



SWAZILAND
GOVERNMENT GAZETTE
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MBABANE, Thursday, July 9th, 1992

[No. 880

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PUBLISHED BY AUTHORITY

SUPPLEMENT TO
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**THE HUMAN SETTLEMENTS AUTHORITY
(AMENDMENT) BILL, 1992**

(Bill No. 15 of 1992)

(To be presented by the Minister for Housing and Township Development)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Human Settlements Authority Act, 1988 as follows:

- (a) to provide for the approval by the Surveyor-General of plans and diagrams for the establishment of human settlement or of amended general plans or diagrams of approved human settlements;
- (b) to provide for the declaration by notice in the Gazette of human settlements approved by the Human Settlement Authority;
- (c) to provide for registration by the Registrar of Deeds of title deeds relating to approved human settlements;
- (d) to make provision for the transfer of land and or plots of land to the Government for government purposes in relation to an approved human settlement;
- (e) to provide for the fees chargeable or remuneration or allowances payable to members of the Human Settlements Authority;
- (f) to provide for appeal to the Minister for Housing and Township Development for the waiver or alteration of any condition of approval of the human settlement.
- (g) to provide for certain consequential changes.

A.F.M. THWALA
Attorney-General

S2

A BILL
entitled

An Act to amend the Human Settlements Authority Act, 1988.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Human Settlements Authority (Amendment) Act, 1992 and shall be read as one with the Human Settlements Authority Act, 1988 referred to in this Act as the "Principal Act."

Amendment of Section 2.

2. Section 2 of the principal Act is amended as follows:

- (a) by replacing the definition "Human Settlement" with the following:
"human settlement" means the grouping of people, shelter, services and working places both in urban and rural areas comprising land, infrastructure, shelter, social and economic facilities and it also means housing or private housing schemes and private townships;"
- (b) by inserting after the definition "Minister" the following new definition:
"plot" means an identified piece of land which is represented as an independent entity on a general plan and registered as erf, lot or stand in the Deeds Registry;"

Amendment of Section 11.

3. Section 11 of the principal Act is amended by replacing subsections (1) and (3) with the following:

- (1) "The Authority may either grant or refuse an application for permission to establish a human settlement or to amend the general plan or diagram of an approved human settlement within eight weeks from the date the application is received.
- (3) If the Authority approves the application for human settlement or for the amendment of the general plan or diagram of an approved human settlement it shall specify the plans or diagrams approved and the conditions, if any, subject to which the approval is granted."

Addition of new sections 11A, 11B, 11C, and 11D.

4. The following new sections are added after Section 11 of the principal Act:

"Submission of plans to Surveyor-General.

- 11A (1) The applicant shall, within a period of six months from the date of the notification under section 11 (4) or the determination of an appeal under section 13 or within such further period as the Authority may determine, lodge for approval of the Surveyor-General under the Land Survey Act No. 46 of 1961 such plans and diagrams as may be necessary for the establishment of the human settlement or for the amendment of the general plan or diagram of an approved human settlement.
- (2) Upon the approval of the plans and diagrams or the amended general plan or diagram under subsection (1) the Surveyor-General shall in writing notify the applicant and the Authority of such approval.

- (3) Where the applicant fails to lodge such plans and diagrams or amended general plan or diagram with the Surveyor-General as required under subsection (1) the application granted by the Authority shall be deemed to have been cancelled unless the Minister otherwise determines.

Declaration of an approved human settlement and alteration of lay out of approved human settlement.

- 11B (1) After the Surveyor General has notified the applicant and the Authority under section 11A (2) of his approval, the Authority shall cause to be carried out inspection of the human settlement or the amended general plan or diagram of the approved human settlement in order to ensure that all the conditions of approval have been fulfilled.
- (2) When the Authority is satisfied that all the conditions of approval have been fulfilled it shall by notice in the Gazette declare the human settlement to be an approved human, settlement or the amended general plan or diagram of the approved human settlement to be an approved general plan or diagram.

Submission of deeds and plans to Registrar of Deeds.

- 11C (1) Within six months from the date of publication of the notice under Section 11B (2) or such further period as the Authority may determine, the applicant shall lodge with the Registrar of Deeds the plans and diagrams or the amended general plan or diagram together with the relative title deeds for registration or endorsement, as the case may be, under the provisions of the Deeds Registry Act No. 37 of 1968.
- (2) If the applicant fails to lodge such plans, diagrams or amended general plan or diagram together with the title deeds as required under subsection (1), the Authority may by notice in the Gazette revoke the notice issued under Section 11B (2).
- (3) If the whole of the land held under such title deeds is comprised in the human settlement or in the amended general plan or diagram, the Registrar of Deeds shall make on each title deed and on the duplicate originals thereof filed of record, an endorsement that the land has been laid out as a human settlement.
- (4) If a portion only of the land held under such title deeds is comprised in the human settlement or in the amended general plan or diagram the applicant shall cause to be taken out a certificate of registered title of the portion so comprised which shall be endorsed on the original title deeds to the effect that such portion of the land has been laid out as a human settlement.

Transfer of land to government.

- 11D (1) After publication of the notice referred in section 11B (2) the applicant shall at his own cost, transfer to the Government:
- (a) any land or plots which have been reserved for Government purposes in relation to the human settlement;
 - (b) any land or plots which are to be transferred to Government by way of endowment in relation to the human settlement; and
 - (c) any land or plots which have been reserved as public places for the general use and benefit of the inhabitants of the human settlement under the conditions upon which the application for the establishment of the human settlement was granted.

(2) Until such land or plots in the human settlement have been transferred as provided for in subsection (1) no transfer of any other land or plots in the human settlement shall be registered in the Deeds Registry except with the written permission of the Authority.

(3) If any land or plots which have been transferred under subsection (1) (a) or (b) are no longer required for Government purposes, the Minister may:

- (a) sell the land or plots, in which case the proceeds thereof (less any expenditure incurred by Government thereon) shall be used for benefit of the approved human settlement;
- (b) donate the land or plots to any person or corporate body for beneficial use in relation to the approved human settlement;
- (c) exchange the land or plots for another piece of land or plots for government use within the approved human settlement."

Replacement of Section 12.

5. Section 12 of the principal Act is replaced with the following:

"Authority may require compliance.

12 (1) If a person carries out any work in contravention of any provision of this Act and receives notice in writing from the Authority requiring him to demolish or alter such work so as to bring it into conformity with the provisions of this Act, he shall within such period as shall be specified in the notice, comply with the requirements thereof, and in the meantime the Authority may, notwithstanding any other law, request any person, board or authority empowered in that regard to discontinue the provision of any services or to cancel or withhold licences or benefits granted in respect of the human settlement.

(2) If after the expiration of the notice referred to in subsection (1) such person has not complied with the requirements of the notice the Authority shall give him a second notice requiring him within 14 days of the notice to comply with the first notice and if he fails to do so within the 14 days the Authority shall cause such demolition, alteration or modification to be effected in accordance with the requirements of the first notice and any expenses reasonably incurred by the Authority shall be recovered as a civil debt from him."

Amendment of Section 13.

6. Section 13 of the principal Act is amended by inserting the figure "(1)" after the figure "13" and by adding the following new such section:

"(2) Any person aggrieved by any of the conditions of approval of a human settlement may appeal the Minister in writing for a waiver or alteration in whole or in part of any such condition of approval and a decision taken on the matter by Minister in consultation with the Authority shall be final."

Amendment of Section 16.

7. Section 16 of the principal Act is amended as follows:

(a) by inserting after paragraph (c) the following new paragraph (d):

“(d) prescribing the fees payable under this Act and remuneration or allowances payable to the members of the Authority;”

(b) by renumbering paragraph (d) as paragraph (e).

Replacement of Section 17.

8. Section 17 of the principal Act is replaced with the following:

Pending applications, etc.

17 “(1) Any applications which are pending on the date of the coming into operation of this Act before any Board shall be considered by the Authority as if they had been made to the Authority under this Act.

(2) Any private townships, housing or private housing scheme established under the Private Townships Act No. 17 of 1961 prior to the commencement of this Act shall be deemed to have been established, approved, proclaimed or otherwise recognised as such under this Act.”