subartikel (1) van toepassing is, mag aan 'n ander persoon as die provinsiale regering oorgedra word nie, tensy die Registrateur van Aktes voorsien word van 'n sertifikaat, onderteken deur die hoof van die departement, ten effekte dat sodanige woning of erf ingevolge subartikel (1) aan die provinsiale departement van behuising te koop aangebied is en dat—

(a) die aanbod van die hand gewys is; of

(b) 'n vrystelling ingevolge subartikel (5) verleen is, hetsy onvoorwaardelik of behoudens die voorwaardes wat in die sertifikaat uiteengesit is.

(8) Die Minister kan, by kennisgewing in die *Staatskoerant*, reëls uitvaardig aangaande die verlening van vrystelling ingevolge subartikel (5), asook aangaande die bedrag wat deur die betrokke persoon of skuldeiser vir die verlening van sodanige vrystelling betaal moet word.”.

**Wysiging van artikel 14 van Wet 107 van 1997, soos gewysig deur artikel 3 van Wet 28 van 1999 en artikel 1 van Wet 60 van 1999**

**8. Artikel 14 van die Hoofwet word hierby gewysig—**

(a) deur die uitdrukkings “provinsiale behuisingsontwikkelingsraad” en “raad”, waar hulle ook al voorkom, deur die uitdrukking “Provinsiale Regering” te vervang;

(b) deur subparagraaf (iv)(aa) in subartikel (4)(d) deur die volgende subparagraaf te vervang:

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

(c) deur subparagraaf (ii) in subartikel (7)(b) deur die volgende subparagraaf te vervang:

“(ii) in die geval van die munisipaliteit, die LUR [na oorleg met die betrokke provinsiale behuisingsontwikkelingsraad].”.

**Wysiging van artikel 15 van Wet 107 van 1997, soos gewysig deur artikel 4 van Wet 28 van 1999**

**9. Artikel 15 van die Hoofwet word hierby gewysig—**

(a) deur die uitdrukking “provinsiale behuisingsontwikkelingsraad”, waar dit ook al voorkom, deur die uitdrukking “Provinsiale Regering” te vervang;

(b) deur paragraaf (c) in subartikel (4) deur die volgende paragraaf te vervang:

“(c) Die netto opbrengs verkry deur enige verhuring, verkoop of ander vervreemding ingevolge paragraaf (a) moet deur die munisipaliteit benut word vir behuisingsontwikkeling ooreenkomstig nasionale behuisingsbeleid en 'n behuisingsontwikkelingsprojek [goedgekeur] wat deur die LUR [na oorleg met die betrokke provinsiale behuisingsontwikkelingsraad] goedgekeur is.”.

**Amendment of section 16 of Act 107 of 1997**

10. Section 16 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The money so transferred must be utilised by a municipality for housing development in accordance with the national housing policy and a housing development project approved by the MEC [after consultation with the provincial housing development board in question].”.

**Amendment of section 17 of Act 107 of 1997**

11. Section 17 of the principal Act is hereby amended by the substitution for the expression “provincial housing development board”, wherever it occurs, of the expression “Provincial Government”.

**Savings**

12. (1) Anything done under or in terms of the principal Act by a provincial housing development board established under the repealed section 8 of the principal Act is deemed to have been done by the relevant MEC.

(2) As from the date of commencement of this Act, the powers, duties, rights and obligations of the provincial housing development boards, in respect of any national housing programme, vest in the relevant MEC.

(3) Any reference to a provincial housing development board in any document in which the national housing programme is mentioned, must be construed as a reference to the MEC in question.

**Amendment of Housing Consumers Protection Measures Act, 1998**

13. The Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), is hereby amended by the substitution for the expressions “provincial housing development board” and “board”, wherever they occur, of the expression “MEC”.

**Short title and commencement**

14. This Act is called the Housing Amendment Act, 2001, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.

**Wysiging van artikel 16 van Wet 107 van 1997**

10. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 5 “(2) Die geld aldus oorgedra, moet deur ’n munisipaliteit benut word vir behuisingsontwikkeling ooreenkomstig die nasionale behuisingsbeleid en ’n behuisingsontwikkelingsprojek wat deur die LUR [na oorleg met die betrokke provinsiale behuisingsontwikkelingsraad] goedgekeur is.”.

**Wysiging van artikel 17 van Wet 107 van 1997**

11. Artikel 17 van die Hoofwet word hierby gewysig deur die uitdrukking  
10 “provinsiale behuisingsontwikkelingsraad”, waar dit ook al voorkom, deur die uitdrukking “Provinsiale Regering” te vervang.

**Voorbehoude**

12. (1) Enigiets wat kragtens of ingevolge die Hoofwet deur ’n provinsiale behuisingsontwikkelingsraad ingestel ingevolge die herroepe artikel 8 van die Hoofwet  
15 gedoen is, word geag deur die tersaaklike LUR gedoen te gewees het.

(2) Vanaf die datum van inwerkingtreding van hierdie Wet berus die bevoegdhede, pligte, regte en verpligtinge van die provinsiale behuisingsontwikkelingsrade betreffende enige nasionale behuisingsprogram by die tersaaklike LUR.

- (3) Enige verwysing na ’n provinsiale behuisingsontwikkelingsraad in enige  
20 dokument waarin daar van die nasionale behuisingsprogram melding gemaak word, moet as ’n verwysing na die betrokke LUR vertolk word.

**Wysiging van Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998**

13. Die Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998 (Wet No. 95 van 1998), word hierby gewysig deur die uitdrukkings “provinsiale behuisingsontwikkelingsraad” en “raad”, waar hulle ook al voorkom, deur die uitdrukking “LUR” te vervang.

**Kort titel en inwerkingtreding**

14. Hierdie Wet heet die Wysigingswet op Behuising, 2001, en tree in werking op ’n datum wat die President by proklamasie in die *Staatskoerant* bepaal.



