



**NORTH WEST
NOORDWES**

EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 58 OF 2018**RE : REPEAL OF THE NORTH WEST HOUSING CORPORATION ACT 9 OF 1994**

1. BACKGROUND

- 1.1 The Bill seeks to repeal the North West Housing Corporation Act, 1994 (Act No. 9 of 1994). The Provincial Executive Council of Bokone Bophirima has on the 30 August 2017 resolved to rename the North West Development Corporation SOE (Pty) Ltd (NWDC), as the North West Peoples Economic Growth and Development Agency (PEGA).
- 1.2 The above policy decision of the Provincial Executive Council was taken within the context of section 125(2) of the Constitution of the Republic of South Africa, 1996.
- 1.3 The above Provincial Executive Council Resolution also included the incorporation of the North West Housing Corporation (NWHC) and the North West Transport Investments (Pty)Ltd (NTI).

"Moving Bokone Bophirima Forward - A re yeng Bokone Bophirima"

- 1.4 A subsequent policy decision by the Premier also includes the incorporation of the North West Parks Board (NWPB) and the North West Tourism Board (NWTB) as either subsidiaries of, or business units within the North West Peoples Economic Growth and Development Agency (PEGA).
- 1.5 The effect of the above Provincial Executive Council Resolution is that the North West Housing Corporation, will upon such disestablishment, cease to exist as a juristic person and all assets, liabilities, rights, duties and obligations will vest in the North West Development Corporation Ltd.
- 1.6 In order to complete the disestablishment process there needs to be a repeal process of the current Act, which established the North West Housing Corporation.
- 1.7 The conclusion therefore, is that, since the North West Housing Corporation was established by the North West Housing Corporation Act, 1994 (Act No. 9 of 1994), such Housing Corporation can only be disestablished upon the repeal of the Act which established such Housing Corporation, namely, the North West Housing Corporation Act, 1994 (Act No. 9 of 1994).

2. CLAUSE BY CLAUSE EXPLANATION

In summary, the Bill provides as follows –

Clause 1:

Clause 1 provides for definitions.

Clause 2:

Clause 2 repeals the North West Housing Corporation Act, 1994 (Act No. 9 of 1994).

Clause 3:

Clause 3 provides for the disestablishment of the North West Housing Corporation, and transitional provisions incidental thereto.

Clause 4:

Clause 4 accords the responsible Member a power to make regulations to deal with such administrative problems which may arise on application of this Act.

Clause 5:

Clause 5 validates actions by the Housing Corporation.

Clause 6:

Clause 6 provides for the short title and the coming into operation of the Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

Since the North West Housing Corporation was fully staffed, significant organizational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

There might be financial implications relating to the vesting of all assets, liabilities, rights, duties and obligations of the North West Housing Corporation, in the Corporation.

5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

1. The Office of the Premier;
- 2, The North West Housing Corporation;
3. The Northwest Transport Investments;
4. Provincial Treasury;
5. Local Government and Human Settlements;
6. State Law Advisory Services.
7. the North West Parks Board; and
8. the North West Tourism Board.

6. CONTACT PERSON:

Name : Mr Thabo Lerefolo
Position : Manager legal Services
Tel : (018) 388 4816
Cellular : 082 939 5948



MS GALALETsang FENNY GAOLAOLWE


MEC: LOCAL GOVERNMENT & HUMAN SETTLEMENTS

CERTIFIED: 23 FEBRUARY 2018
Principal State Law Advisor

NORTH WEST HOUSING CORPORATION ACT, REPEAL BILL, 2018

(As introduced in the Provincial Legislature)
(The English text is the official text of the Bill)

CERTIFIED: 23 February 2018



Adv BW Tlhale
PRINCIPAL STATE LAW ADVISOR

(MEC LOCAL GOVERNMENT AND HUMAN SETTLEMENTS)

CERTIFIED: 23 FEBRUARY 2018

Principal State Law Advisor

BILL

To provide for the disestablishment of the North West Housing Corporation and the repeal of the North West Housing Corporation Act, 1994 and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the North West Province, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise –

"Corporation" means the North West Development Corporation Ltd established by section 2 of the North West Development Corporation Ltd Act, 1996 (Act No. 6 of 1995);

"Housing Corporation " means the North West Housing Corporation established in terms of section 2 of the North West Housing Corporation Act, 1994 (Act No. 9 of 1994);

"Gazette" means the official *Provincial Gazette* of the North West Province;

"regulations" means regulations made in terms of section 4;

"responsible Member" means the Member of the Executive Council of the North West Province assigned the responsibility of human settlements. and

"this Act" includes the regulations contemplated in section 4.

Repeal of law

2. The North West Housing Corporation Act, 1994 (Act No. 9 of 1994); is hereby repealed.

Disestablishment of Housing Corporation and transitional provisions incidental thereto

3.(1) The Housing Corporation, established in terms of section 2 of the North West Housing Corporation Act, 1994 (Act No. 9 of 1994), is hereby disestablished.

CERTIFIED: 23 FEBRUARY 2018

Principal State Law Advisor

(2) On the date of the commencement of this Act, all assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued or received under the repealed North West Housing Corporation Act, 1994 (Act No. 9 of 1994), vest in the Corporation.

(3) The Corporation is, in respect of the assets, liabilities, rights, duties, obligations and funds referred to in subsection (2), for all purposes, the successor-in-law of the disestablished Housing Corporation.

Responsible Member may make regulations

4. The responsible Member may, if in the application of this Act, administrative problems are being experienced, by notice in the *Gazette*, make regulations to deal with such administrative problems.

Validation

5. Any act, determination, designation, decision, matter or any other thing done, made, taken, executed or carried out or purported to have been done, made, taken, executed or carried out by members and employees of the disestablished Housing Corporation, appointed in terms of the repealed North West Housing Corporation Act, 1994 (Act No. 9 of 1994), in terms of or in pursuance of the repealed North West Housing Corporation Act, 1994 (Act No. 9 of 1994), up to the date of commencement of this Act, is not invalid by reason of the repeal of the North West Housing Corporation Act, 1994 (Act No. 9 of 1994).

Short title

6. This Act is called the North West Housing Corporation Act, Repeal Act, 2018 and comes into operation on a date to be determined by the responsible Member, by notice in the *Gazette*.

CERTIFIED: 23 FEBRUARY 2018

Principal State Law Advisor

MEMORANDUM ON THE OBJECTS OF THE HOUSING CORPORATION ACT, REPEAL BILL, 2018

1. BACKGROUND

1.1 The Bill seeks to repeal the North West Housing Corporation Act, 1994 (Act No. 9 of 1994). The Provincial Executive Council of Bokone Bophirima has on the 30 August 2017 resolved to rename the North West Development Corporation SOE (Pty) Ltd (NWDC), as the North West Peoples Economic Growth and Development Agency (PEGA).

1.2 The above policy decision of the Provincial Executive Council was taken within the context of section 125(2) of the Constitution of the Republic of South Africa, 1996.

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1.5 The effect of the above Provincial Executive Council Resolution is that the North West Housing Corporation, will upon such disestablishment, cease to exist as a juristic person and all assets, liabilities, rights, duties and obligations will vest in the North West Development Corporation Ltd.

1.6 In order to complete the disestablishment process there needs to be a repeal process of the current Act, which established the North West Housing Corporation.

1.7 The conclusion therefore, is that, since the North West Housing Corporation was established by the North West Housing Corporation Act, 1994 (Act No. 9 of 1994), such Housing Corporation can only be disestablished upon the repeal of the Act which established such Housing Corporation, namely, the North West Housing Corporation Act, 1994 (Act No. 9 of 1994).

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CERTIFIED: 23 FEBRUARY 2018

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