



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 397.

12 Maart 1982.

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

No. 26 van 1982: Wysigingswet op Gemeenskapsontwikkeling, 1982.

No. 397.

12 March 1982.

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

No. 26 of 1982: Community Development Amendment Act, 1982.

Wet No. 26, 1982

WYSIGINGSWET OP GEMEENSKAPSONTWIKKELING, 1982

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.

WET

Tot wysiging van die Wet op Gemeenskapsontwikkeling, 1966, ten einde sekere woordskrywings in te voeg, te vervang of te skrap; voorsiening te maak vir 'n voorkoepsreg ten gunste van die Gemeenskapsontwikkelingsraad ten opsigte van sekere onroerende eiendom; en die toepassing van artikel 12 (5) van die Onteieningswet, 1975, op onteienings deur die raad nader te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1982)

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

Wysiging van artikel 1 van Wet 3 van 1966, soos gewysig deur artikel 1 van Wet 42 van 1967, artikel 1 van Wet 58 van 1968, artikel 1 van Wet 74 van 1970, artikel 50 van Wet 63 van 1975 en artikel 1 van Wet 19 van 1978.

Invoeging van artikel 18D in Wet 3 van 1966.

1. Artikel 1 van die Wet op Gemeenskapsontwikkeling, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) na die omskrywing van „basiese waarde” die volgende omskrywing in te voeg: 5
„„Direkteur-generaal” die Direkteur-generaal: Gemeenskapsontwikkeling;”;
 - (b) deur in subartikel (1) die omskrywing van „Minister” deur die volgende omskrywing te vervang: 10
„„Minister” die Minister van [Gemeenskapsbou] Gemeenskapsontwikkeling;” en
 - (c) deur in subartikel (1) die omskrywing van „Sekretaris” te skrap.

2. Die volgende artikel word hierby in die Hoofwet na artikel 15 18C ingevoeg:

„Voorkoepsreg van raad ten opsigte van onroerende eiendom vir woon-doeleindes verkoop. **18D.** (1) Dit is 'n voorwaarde van elke verkoping deur die raad, of deur 'n plaaslike bestuur, statutêre liggaam of ander regspersoon kragtens 'n delegering of toewysing van bevoegdheid, werksaamhede of pligte ingevolge artikel 22, van onroerende eiendom vir woondoeleindes aan 'n persoon dat, ondanks die feit dat die totale bedrag van die koopprys, tesame met alle rente daarop, betaal is, sodanige persoon of sy regsopvolgers nie die eiendom binne 'n tydperk van vyf jaar vanaf die datum waarop die eiendom deur sodanige persoon gekoop is, mag verkoop of andersins vervoer nie, tensy dit eers aan die raad te koop aangebied is. 20 25

(2) So 'n aanbod moet skriftelik gedoen word en moet deur die raad binne 'n tydperk van 60 dae na ontvangs daarvan aanvaar of van die hand gewys word: Met dien verstande dat die raad wanneer hy besluit om so 'n aanbod te aanvaar of van die hand te wys, gelei word deur die beginsel dat dit onvanpas is dat eiendom wat by die raad gekoop word, vir spekulatiewe doeleindes gebruik word. 30 35

(3) Indien sodanige aanbod aanvaar word, word die koopprys bepaal—

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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 Community Development Act, 1966, so as to insert, substitute or delete certain definitions; to make provision for a pre-emptive right in favour of the Community Development Board in respect of certain immovable property; and to further regulate the application of section 12 (5) of the Expropriation Act, 1975, to expropriations by the board; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22 February 1982.)

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

1. Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion in subsection (1) after the definition of “deeds registry” of the following definition:

“‘Director-General’ means the Director-General: Community Development”;
 - 10 (b) by the substitution in the Afrikaans text of subsection (1) for the definition of “Minister” of the following definition:

“‘Minister’ die Minister van **[Gemeenskapsbou]** Gemeenskapsontwikkeling”;
 - 15 (c) by the deletion in subsection (1) of the definition of “Secretary”.

Amendment of section 1 of Act 3 of 1966, as amended by section 1 of Act 42 of 1967, section 1 of Act 58 of 1968, section 1 of Act 74 of 1970, section 50 of Act 63 of 1975 and section 1 of Act 19 of 1978.

2. The following section is hereby inserted in the principal Act after section 18C:

Insertion of section 18D in Act 3 of 1966.

- “Pre-emptive right of board in respect of immovable property sold for residential purposes.”
- 18D.** (1) it shall be a condition of every sale by the board, or by a local authority, statutory body or other body corporate in terms of a delegation or assignment of powers, functions or duties under section 22, of immovable property to a person for residential purposes that, notwithstanding the fact that the total amount of the purchase price, together with all interest thereon, has been paid, such person or his successors in title shall not sell or otherwise alienate such property within a period of five years from the date on which the property was bought by such person, unless it has first been offered for sale to the board.

- (2) Any such offer shall be made in writing and shall be accepted or rejected by the board within a period of 60 days after receipt thereof: Provided that the board in deciding whether to accept or reject such offer must be guided by the principle that it is inappropriate that property purchased from the board should be used for speculative purposes.

- (3) If such offer is accepted, the purchase price shall be determined—

- (a) by ooreenkoms tussen die raad en die betrokke persoon; of
- (b) indien die raad en bedoelde persoon nie binne 'n tydperk van 60 dae na aanvaarding van die aanbod kan ooreenkom nie, deur twee arbiters, van wie een deur bedoelde persoon of, indien hy versuim om 'n arbiter te benoem binne 14 dae nadat hy skriftelik deur die raad aangesê is om dit te doen, deur die Minister en die ander deur die raad benoem word; of
- (c) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of, indien hulle nie omtrent die skeidsregter kan ooreenkom nie, deur 'n skeidsregter deur die Minister benoem, en die beslissing van so 'n skeidsregter is afdoende.
- (4) By die bepaling van die koopprys van die eiendom moet die arbiters of die skeidsregter enige beginsels wat by regulasie voorgeskryf word, in ag neem.
- (5) Die koste, bereken volgens die hoër skaal wat van toepassing is op koste in landdroshowe, in verband met die bepaling van die koopprys van die eiendom word, by ontstentenis van ooreenkoms tussen die partye, betaal—
- (a) indien die bepaling ingevolge subartikel (3) (b) deur arbiters gemaak word, soos deur hulle beveel word;
- (b) indien die arbiters nie kan ooreenkom betreffende die bevel wat kragtens paragraaf (a) gegee moet word nie, deur die party wat die koste aangegaan het; of
- (c) indien die bepaling ingevolge subartikel (3) (c) deur 'n skeidsregter gemaak word, soos deur hom beveel word, en sy beslissing is afdoende.
- (6) Die raad kan te eniger tyd vrystelling van die bepaling van subartikel (1) verleen ten opsigte van eiendom waarop die bepaling van daardie subartikel van toepassing is.
- (7) Die registrateur van aktes moet op versoek van die raad—
- (a) die endossemente op die titelbewyse van 'n eiendom maak en die inskrywings in sy registers maak wat nodig is om aan te dui dat die bepaling van subartikel (1) ten opsigte van sodanige eiendom van toepassing is; en
- (b) sodanige endossemente en inskrywings kanselleer waar 'n vrystelling ingevolge subartikel (6) ten opsigte van 'n eiendom verleen is.
- (8) Geen transport van 'n eiendom ten opsigte waarvan die in subartikel (1) vermelde voorwaarde van toepassing is, word aan 'n ander persoon as die raad gepasseer nie tensy daar aan die registrateur van aktes 'n sertifikaat deur die raad voorgelê word dat sodanige eiendom ingevolge genoemde subartikel aan die raad te koop aangebied is en dat die aanbod van die hand gewys is.”

Wysiging van artikel 38 van Wet 3 van 1966, soos gewysig deur artikel 10 van Wet 42 van 1967, artikel 8 van Wet 74 van 1970, artikel 4 van Wet 68 van 1971, artikel 46 van Wet 94 van 1974,

3. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (1B) deur die volgende subartikel te vervang:

„(1B) Die bepalinge van artikels 6 tot 23 van die 60 Onteiningswet, 1975, is, behoudens die bepalinge van subartikel (2) van hierdie artikel, *mutatis mutandis* van toepassing ten opsigte van die verkryging van onroerende eiendom deur ontefening ingevolge hierdie artikel, en by sodanige toepassing word 'n verwysing [in genoemde 65 artikels van daardie Wet]—

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- (a) by agreement between the board and the person concerned; or
- (b) if the board and such person are unable to come to an agreement within a period of 60 days after the acceptance of the offer, by two arbitrators, one of whom shall be appointed by such person or, if he fails to appoint an arbitrator within 14 days after having been required to do so in writing by the board, by the Minister and the other by the board; or
- (c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or, if no agreement can be reached by them as to the referee, by a referee appointed by the Minister, and the decision of any such referee shall be final.
- (4) In determining the purchase price of the property the arbitrators or the referee shall have due regard to any principles which may be prescribed by regulation.
- (5) The costs, calculated in accordance with the higher scale applicable to costs in magistrates' courts, in connection with the determination of the purchase price of the property shall, in the absence of agreement between the parties, be paid—
- (a) if the determination is made by arbitrators in terms of subsection (3) (b), as directed by them;
- (b) if the arbitrators are unable to agree as to the direction to be given under paragraph (a), by the party who incurred the costs; or
- (c) if the determination is made by a referee in terms of subsection (3) (c), as directed by him, and his decision shall be final.
- (6) The board may at any time grant exemption from the provisions of subsection (1) in respect of any property to which the provisions of that subsection apply.
- (7) The registrar of deeds shall at the request of the board—
- (a) make such endorsements on the title deeds of any property and such entries in his registers as may be necessary to indicate that the provisions of subsection (1) apply in respect of such property; and
- (b) cancel any such endorsements and entries where an exemption has been granted in terms of subsection (6) in respect of a property.
- (8) No transfer of any property in respect of which the condition referred to in subsection (1) applies, shall be passed to a person other than the board unless there is produced to the registrar of deeds a certificate by the board that such property has been offered for sale in terms of the said subsection and that the offer has been rejected.

3. Section 38 of the principal Act is hereby amended by the substitution for subsection (1B) of the following subsection:

“(1B) Subject to the provisions of subsection (2), the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of immovable property by expropriation in terms of this section, and in such application a reference [in that Act]—

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967, section 8 of Act 74 of 1970, section 4 of Act 68 of 1971, section 46 of Act 94 of 1974,

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artikel 57 van
Wet 63 van 1975
en artikel 7 van
Wet 19 van 1978.

- [(i)]** (a) in genoemde artikels van daardie Wet na „Minister” en „Staat”, behoudens die bepalinge van paragraaf (b) uitgelê as ’n verwysing na die raad; **[en]**
[(ii)] (b) in artikel 12 (5) van daardie Wet na „Staat” uitgelê as ’n verwysing ook na die raad; en 5
(c) in genoemde artikels van daardie Wet na „artikel 2” uitgelê as ’n verwysing na hierdie artikel.” 10

Vervanging van
woord „Sekretaris”
in Wet 3 van 1966.

4. Die Hoofwet word hierby gewysig deur die woord „Sekretaris”, waar dit ook al voorkom, deur die woord „Direkteur-generaal” te vervang. 10

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Gemeenskapsontwikkeling, 1982.

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- 5
- [(i)] (a) in the said sections of that Act to 'Minister' and 'State' shall subject to the provisions of paragraph (b) be construed as a reference to the board;
- [(ii)] (b) in section 12 (5) of that Act to 'State' shall be construed as including a reference to the board; and
- (c) in the said sections of that Act to 'section 2' shall be construed as a reference to this section."
- section 57 of Act 63 of 1975 and section 7 of Act 19 of 1978.

4. The principal Act is hereby amended by the substitution for 10 the word "Secretary", wherever it occurs, of the word "Director-General".

Substitution of
word "Secretary"
in Act 3 of 1966.

5. This Act shall be called the Community Development Short title. Amendment Act, 1982.

