



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

OL. 369

CAPE TOWN, 22 MARCH 1996

KAAPSTAD, 22 MAART 1996

No. 17054

PRESIDENT'S OFFICE

No. 489. 22 March 1996

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

No. 6 of 1996: Housing Amendment Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 489. 22 Maart 1996

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

No. 6 van 1996: Wysigingswet op Behuising, 1996.

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.

ACT

To amend the Housing Act, 1966, so as to make further provision for the financing of housing; to amend the Housing Arrangements Act, 1993, so as to delete certain definitions and to insert certain definitions; to make further provision for the monitoring of certain housing matters by the National Housing Board; to provide for the accreditation of local authorities to carry out national housing programmes; to make further provision for the management and administration of the assets of the National Housing Board; to provide for the control over the activities of a Provincial Housing Board by a member of the executive council; to provide for the submission to the provincial legislature of certain reports on the activities of a Provincial Housing Board; to establish a South African Housing Fund; to consolidate certain funds in that Fund; to regulate the administration of that Fund; to substitute the long title; to repeal certain laws; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 12 March 1996.)

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

Insertion of section 10D in Act 4 of 1966

1. The following section is hereby inserted in the Housing Act, 1966, after section 10C:

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“Financing of matters relating to housing

10D. (1) Notwithstanding anything to the contrary contained in this Act, the National Housing Board referred to in the Housing Arrangements Act, 1993 (Act No. 155 of 1993), may, in accordance with the directives of the Minister and on such conditions as the said Board may determine, approve the financing of any matter or thing which in the opinion of the said Board relates to housing. 10

(2) Without derogating from the generality of the power of the Minister under subsection (1), the directives contemplated in that subsection may provide that any moneys issued out of the fund for the purposes of subsection (1), shall not bear interest and shall not be repayable to the fund.”. 15

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Behuisingswet, 1966, ten einde verdere voorsiening te maak vir die finansiering van behuising; tot wysiging van die Wet op Behuisingsreëlings, 1993, ten einde sekere woordskrywings te skrap en sekere woordskrywings in te voeg; om verdere voorsiening te maak vir die monitering van sekere behuisingsaangeleenthede deur die Nasionale Behuisingsraad; om voorsiening te maak vir die akkreditering van plaaslike owerhede ten einde nasionale behuisingsprogramme uit te voer; om verdere voorsiening te maak vir die bestuur en administrasie van die bates van die Nasionale Behuisingsraad; om voorsiening te maak vir die beheer oor die aktiwiteite van 'n Provinsiale Behuisingsraad deur 'n lid van die uitvoerende raad; om voorsiening te maak vir die voorlegging aan die provinsiale wetgewer van sekere verslae aangaande die aktiwiteite van 'n Provinsiale Behuisingsraad; om 'n Suid-Afrikaanse Behuisingsfonds in te stel; om sekere fondse in daardie Fonds te konsolideer; om die administrasie van daardie Fonds te reël; om die lang titel te vervang; om sekere wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 12 Maart 1996.)

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

Invoeging van artikel 10D in Wet 4 van 1966

1. Die volgende artikel word hierby na artikel 10C in die Behuisingswet, 1966, 5 ingevoeg:

“Finansiering van aangeleenthede rakende behuising

10 **10D.** (1) Ondanks andersluidende bepalings van hierdie Wet, kan die Nasionale Behuisingsraad bedoel in die Wet op Behuisingsreëlings, 1993 (Wet No. 155 van 1993), ooreenkomstig die voorskrifte van die Minister en op die voorwaardes wat bedoelde Raad bepaal, die finansiering van enige aangeleentheid of saak wat na die oordeel van bedoelde Raad verband hou met behuising goedkeur.

15 (2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid van die Minister kragtens subartikel (1), kan die voorskrifte in daardie subartikel beoog, bepaal dat geld wat vir doeleindes van subartikel (1) uit die fonds uitgereik word, nie rente dra nie en nie aan die fonds terugbetaalbaar is nie.”.

Amendment of section 1 of Act 155 of 1993, as amended by section 1 of Act 8 of 1994 and section 2 of Act 33 of 1994

2. Section 1 of the Housing Arrangements Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of “committee”; 5
- (b) by the insertion after the definition of “executive committee” of the following definition:
 - “ ‘former fund’ means—
 - (a) the Development and Housing Fund established by section 12 of the Development and Housing Act, 1985; 10
 - (b) the Development Fund established by section 11 of the Development Act (House of Representatives), 1987;
 - (c) the fund referred to in section 72(3) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991);
 - (d) the Housing Development Fund established by section 12 of the Housing Development Act (House of Delegates), 1987 (Act No. 4 of 1987); 15
 - (e) the Housing Fund established by section 9 of the Housing Act (House of Representatives), 1987 (Act No. 2 of 1987);
 - (f) the National Housing Fund referred to in section 2 of the Housing Act, 1966;”;
- (c) by the deletion of the definition of “fund”;
- (d) by the insertion after the definition of “former fund” of the following definition:
 - “ ‘Fund’ means the South African Housing Fund established by section 12B;”;
- (e) by the insertion after the definition of “Fund” of the following definition:
 - “ ‘Head of the Department’ means the officer of the provincial administration in charge of the department of the provincial administration responsible for the administration of housing matters in a province and, for the purposes of section 13, if such officer is not, in terms of a law of the provincial legislature, the accounting officer for the vote in respect of housing, ‘Head of the Department’ means the officer of the provincial administration who is in terms of such a law the accounting officer for such vote;”;
- (f) by the insertion of the following definition after the definition of “Housing Development Board”:
 - “ ‘local authority’ means—
 - (a) a transitional local council, a transitional metropolitan council or a transitional metropolitan substructure as defined in section 1(1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993); 40
 - or
 - (b) a district council, a transitional representative council or a transitional rural council as defined in section 9A of the said Local Government Transition Act, 1993;”;
- (g) by the deletion of the definition of “National Housing Fund”; and
- (h) by the insertion of the following definition before the definition of “provincial board”:
 - “ ‘national housing programme’ means any housing or housing related programme as determined by the Minister that may be financed out of the Fund in terms of section 10B, 10C or 10D of the Housing Act, 1966.”;

Amendment of section 4 of Act 155 of 1993

3. Section 4 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

- “(2) For the purposes of subsection (1), a provincial board and the Head of the Department shall furnish such reports, returns or other information to the Director-General as the board may require.”;

Wysiging van artikel 1 van Wet 155 van 1993, soos gewysig deur artikel 1 van Wet 8 van 1994 en artikel 2 van Wet 33 van 1994

2. Artikel 1 van die Wet op Behuisingsreëlings, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—

- 5 (a) deur die volgende omskrywing na die omskrywing van “Direkteur-generaal” in te voeg:
 “ ‘Fonds’ die by artikel 12B ingestelde Suid-Afrikaanse Behuisingsfonds;”;
- 10 (b) deur die volgende omskrywing na die omskrywing van “Fonds” in te voeg:
 “ ‘Hoof van die Departement’ die beampte van die provinsiale administrasie in beheer van die departement van die provinsiale administrasie wat vir die administrasie van behuisingsaangeleenthede in ’n provinsie verantwoordelik is en, vir die doeleindes van artikel 13, indien sodanige beampte nie ingevolge ’n wet van die provinsiale wetgewer die rekenpligtige beampte vir die begrotingspos ten opsigte van behuising is nie, beteken ‘Hoof van die Departement’ die beampte van die provinsiale administrasie wat ingevolge so ’n wet die rekenpligtige beampte vir sodanige begrotingspos is;”;
- 15 (c) deur die omskrywing van “fonds” te skrap;
- 20 (d) deur die omskrywing van “komitee” te skrap;
- (e) deur die omskrywing van “Nasionale Behuisingsfonds” te skrap;
- (f) deur die volgende omskrywing voor die omskrywing van “provinsiale raad” in te voeg:
 ‘nasionale behuisingsprogram’ enige behuisingsprogram of behuisingsverwante program soos deur die Minister bepaal wat ingevolge artikel 10B, 10C of 10D van die Behuisingswet, 1966, gefinansier kan word;”;
- 25 (g) deur die volgende omskrywing na die omskrywing van “nasionale behuisingsprogram” in te voeg:
 ‘plaaslike owerheid’—
- 30 (a) ’n metropolitaanse oorgangsraad, ’n metropolitaanse oorgangsubstruktuur of ’n plaaslike oorgangsraad soos omskryf in artikel 1(1) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993); of
- 35 (b) ’n distrikraad, ’n landelike oorgangsraad of ’n verteenwoordigende oorgangsraad soos omskryf in artikel 9A van bedoelde Oorgangswet op Plaaslike Regering, 1993; en
- (h) deur die volgende omskrywing by te voeg:
 “ ‘voormalige fonds’—
- 40 (a) die Behuisingsfonds ingestel by artikel 9 van die Behuisingswet (Raad van Verteenwoordigers), 1987;
- (b) die Behuisingsontwikkelingsfonds ingestel by artikel 12 van die Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987 (Wet No. 4 van 1987);
- 45 (c) die fonds bedoel in artikel 72(3) van die Wet op die Afskaffing van Rasgebaseerde Grondreëlins, 1991 (Wet No. 108 van 1991);
- (d) die Nasionale Behuisingsfonds bedoel in artikel 2 van die Behuisingswet, 1966;
- (e) die Ontwikkelings- en Behuisingsfonds ingestel by artikel 12 van die Wet op Ontwikkeling en Behuising, 1985 (Wet No. 103 van 1985);
- 50 (f) die Ontwikkelingsfonds ingestel by artikel 11 van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987 (Wet No. 3 van 1987).”.

Wysiging van artikel 4 van Wet 155 van 1993

- 55 3. Artikel 4 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

“(2) Vir die doeleindes van subartikel (1) voorsien ’n provinsiale raad en die Hoof van die Departement sodanige verslae, opgawes of ander inligting wat die raad mag benodig aan die Direkteur-generaal.”.

Amendment of section 9 of Act 155 of 1993

4. Section 9 is hereby amended by the deletion of subsection (3).

Amendment of section 11 of Act 155 of 1993, as substituted by section 4 of Act 8 of 1994

5. Section 11 of the principal Act is hereby amended— 5
- (a) by the insertion after subsection (4) of the following subsection: 10
- “(4A) (a) A provincial board shall, in the performance of its functions in terms of subsection (4)(a), carry out the policy directives, if any, of the member of the executive council not inconsistent with the national policy in respect of housing as determined by the Minister. (b) The chairperson of the provincial board shall, whenever he or she is called upon to do so by the member of the executive council, report to the said member on the activities of the provincial board.”; and
- (b) by the addition of the following subsection: 15
- “(9) (a) The member of the executive council shall within 60 days after 31 December of each year lay upon the Table of the provincial legislature a report on the activities of the provincial board during the previous year if the provincial legislature is then in session or, if the provincial legislature is not then in session, within 14 days after the commencement of its next session, to be dealt with as the provincial legislature may determine. 20
- (b) The member of the executive council shall immediately after laying the report upon the Table of the provincial legislature as provided in paragraph (a), transmit to the Minister as many copies of the report as the Minister may require.”. 25

Insertion of section 11B in Act 155 of 1993

6. The following section is hereby inserted in the principal Act after section 11A:

“Powers of local authority to carry out national housing programmes

- 11B.** (1) Any local authority may apply in writing to the member of the executive council, in the form determined by that member, to be accredited under subsection (2) for the purposes of carrying out one or more national housing programmes. 30
- (2) The member of the executive council shall consider any application made to him or her under subsection (1) and, if he or she is satisfied that the local authority complies with the criteria for the accreditation of local authorities as determined by the Minister for the purposes of this section, he or she shall accredit the local authority for the purposes of carrying out one or more of the national housing programmes mentioned in the application. 35
- (3) Subject to the directions of the member of the executive council not inconsistent with the national policy in respect of housing as determined by the Minister, any local authority that has been accredited under subsection (2) may carry out any national housing programme in respect of which accreditation has been granted, and for this purpose that local authority may exercise such powers and perform such functions and shall carry out such duties of the board as may be necessary for the carrying out of such national housing programme.”. 40 45

Repeal of section 12 of Act 155 of 1993, as substituted by section 5 of Act 8 of 1994, and savings

7. (1) Subject to this section, section 12 of the principal Act is hereby repealed. 50
- (2) (a) Anything purporting to have been done under or in terms of the principal Act

Wysiging van artikel 9 van Wet 155 van 1993

4. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Wysiging van artikel 11 van Wet 155 van 1993, soos vervang deur artikel 4 van Wet 8 van 1994

5 5. Artikel 11 van die Hoofwet word hierby gewysig—

(a) deur die volgende subartikel na subartikel (4) in te voeg:

“(4A) (a) ’n Provinsiale raad moet, by die verrigting van sy werksaamhede ingevolge subartikel (4)(a), die beleidsriglyne, indien enige, van die lid van die uitvoerende raad wat nie met die nasionale beleid ten opsigte van behuising wat deur die Minister bepaal word onbestaanbaar is nie, uitvoer.

(b) Die voorsitter van die provinsiale raad moet, wanneer hy of sy deur die lid van die uitvoerende raad aldus versoek word, verslag doen aan genoemde lid aangaande die aktiwiteite van die provinsiale raad.”;

en
(b) deur die volgende subartikel by te voeg:

“(9) (a) Die lid van die uitvoerende raad moet, binne 60 dae na 31 Desember van elke jaar, ’n verslag in die provinsiale wetgewer ter Tafel lê aangaande die aktiwiteite van die provinsiale raad in die voorafgaande jaar indien die provinsiale wetgewer dan in sitting is, of, indien die provinsiale wetgewer nie dan in sitting is nie, binne 14 dae na die aanvang van die eersvolgende sitting, om afgehandel te word soos die provinsiale wetgewer mag bepaal.

(b) Die lid van die uitvoerende raad moet, onmiddellik na die tertafellegging van die verslag in die provinsiale wetgewer soos bepaal in paragraaf (a), soveel afskrifte van die verslag as wat die Minister mag benodig, aan die Minister deurstuur.”.

Invoeging van artikel 11B in Wet 155 van 1993

6. Die volgende artikel word hierby na artikel 11A in die Hoofwet ingevoeg:

“Bevoegdhede van plaaslike owerhede om nasionale behuisingsprogramme uit te voer

11B. (1) Enige plaaslike owerheid kan skriftelik aansoek doen by die lid van die uitvoerende raad in die vorm deur daardie lid bepaal om kragtens subartikel (2) geakkrediteer te word vir die doeleindes van die uitvoering van een of meer nasionale behuisingsprogramme.

(2) Die lid van die uitvoerende raad oorweeg enige aansoek kragtens subartikel (1) aan hom of haar gerig en, indien hy of sy tevrede is dat die plaaslike owerheid aan die kriteria vir akkreditasie van plaaslike owerhede soos vir die doeleindes van hierdie artikel deur die Minister bepaal, voldoen, moet hy of sy die plaaslike owerheid vir die doeleindes van die uitvoering van een of meer van die nasionale behuisingsprogramme in die aansoek vermeld, akkrediteer.

(3) Behoudens die voorskrifte van die lid van die uitvoerende raad wat nie met die nasionale beleid wat deur die Minister bepaal word, onbestaanbaar is nie, kan ’n plaaslike owerheid wat kragtens subartikel (2) geakkrediteer is, die nasionale behuisingsprogram ten opsigte waarvan akkreditering verleen is, uitvoer en vir daardie doel kan daardie plaaslike owerheid die bevoegdhede en werksaamhede van die raad uitoefen of verrig en moet hy die pligte van die raad vervul wat nodig is ten einde sodanige nasionale behuisingsprogram uit te voer.”.

Herroeping van artikel 12 van Wet 155 van 1993, soos vervang deur artikel 5 van Wet 8 van 1994, en voorbehoud

7. (1) Behoudens hierdie artikel, word artikel 12 van die Hoofwet hierby herroep.

(2) (a) Enigiets wat voorgee gedoen te wees kragtens of ingevolge die Hoofwet deur

by a committee appointed under section 12 of the principal Act repealed by subsection (1) of this section, shall, subject to paragraph (b), be deemed to have been done by the relevant provincial board established under section 11 of the principal Act under or in terms of the corresponding provision of the principal Act as amended by this Act.

(b) Any function of the Director-General of Housing purporting to have been performed, by virtue of a determination by the Minister of Housing under subsection (1)(b) of the said section 12, by a committee appointed under the said section 12, shall be deemed to have been performed by the Director-General of the provincial administration concerned by virtue of a delegation under section 4(2) of the Housing Second Amendment Act, 1994 (Act No. 33 of 1994).

(3) Any function of the National Housing Board referred to in section 2 of the principal Act which, immediately before the repeal of section 12 of the principal Act by subsection (1) of this section, could by virtue of a determination by the Minister of Housing under subsection (1)(b) of the said section 12 have been performed by a committee appointed under the said section 12, shall, subject to any instruction approved by the said Minister in relation to such function, be performed by the relevant provincial board established under section 11 of the principal Act until determined otherwise under section 12A of the principal Act as inserted by section 8 of this Act.

(4) Any function of the Director-General of Housing which, immediately before the repeal of section 12 of the principal Act by subsection (1) of this section, could by virtue of a determination by the Minister of Housing under subsection (1)(b) of the said section 12 have been performed by a committee appointed under the said section 12, shall be deemed to be a power that has been delegated to the Director-General of the provincial administration concerned under section 4(2) of the Housing Second Amendment Act, 1994 (Act No. 33 of 1994): Provided that any instruction approved by the said Minister in relation to such a function shall be deemed to be a condition determined under the said section 4(2).

Insertion of section 12A in Act 155 of 1993

8. The following section is hereby inserted in the principal Act before section 13:

“Management and administration of assets of board

12A. (1) The assets of the board situated in the province for which a provincial board has been established shall, subject to the instructions of the board, be managed and administered by the provincial board.

(2) The member of the executive council may, after consultation with the provincial board, direct an officer of the provincial administration or a committee of officers of the provincial administration established by him or her for the purpose, generally or in a particular case or category of cases, to perform any function which the provincial board may or shall perform under subsection (1).”

Insertion of section 12B in Act 155 of 1993

9. The following section is hereby inserted in the principal Act after section 12A:

“South African Housing Fund

12B. (1) (a) There is hereby established a fund to be known as the South African Housing Fund into which shall be deposited all moneys which become payable to the board or the Director-General and from which shall be met all expenditure incurred by the board or the Director-General in the performance of its or his or her functions under this Act, the Housing Act, 1966 (Act No. 4 of 1966), or any law mentioned in paragraph (a), (b), (c) or (d) of section 9(1).

(b) Every former fund is hereby abolished.

(c) All moneys which—

'n komitee aangestel kragtens artikel 12 van die Hoofwet, by subartikel (1) van hierdie artikel herroep, word, onderworpe aan paragraaf (b), geag deur die betrokke provinsiale raad ingestel kragtens artikel 11 van die Hoofwet kragtens of ingevolge die ooreenstemmende bepaling van die Hoofwet soos deur hierdie Wet gewysig, gedoen te
5 gewees het.

(b) Enige werksaamheid van die Direkteur-generaal van Behuising wat voorgee verrig te gewees het, uit hoofde van 'n beslissing van die Minister van Behuising kragtens subartikel (1)(b) van genoemde artikel 12, deur 'n komitee aangestel kragtens genoemde artikel 12, word geag deur die betrokke Direkteur-generaal van die
10 provinsiale administrasie uit hoofde van 'n delegasie kragtens artikel 4(2) van die Tweede Wysigingswet op Behuising, 1994 (Wet No. 33 van 1994), verrig te gewees het.

(3) Enige werksaamheid van die Nasionale Behuisingsraad bedoel in artikel 2 van die Hoofwet wat onmiddellik voor die herroeping van artikel 12 van die Hoofwet deur
15 subartikel (1) van hierdie artikel, uit hoofde van 'n beslissing van die Minister van Behuising kragtens subartikel (1)(b) van genoemde artikel 12 deur 'n komitee kragtens genoemde artikel 12 aangestel, verrig kon word, moet, onderworpe aan enige voorskrif goedgekeur deur genoemde Minister in verband met so 'n werksaamheid, verrig word deur die betrokke provinsiale raad ingestel kragtens artikel 11 van die Hoofwet totdat
20 andersins bepaal word kragtens artikel 12A van die Hoofwet soos deur artikel 8 van hierdie Wet ingevoeg.

(4) Enige werksaamheid van die Direkteur-generaal van Behuising wat onmiddellik voor die herroeping van artikel 12 van die Hoofwet deur subartikel (1) van hierdie artikel, uit hoofde van 'n beslissing van die Minister van Behuising kragtens subartikel
25 (1)(b) van genoemde artikel 12 deur 'n komitee kragtens genoemde artikel 12 aangestel, verrig kon word, word geag 'n bevoegdheid te wees wat gedelegeer is aan die Direkteur-generaal van die betrokke provinsiale administrasie kragtens artikel 4(2) van die Tweede Wysigingswet op Behuising, 1994 (Wet No. 33 van 1994): Met dien verstande dat enige voorskrif wat goedgekeur is deur genoemde Minister met
30 betrekking tot so 'n werksaamheid, geag word 'n voorwaarde te wees wat kragtens genoemde artikel 4(2) bepaal is.

Invoeging van artikel 12A in Wet 155 van 1993

8. Die volgende artikel word hierby voor artikel 13 in die Hoofwet ingevoeg:

“Bestuur en administrasie van bates van raad

35 **12A.** (1) Die bates van die raad wat geleë is in die provinsie waarvoor 'n provinsiale raad ingestel is, moet onderworpe aan die voorskrifte van die raad, deur die provinsiale raad bestuur en geadministreer word.

40 (2) Die lid van die uitvoerende raad kan, na oorleg met die provinsiale raad, 'n beampte van die provinsiale administrasie of 'n komitee van beamptes van die provinsiale administrasie deur hom of haar vir die doel ingestel, gelas, in die algemeen of in 'n spesifieke geval of kategorie van gevalle, om enige werksaamheid te verrig wat die provinsiale raad kragtens subartikel (1) kan of moet verrig.”

Invoeging van artikel 12B in Wet 155 van 1993

45 9. Die volgende artikel word hierby na artikel 12A in die Hoofwet ingevoeg:

“Suid-Afrikaanse Behuisingsfonds

50 **12B.** (1) (a) Hierby word 'n fonds wat die Suid-Afrikaanse Behuisingsfonds heet, ingestel waarin alle geld wat aan die raad of die Direkteur-generaal betaalbaar word, gestort moet word, en waaruit alle uitgawes wat deur die raad of die Direkteur-generaal aangegaan word by die verrigting van sy of haar werksaamhede kragtens hierdie Wet, die Behuisingswet, 1966 (Wet No. 4 van 1966), of enige wet vermeld in paragraaf (a), (b), (c) of (d) van artikel 9(1).

(b) Hierby word elke voormalige fonds afgeskaf.

55 (c) Alle gelde wat—

- (i) immediately before 1 April 1996 stood to the credit of any former fund shall devolve upon the Fund on that date;
 - (ii) immediately before 1 April 1996 were payable to or for the credit of any former fund, shall be payable to the Fund;
 - (iii) on or after 1 April 1996 would have become payable to or for the credit of any former fund, were it not for the abolition of such a former fund by paragraph (b), shall become payable to the Fund; and
 - (iv) were advanced out of any former fund shall be deemed to have been advanced out of the Fund.
- (d) Any reference in the Housing Act, 1966, or any law mentioned in paragraph (a), (b), (c) or (d) of section 9(1) to any fund mentioned in the definition of "former fund" in section 1 shall be construed as a reference to the Fund.
- (2) The Fund shall consist of—
- (a) all moneys which in terms of subsection (1)(c)(i) devolve upon the Fund;
 - (b) all moneys which in terms of subsection (1)(a) or (c)(ii) or (iii) are payable or will become payable to the Fund;
 - (c) all moneys appropriated by Parliament from time to time for the purposes of this Act, the Housing Act, 1966, or any law mentioned in paragraph (a), (b), (c) or (d) of section 9(1);
 - (d) moneys borrowed by the board in terms of the Housing Act, 1966, or any law mentioned in paragraph (a), (b), (c) or (d) of section 9(1); and
 - (e) any other moneys accruing to the board or the Director-General in terms of this Act, the Housing Act, 1966, or any law mentioned in paragraph (a), (b), (c) or (d) of section 9(1) or from any other source.
- (3) Notwithstanding anything to the contrary contained in the Exchequer Act, 1975 (Act No. 66 of 1975), all the available moneys of the Fund may be utilised for the purposes set out in this Act, the Housing Act, 1966, and the laws mentioned in paragraphs (a) to (d) of section 9(1).
- (4) All moneys in the Fund which are not required for immediate use, shall be invested in such manner as may be determined by the Minister with the concurrence of the Minister of Finance.
- (5) The Director-General shall, subject to section 13, for the purposes of the Exchequer Act, 1975, and the regulations made thereunder, be the accounting officer in relation to the moneys in the Fund.
- (6) The Director-General shall, subject to this Act, the Housing Act, 1966, and the laws mentioned in paragraphs (a) to (d) of section 9(1), be responsible for the administration of the Fund and in particular for—
- (a) all expenditure out of the Fund; and
 - (b) the collection for the credit of the Fund of all moneys due or accruing to the board or the Director-General and the prosecution of all claims in favour of the board or the Director-General, whether under contract or otherwise.
- (7) The Minister may, in consultation with the Minister of Finance, prescribe—
- (a) the details of the management of the Fund;
 - (b) the procedure relating to issues from the Fund and the repayment to the Fund of amounts issued therefrom;
 - (c) the rates of interest to be charged in respect of moneys issued out of the Fund which may vary according to the purpose for which such moneys are to be used;
 - (d) the manner in which the accounts of the Fund are to be kept; and
 - (e) any other matter which he or she considers it necessary or expedient to prescribe in relation to the control of the Fund.
- (8) The Director-General shall as soon as possible after 31 March in each year submit detailed statements signed by him or her showing the result of the previous year's transactions and the balance sheet of the Fund to the

- (i) onmiddellik voor 1 April 1996 tot krediet van enige voormalige fonds gestaan het, gaan oor op die Fonds op daardie datum;
- (ii) onmiddellik voor 1 April 1996 betaalbaar was aan of ten bate van enige voormalige fonds, is betaalbaar aan die Fonds;
- 5 (iii) op of na 1 April 1996 betaalbaar sou geword het aan of ten bate van enige voormalige fonds as dit nie vir die afskaffing van so 'n voormalige fonds deur paragraaf (b) was nie, word betaalbaar aan die Fonds; en
- 10 (iv) voorgeskiet was uit enige voormalige fonds, word geag uit die Fonds voorgeskiet te gewees het.
- (d) Enige verwysing in die Behuisingswet, 1966, of enige wet vermeld in paragraaf (a), (b), (c) of (d) van artikel 9(1) na enige fonds vermeld in die woordomskeywing van "voormalige fonds" in artikel 1 word uitgelê as 'n verwysing na die Fonds.
- 15 (2) Die Fonds bestaan uit—
- (a) alle gelde wat ingevolge subartikel (1)(c)(i) op die Fonds oorgaan;
- (b) alle gelde wat ingevolge subartikel (1)(a) of (c)(ii) of (iii) aan die Fonds betaalbaar is of sal word;
- 20 (c) alle gelde wat van tyd tot tyd, vir die doeleindes van hierdie Wet, die Behuisingswet, 1966, of enige wet vermeld in paragraaf (a), (b), (c) of (d) van artikel 9(1), deur die Parlement bewillig word;
- (d) gelde wat ingevolge die Behuisingswet, 1966, of enige wet vermeld in paragraaf (a), (b), (c) of (d) van artikel 9(1) deur die raad geleen word; en
- 25 (e) enige ander gelde wat ingevolge hierdie Wet, die Behuisingswet, 1966, of enige wet vermeld in paragraaf (a), (b), (c) of (d) van artikel 9(1) of uit enige ander bron die raad of die Direkteur-generaal toeval.
- (3) Ondanks andersluidende bepalings van die Skatkiswet, 1975 (Wet No. 66 van 1975), kan alle beskikbare gelde van die Fonds aangewend word vir die doeleindes in hierdie Wet, die Behuisingswet, 1966, en die wette vermeld in paragrawe (a) tot (d) van artikel 9(1) uiteengesit.
- 30 (4) Alle gelde in die Fonds wat nie vir onmiddellike gebruik nodig is nie, moet belê word op die wyse wat die Minister met die instemming van die Minister van Finansies bepaal.
- 35 (5) Die Direkteur-generaal is, behoudens die bepalings van artikel 13, by die toepassing van die Skatkiswet, 1975, en die regulasies daarkragtens uitgevaardig, die rekenpligtige beampte met betrekking tot die geld in die Fonds.
- (6) Die Direkteur-generaal is, behoudens die bepalings van hierdie Wet, die Behuisingswet, 1966, en die wette vermeld in paragrawe (a) tot (d) van artikel 9(1), verantwoordelik vir die administrasie van die Fonds en in besonder vir—
- 40 (a) alle uitgawes uit die Fonds; en
- (b) die invordering ten bate van die Fonds van alle gelde wat aan die raad of die Direkteur-generaal verskuldig is of die raad of die Direkteur-generaal toeval, en die deurvoering van alle vorderings ten gunste van die raad of die Direkteur-generaal, hetsy kragtens kontrak of andersins.
- 45 (7) Die Minister kan, in oorleg met die Minister van Finansies—
- (a) die besonderhede van die bestuur van die Fonds;
- (b) die prosedure met betrekking tot uitgifte uit die Fonds en die terugbetaling aan die Fonds van bedrae daaruit uitgereik;
- 50 (c) die rentekoers wat gehef moet word ten opsigte van gelde wat uit die Fonds uitgereik word, wat kan varieer na gelang van die doel waarvoor sulke gelde gebruik staan te word;
- 55 (d) die wyse waarop die rekeninge van die Fonds gehou moet word; en
- (e) enige ander aangeleentheid wat hy of sy nodig of dienstig ag om voor te skryf met betrekking tot die beheer van die Fonds, voorskryf.
- 60 (8) Die Direkteur-generaal moet so spoedig moontlik na 31 Maart in elke jaar, state deur hom of haar onderteken wat volledige besonderhede gee van die resultaat van die vorige jaar se transaksies, en die balansstaat van die Fonds, aan die Minister voorlê, wat sodanige state en balansstaat

Minister who shall lay such statements and balance sheet upon the Table in Parliament within 14 days of receipt thereof by him or her, if Parliament is then in session, or if Parliament is not then in session, within 14 days after the commencement of its next session.

(9) (a) The books and statements of account and balance sheet of the Fund shall be audited annually by the Auditor-General. 5

(b) The Auditor-General may require any person (including any local government, company or other body or any person in the employ of such a government, company or body) to make available for examination all books, registers and documents in his or her possession or under his or her control which would, in the opinion of the Auditor-General, facilitate the carrying out of the audit referred to in paragraph (a).” 10

Amendment of section 13 of Act 155 of 1993

10. (1) Subject to this section, section 13 of the principal Act is hereby amended—

(a) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively: 15

“(1) [**Whenever a provincial board or a committee has been established or appointed,**] The Director-General may, subject to such conditions as he or she may determine, make available moneys of the [National Housing] Fund [or any fund concerned] to [the Director-General of the provincial administration of the province in which such provincial board or committee has its seat, the Head of the Department to be utilized in connection with the performance of the functions of the provincial board or [committee] any local authority accredited under section 11B situated in the province concerned.” 20 25

(2) The [**Director-General of a provincial administration**] Head of the Department shall be the accounting officer in respect of all money made available to him or her in terms of subsection (1) and shall be responsible for the administration of such money to such extent as the Director-General may determine. 30

(3) The accounting officer shall—

(a) keep full and proper records of all money received or expended, and of assets, liabilities and financial transactions, in connection with the functions of the provincial board or [**committee**] local authority concerned; and 35

(b) as soon as practicable after the end of each financial year prepare [**and submit to the Director-General**] financial statements in the form specified by the Director-General and reflecting, with suitable particulars, money received and expenses incurred in connection with the functions of the provincial board or [committee] local authority during, and the relevant assets and liabilities at the end of, the financial year in question and submit such statements audited by the Auditor-General to the Director-General.”; and 40

(b) by the substitution for subsection (5) of the following subsection: 45

“(5) The [**Director-General of a provincial administration**] Head of the Department shall be responsible for the collection for the credit of [**a fund referred to in subsection (1)**] the Fund of money accruing or due to the board by virtue of the performance of the functions of the provincial board or [committee] local authority concerned, whether under contract or otherwise.” 50

(2) Any money made available under section 13(1) of the principal Act before 1 April 1996 to the Director-General of a provincial administration which is not utilized immediately before that date, shall be deemed to be money made available under section 13(1) of the principal Act, as amended by subsection (1) of this section, to the relevant Head of the Department as defined in section 1 of the principal Act, as amended by section 2(e) of this Act. 55

(3) Notwithstanding the amendment of section 13(3) of the principal Act by subsection (1) of this section, the Director-General of a provincial administration shall prepare and submit financial statements as contemplated in the said section 13(3) for any period

in die Parlement ter Tafel moet lê binne 14 dae na ontvangs daarvan deur hom of haar as die Parlement dan in sitting is, of, indien die Parlement dan nie in sitting is nie, binne 14 dae na die aanvang van sy eersvolgende sitting.

5 (9) (a) Die rekeningboeke en -state en balansstaat van die Fonds word jaarliks deur die Ouditeur-generaal geouditeer.

(b) Die Ouditeur-generaal kan 'n persoon (met inbegrip van 'n plaaslike owerheid, maatskappy of ander liggaam of enige persoon in die diens van so 'n plaaslike owerheid, maatskappy of liggaam) gelas om alle boeke, registers en stukke in sy of haar besit of onder sy of haar beheer wat, volgens die oordeel van die Ouditeur-generaal, die in paragraaf (a) bedoelde ouditering sal vergemaklik, vir ondersoek beskikbaar te stel."

Wysiging van artikel 13 van Wet 155 van 1993

10. (1) Behoudens hierdie artikel word artikel 13 van die Hoofwet hierby gewysig—
15 (a) deur subartikels (1), (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

“(1) [Wanneer 'n provinsiale raad of 'n komitee ingestel of aangestel is, kan die] Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy of sy bepaal, geld van die [Nasionale Behuisingsfonds] Fonds [of van 'n betrokke fonds] aan die [Direkteur-generaal van die provinsiale administrasie van 'n provinsie waarin die provinsiale raad of die komitee gesetel is,] Hoof van die Departement beskikbaar stel vir toewysing in verband met die verrigting van die werksaamhede van die provinsiale raad of [die komitee] 'n plaaslike owerheid geleë in die betrokke provinsie wat kragtens artikel 11B geakkrediteer is.

(2) Die [Direkteur-generaal van 'n provinsiale administrasie] Hoof van die Departement is die rekenpligtige beampte ten opsigte van alle geld wat ingevolge subartikel (1) aan hom of haar beskikbaar gestel is en is verantwoordelik vir die administrasie van daardie geld in die mate wat die Direkteur-generaal bepaal.

(3) Die rekenpligtige beampte moet—
30 (a) volledige en juiste aantekeninge hou van alle geld ontvang of bestee, en van die bates, laste en finansiële transaksies, in verband met die werksaamhede van die betrokke provinsiale raad of [komitee] plaaslike owerheid; en
(b) so gou doenlik na die einde van elke boekjaar finansiële state in die vorm deur die Direkteur-generaal vermeld, opmaak [en aan die Direkteur-generaal voorlê] wat, met gepaste besonderhede, geld ontvang en uitgawes aangegaan in verband met die werksaamhede van die provinsiale raad of [komitee] plaaslike owerheid gedurende, en die tersaaklike bates en laste aan die einde van, die betrokke boekjaar aantoon en sodanige state wat deur die Ouditeur-generaal geouditeer is aan die Direkteur-generaal voorlê.”; en

45 (b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die [Direkteur-generaal van 'n provinsiale administrasie] Hoof van die Departement is verantwoordelik vir die invordering ten bate van [’n fonds in subartikel (1) bedoel] die Fonds van geld wat die raad toeval of aan die raad verskuldig is uit hoofde van die verrigting van die werksaamhede van die betrokke provinsiale raad of [komitee] plaaslike owerheid, hetsy kragtens kontrak of andersins.”.

(2) Enige geld kragtens artikel 13(1) van die Hoofwet beskikbaar gestel voor 1 April 1996 aan die Direkteur-generaal van 'n provinsiale administrasie wat nie aangewend is onmiddellik voor daardie datum nie, word geag geld kragtens artikel 13(1) van die Hoofwet soos gewysig deur subartikel (1) van hierdie artikel, beskikbaar gestel te wees aan die betrokke Hoof van die Departement soos omskryf in artikel 1 van die Hoofwet, soos gewysig deur artikel 2(b) van hierdie Wet.

(3) Ondanks die wysiging van artikel 13(3) van die Hoofwet deur subartikel (1) van hierdie artikel, moet die Direkteur-generaal van 'n provinsiale administrasie finansiële state soos beoog in genoemde artikel 13(3) opmaak en voorlê vir enige tydperk voor

before 1 April 1996 in accordance with the provisions of the said section 13(3) before the amendment thereof by subsection (1) of this section.

Amendment of section 14 of Act 155 of 1993, as amended by section 6 of Act 8 of 1994

11. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 5

“(2) The administrative functions of a provincial board [**or committee**] shall be performed by officers and employees in the employment of the provincial administration concerned and who are designated by the member of the executive council.”. 10

Substitution of long title of Act 155 of 1993

12. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To provide for the establishment of a National Housing Board and [**Regional** Provincial Housing Boards and the abolition of certain existing boards; to 15
provide for the control over the activities of a Provincial Housing Board by the member of the executive council of a province and for the tabling of reports on the activities of a Provincial Housing Board in the provincial legislature concerned; to provide for the accreditation of local authorities to carry out national housing programmes; to establish a South African Housing Fund; to 20
consolidate certain funds in that Fund; to [**further**] regulate the administration of [**certain funds**] that Fund; to amend or repeal certain laws; and to provide for matters connected therewith.”.

Repeal of laws, and savings

13. (1) Subject to subsection (2), the laws mentioned in the Schedule to this Act are hereby repealed to the extent indicated in the third column thereof. 25

(2) Notwithstanding the repeal of any provision of a law by subsection (1), the preparation, submission and tabling of detailed statements showing the results of the transactions and the balance sheets of any fund mentioned in the definition of “former fund” in section 1 of the principal Act, as inserted by section 2(b) of this Act, for any 30
period before 1 April 1996 shall be carried out in accordance with the provisions of the law by which the fund concerned has been established.

Short title and commencement

14. This Act shall be called the Housing Amendment Act, 1996, and shall come into operation on the date when this Act is first published in the *Gazette* as a law, except— 35

(a) sections 2(b), (c), (d), (e) and (g), 4, 9, 10 and 13; and

(b) section 12, in so far as it relates to the South African Housing Fund mentioned in section 12B of the principal Act as inserted by section 9 of this Act,

which shall come into operation on 1 April 1996.

1 April 1996 ooreenkomstig die bepaling van genoemde artikel 13(3) voor die wysiging daarvan deur subartikel (1) van hierdie artikel.

Wysiging van artikel 14 van Wet 155 van 1993, soos gewysig deur artikel 6 van Wet 8 van 1994

- 5 **11.** Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die administratiewe werksaamhede van ’n provinsiale raad [**of komitee**] word verrig deur beamptes en werknemers in diens van die betrokke provinsiale administrasie en wat deur die lid van die uitvoerende raad aangewys word.”.

Vervanging van lang titel van Wet 155 van 1993

- 12.** Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

Om voorsiening te maak vir die instelling van ’n Nasionale Behuisingsraad en [**Streekbehuisingsrade**] Provinsiale Behuisingsrade en die afskaffing van sekere bestaande rade; om voorsiening te maak vir die beheer oor die aktiwiteite van ’n Provinsiale Behuisingsraad deur ’n lid van die uitvoerende raad van ’n provinsie en vir die tertaaflegging van verslae aangaande die aktiwiteite van ’n Provinsiale Behuisingsraad in die betrokke provinsiale wetgewer; om voorsiening te maak vir die akkreditering van plaaslike owerhede ten einde nasionale behuisingsprogramme uit te voer; om ’n Suid-Afrikaanse Behuisingsfonds in te stel; om sekere fondse in daardie Fonds te konsolideer; om die administrasie van [**sekere fondse**] daardie Fonds [**verder**] te reël; om sekere wette te wysig of te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

Herroeping van wette, en voorbehoud

13. (1) Behoudens subartikel (2) word die wette in die Bylae by hierdie Wet vermeld, hierby herroep in die mate in die derde kolom daarvan aangedui.

- (2) Ondanks die herroeping van enige bepaling van ’n wet by subartikel (1), moet die opmaak, voorlegging en tertaaflegging van state wat volledige besonderhede gee van die resultate van die transaksies en die balansstate van enige van die fondse vermeld in die woordskrywing van “voormalige fonds” in artikel 1 van die Hoofwet, soos deur artikel 2(h) van hierdie Wet ingevoeg, vir enige tydperk voor 1 April 1996 ooreenkomstig die bepaling van die wet waarby die betrokke fonds ingestel is, uitgevoer word.

Kort titel en inwerkingtreding

14. Hierdie Wet heet die Wysigingswet op Behuising, 1996, en tree in werking op die datum waarop die Wet vir die eerste keer in die *Staatskoerant* as ’n wet gepubliseer word, behalwe—

- (a) artikels 2(a), (b), (c), (e) en (h), 4, 9, 10 en 13; en
(b) artikel 12, in soverre dit betrekking het op die Suid-Afrikaanse Behuisingsfonds vermeld in artikel 12B van die Hoofwet soos deur artikel 9 van hierdie Wet ingevoeg,
wat op 1 April 1996 in werking tree.

Schedule**Laws repealed by section 13**

No. and year of Act	Short title	Extent of repeal
Act No. 4 of 1966	Housing Act, 1966	Sections 2, 3, 4(1), (2), (3), (5), (6), (7), (8) and (10), 4A and 9(2) and (3)
Act No. 103 of 1985	Development and Housing Act, 1985	Sections 12, 13, 14(1), (2), (3), (4) and (5), 15 and 16
Act No. 2 of 1987	Housing Act (House of Representatives), 1987	Sections 9, 10, 12(1), (2), (3), (6), (8) and (9) and 14(1)
Act No. 3 of 1987	Development Act (House of Representatives), 1987	Sections 11, 12, 13(1), (2) and (4), 14(1) and 17
Act No. 4 of 1987	Housing Development Act (House of Delegates), 1987	Sections 12, 13, 14(1), (2), (3) and (4), 15 and 16
Act No. 108 of 1991	Abolition of Racially Based Land Measures Act, 1991	Section 72(3)

Bylae**Wette herroep deur artikel 13**

No. en jaar van Wet	Kort titel	Omvang van herroeping
Wet No. 4 van 1966	Behuisingswet, 1966	Artikels 2, 3, 4(1), (2), (3), (5), (6), (7), (8) en (10), 4A en 9(2) en (3)
Wet No. 103 van 1985	Wet op Ontwikkeling en Behuising, 1985	Artikels 12, 13, 14(1), (2), (3), (4) en (5), 15 en 16
Wet No. 2 van 1987	Behuisingswet (Raad van Verteenwoordigers), 1987	Artikels 9, 10, 12(1), (2), (3), (6), (8) en (9) en 14(1)
Wet No. 3 van 1987	Ontwikkelingswet (Raad van Verteenwoordigers), 1987	Artikels 11, 12, 13(1), (2) en (4), 14(1) en 17
Wet No. 4 van 1987	Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987	Artikels 12, 13, 14(1), (2), (3) en (4), 15 en 16
Wet No. 108 van 1991	Wet op Afskaffing van Rasgebaseerde Grondreëlings, 1991	Artikel 72(3)



