



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price

(AVB uitgesluit/GST excluded)

Plaaslik 45c Local

Buitelands 60c Other countries

Posvry • Post free

VOL. 251

KAAPSTAD, 28 MEI 1986

No. 10247

CAPE TOWN, 28 MAY 1986

KANTOOR VAN DIE STAATSPRESIDENT

No. 1029.

28 Mei 1986

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

No. 49 van 1986: Behuisingswysigingswet, 1986.

STATE PRESIDENT'S OFFICE

No. 1029.

28 May 1986

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

No. 49 of 1986: Housing Amendment Act, 1986.

Wet No. 49, 1986

BEHUISINGSWYSIGINGSWET, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

I Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Behuisingswet, 1966, ten einde die samestelling van die Nasionale Behuisingskommissie verder te reël; voorsiening te maak dat lenings en voorskotte aan 'n behuisingsnutsmaatskappy toegestaan mag word om eiendomsagentte op te lei of te laat oplei; en voorsiening te maak vir die beskikking oor die bates, regte, laste en verpligte van genoemde kommissie met betrekking tot sekere gebiede en die gelde in die Nasionale Behuisingsfonds; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1986.)

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

Wysiging van artikel 6 van Wet 4 van 1966, soos gewysig deur artikel 2 van Wet 124 van 1977 en artikel 4 van Wet 109 van 1979.

1. Artikel 6 van die Behuisingswet, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) **[(a)]** Die Kommissie bestaan uit **[minstens elf en]** hoogstens veertien lede wat deur die Minister aangestel word. **[, van wie]**

 - (i) een 'n argitek of 'n ingenieur of 'n bestekopnemer of 'n dorpsbeplanner moet wees met kennis van of ondervinding in verband met munisipale sake;
 - (ii) een 'n geneesheer moet wees wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidssiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is;
 - (iii) een 'n advokaat of 'n prokureur moet wees;
 - (iv) drie persone moet wees met algemene kennis van of ondervinding in verband met plaaslike bestuur, van wie een ook spesiale kennis moet hê van plattelandse behuisingsstoestande;
 - (v) twee deur die Minister van Plurale Betrekkinge en Ontwikkeling aangewys word.
 - (b) Minstens een van die lede van die Kommissie moet 'n vrou wees.";
- (b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) 'n Lid van die Kommissie beklee sy amp, behoudens die regulasies, vir die tydperk, nie vyf jaar te bove gaande nie in die geval van die voorsitter en nie drie jaar te bove gaande nie in die geval van enige ander lid, wat die Minister ten tyde van die aanstelling van elke lid bepaal: **Met dien verstande dat die Minister so 'n aanstelling te eniger tyd kan beëindig indien daar na sy oordeel gegronde redes bestaan om dit te doen.**"

HOUSING AMENDMENT ACT, 1986

Act No. 49, 1986

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 Housing Act, 1966, so as to further regulate the constitution of the National Housing Commission; to provide for the granting of loans and advances to a housing utility company to train estate agents or to have such agents trained; and to provide for the disposal of the assets, rights, liabilities and responsibilities of the said commission in relation to certain areas and the moneys in the National Housing Fund; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19 May 1986.)

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

1. Section 6 of the Housing Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution for subsection (1) of the following subsection:
- “(1) **[(a)]** The Commission shall consist of not **[less than eleven and not]** more than fourteen members appointed by the Minister. **I, of whom—**
- 10 (i) one shall be an architect or an engineer or a quantity surveyor or town planner with knowledge of or experience in municipal affairs;
- 15 (ii) one shall be a medical practitioner registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
- 20 (iii) one shall be an advocate or an attorney;
- 25 (iv) three shall be persons with general knowledge of or experience of rural housing conditions;
- 30 (v) two shall be designated by the Minister of Plural Relations and Development.
- (b) At least one of the members of the Commission shall be a woman.”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) A member of the Commission shall, subject to the regulations, hold office for such period, not exceeding, in the case of the chairman, five years, and in the case of any other member, three years, as the Minister may, at the time of appointment of each member, determine: Provided that the Minister may terminate such an appointment at any time if in his opinion there are sound reasons for doing so.”.

Amendment of
section 6 of
Act 4 of 1966,
as amended by
section 2 of
Act 124 of 1977
and section 4 of
Act 109 of 1979.

Wet No. 49, 1986

BEHUISINGSWYSIGINGSWET, 1986

Wysiging van artikel 17A van Wet 4 van 1966, soos ingevoeg deur artikel 2 van Wet 63 van 1983.

Invoeging van artikel 91A in Wet 4 van 1966.

2. Artikel 17A van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Ondanks andersluidende bepalings van die een of ander wet kan die Kommissie aan 'n behuisingsnusmaatskappy lenings en voorskotte toestaan op die voorwaardes wat die Kommissie, na oorlegpleging met die Minister en met die instemming van die Minister van Finansies, bepaal, en die ander hulp verleen wat hy nodig ag om hom in staat te stel om—

(a) behuising te verskaf; of

(b) met die oog op die ontwikkeling van 'n mark vir onroerende eiendom in 'n gebied waar so 'n mark nie bestaan nie, of na die oordeel van die behuisingsnusmaatskappy die mark nie voldoende ontwikkel is nie, eiendomsagente op te lei of te laat oplei en sodanige ander stappe te doen as wat nodig mag wees ter bevordering van die ontwikkeling van so 'n mark: Met dien verstande dat die bepalings van subartikels (4), (5) en (6) nie van toepassing is nie op enige lening of voorskot wat vir die doeleindes van hierdie paragraaf toegestaan is.”.

3. Die volgende artikel word hierby in die Hoofwet na artikel 91 ingevoeg:

"Beskikking oor bates, regte, laste en verpligtinge van Kommissie en gelde in fonds.

91A. (1) Indien daar by of kragtens wet 'n liggaam ingestel word om met betrekking tot 'n bepaalde bevolkingsgroep in 'n gebied bedoel in paragraaf 5 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), 'n bevoegdheid, plig of werksaamheid uit te oefen of te verrig wat na die mening van die Minister voor die inwerkingtreding van so 'n wet deur die Kommissie uitgeoefen of verrig is, kan die Minister by kennisgewing in die Staatskoerant verklaar dat die bates, regte, laste en verpligtinge van die Kommissie met betrekking tot daardie gebied (uitgesonderd enige lenings wat kragtens die bepalings van artikel 3A aangegaan is) en dié bedrag in die fonds wat die Tresourie bepaal, vanaf 'n datum in die kennisgewing vermeld op bedoelde liggaam oorgaan, en op daardie datum gaan daardie bates, regte, laste en verpligtinge aldus oor en moet daardie bedrag in bedoelde liggaam se fonds of rekening gestort word, en vanaf daardie datum word 'n verwysing in 'n wet of stuk na die Kommissie (met uitsondering van 'n ooreenkoms, skuldbrief, wissel of effek bedoel in artikel 3A (2)), tensy dit klaarblyklik onvanpas sou wees, uitgelê as 'n verwysing na bedoelde liggaam.

(2) Die betrokke Registrateur moet die nodige inskrywings in sy registers en ander stukke aanbring om uitvoering aan die bepalings van so 'n oordrag te gee, en die nodige endossemente op enige tersaaklike titelbewys, verbandakte of ander stuk, by voorlegging daarvan, aanbring.

(3) Geen hereregte, seëlregte of ander gelde is ten opsigte van so 'n oordrag, inskrywing of endossement betaalbaar nie.”.

(4) Die Raad op Ontwikkeling en Behuising, ingestel kragtens artikel 2 van die Wet op Ontwikkeling en Behuising (Volksraad), 1985 (Wet No. 103 van 1985), word geag 'n liggaam in subartikel (1) bedoel te wees.

Kort titel en inwerkingtreding.

4. (1) Hierdie Wet heet die Behuisingswysigingswet, 1986.
 (2) Artikel 2 word geag op 1 Mei 1984 in werking te getree het.

HOUSING AMENDMENT ACT, 1986

Act No. 49, 1986

2. Section 17A of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

(3) Notwithstanding anything to the contrary in any law contained the Commission may grant loans and advances to a housing utility company on such conditions as the Commission may determine, after consultation with the Minister and with the concurrence of the Minister of Finance, and give it such other assistance as it may deem necessary to enable it—

- 10 (a) to provide housing; or
- (b) with a view to the development of a market for immovable property in an area where no such market exists, or where in the opinion of the housing utility company the market is insufficiently developed, to train estate agents or to have such agents trained and to take such other steps as may be necessary to promote the development of such a market: Provided that the provisions of subsections (4), (5) and (6) shall not be applicable to any loan or advance granted for the purposes of this paragraph.”.

3. The following section is hereby inserted in the principal Act after section 91:

“Disposal of assets, rights, liabilities and obligations of Commission and moneys in fund.

25 30 35 40 45 50 55 60

91A. (1) In the event of a body being established by or under any law, to exercise or to perform a power, duty or function in regard to any particular population group in any area referred to in paragraph 5 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), which in the opinion of the Minister was prior to the commencement of such law exercised or performed by the Commission, the Minister may by notice in the *Gazette* declare that the assets, rights, liabilities and obligations of the Commission in regard to that area (excluding any loans concluded under the provisions of section 3A) and such amount in the fund as the Treasury may determine, shall vest in the said body as from a date mentioned in the notice, and on that date the assets, rights, liabilities and obligations shall so vest and such amount shall be paid into the fund or account of the said body, and from that date any reference to the Commission in any law or document shall (with the exclusion of any agreement, debenture, bill or stock referred to in section 3A (2)), unless it would be clearly inconsistent, be interpreted as a reference to the said body.

(2) The Registrar in question shall make the necessary entries in his registers and other documents to give effect to the terms of such vesting, and effect the necessary endorsements on any relevant title deed, mortgage bond or other document, upon production thereof.

(3) No transfer duty, stamp duty or other fees shall be payable in respect of such vesting, entry or endorsement.”.

(4) The Development and Housing Board, established under section 2 of the Development and Housing Act (House of Assembly), 1985 (Act No. 103 of 1985), shall be deemed to be a body referred to in subsection (1).

4. (1) This Act shall be called the Housing Amendment Act, 1986.

(2) Section 2 shall be deemed to have come into operation on 1 May 1984.

Amendment of section 17A of Act 4 of 1966, as inserted by section 2 of Act 63 of 1983.

Insertion of section 91A in Act 4 of 1966.

Short title and commencement.

