



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

PRYS + 1c AVB 20c PRICE + 1c GST
BUITELANDS 30c ABROAD
POSVRY · POST FREE

Vol. 169]

KAAPSTAD, 18 JULIE 1979

[No. 6580

CAPE TOWN, 18 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1553.

18 Julie 1979.

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

No. 109 van 1979: Behuisingswysigingswet, 1979.

No. 1553.

18 July 1979.

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

No. 109 of 1979: Housing Amendment Act, 1979.

Act No. 109, 1979

HOUSING AMENDMENT ACT, 1979.

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 increase the membership of the National Housing Commission; to abolish the Black Housing Board; and to substitute the long title; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 2 July 1979.)*

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

Amendment of
superscription
immediately
following
long title of
Act 4 of 1966.

1. The superscription "ARRANGEMENT OF SECTIONS" immediately following the long title of the Housing Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the deletion in the item "CHAPTER II" of the words "and the Black Housing Board". 5

Amendment of
section 1 of
Act 4 of 1966,
as amended by
section 1 of
Act 47 of 1967,
section 1 of
Act 40 of 1975
and section 1 of
Act 124 of 1977.

2. Section 1 of the principal Act is hereby amended—
(a) by the deletion in subsection (1) of the definition of 10
"Housing Board"; and
(b) by the substitution for paragraph (b) of subsection (2) of
the following paragraph:
"(b) no provision of this Act, in terms of which the
[Housing Board] Commission is required to 15
consult with the Administrator concerned in con-
nection with a loan to a local authority, shall apply
with reference to a loan to the Black Resettlement
Board referred to in paragraph (b) of the definition
of 'local authority' in subsection (1) or any 20
management board referred to in paragraph (c) of
the said definition".

Substitution of
superscription
before section 5 of
Act 4 of 1966.

3. The principal Act is hereby amended by the substitution for the superscription before section 5 of the following superscription:
"THE NATIONAL HOUSING COMMISSION **[AND 25**
THE BLACK HOUSING BOARD]".

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

4. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
"(a) The Commission shall consist of not less than **[nine]** 30
eleven and not more than **[twelve]** fourteen members
appointed by the Minister, of whom—
(i) one shall be an architect or an engineer or a
quantity surveyor or town planner with knowledge 35
of or experience in municipal affairs;

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 Behuisingswet, 1966, ten einde die ledetal van die Nasionale Behuisingskommissie te vermeerder; die Swart Behuisingsraad af te skaf; en die lang titel te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1979.)

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

1. Die opskrif „INDELING VAN ARTIKELS” wat onmiddellik volg op die lang titel van die Behuisingswet, 1966 (hieronder die Hoofwet genoem), word hierby gewysig deur in die item „HOOFSTUK II” die woorde „en die Swart Behuisingsraad” te skrap. Wysiging van opskrif wat onmiddellik op lang titel van Wet 4 van 1966 volg.
2. Artikel 1 van die Hoofwet word hierby gewysig—
 - 10 (a) deur in subartikel (1) die woordoms krywing van „Behuisingsraad” te skrap; en
 - (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
 - 15 „(b) geld geen bepaling van hierdie Wet ingevolge waarvan die **[Behuisingsraad] Kommissie** met die betrokke Administrateur oorleg moet pleeg in verband met 'n lening aan 'n plaaslike bestuur, met betrekking tot 'n lening aan die in paragraaf (b) van die omskrywing van „plaaslike bestuur” in
 - 20 subartikel (1) bedoelde Raad vir die Hervestiging van Swartes of aan 'n in paragraaf (c) van genoemde omskrywing bedoelde bestuursraad nie.”Wysiging van artikel 1 van Wet 4 van 1966, soos gewysig deur artikel 1 van Wet 47 van 1967, artikel 1 van Wet 40 van 1975 en artikel 1 van Wet 124 van 1977.
3. Die Hoofwet word hierby gewysig deur die opskrif voor 25 artikel 5 deur die volgende opskrif te vervang:

„DIE NASIONALE BEHUISINGSKOMMISSIE [EN DIE SWART BEHUISINGSRAAD]”

Vervanging van opskrif voor artikel 5 van Wet 4 van 1966.
4. Artikel 6 van die Hoofwet word hierby gewysig deur
 - 30 paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(a) Die Kommissie bestaan uit minstens **[nege]** elf en hoogstens **[twaalf]** veertien lede, deur die Minister aangestel, van wie—
 - 35 (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;Wysiging van artikel 6 van Wet 4 van 1966, soos gewysig deur artikel 2 van Wet 124 van 1977.

Act No. 109, 1979

HOUSING AMENDMENT ACT, 1979.

- (ii) one shall be a medical practitioner **[who possesses the qualifications mentioned in section 12 (2) of the Public Health Act, 1919 (Act No. 36 of 1919)]** registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); 5
- (iii) one shall be an advocate or an attorney; **[and]**
- (iv) three shall be persons with general knowledge of or experience in local government, one of whom shall also have special knowledge of rural housing 10 conditions;
- (v) two shall be designated by the Minister of Plural Relations and Development.”.

Substitution of
section 7 of
Act 4 of 1966.

5. The following section is hereby substituted for section 7 of the principal Act: 15

“Abolition of
the Black
Housing
Board.

7. (1) The Black Housing Board established by section 8 of the Housing Act, 1957 (Act No. 10 of 1957), **[shall, notwithstanding the repeal of that Act by this Act, continue to exist and to be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers or the performance of its functions and duties under this Act]** is hereby abolished. 20

(2) Any powers, functions and duties **[conferred or imposed upon the Commission by this Act shall, in so far as they relate to the housing of Blacks, be exercised or performed by the Housing Board, and for that purpose any reference in this Act to the Commission shall be deemed to be a reference to the Housing Board]** exercised or performed by the Black Housing Board in terms of this Act shall be deemed to have been exercised or performed by the Commission, and any reference in this Act, any other law or in any document to the Black Housing Board shall be deemed to be a reference to the Commission. 25 30 35

(3) The Commission shall be capable of suing and being sued in respect of all acts performed by the Black Housing Board in the exercise of its powers or the performance of its functions and duties under this Act.”. 40

Repeal of
section 8 of
Act 4 of 1966,
as amended by
section 2 of
Act 40 of 1975.

6. Section 8 of the principal Act is hereby repealed.

Substitution of
long title of
Act 4 of 1966,
as substituted by
section 10 of
Act 40 of 1975.

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

“To consolidate the laws providing for the construction of dwellings and the carrying out of housing schemes; to make provision for the carrying out of schemes in connection with the construction or purchase of buildings or land for certain service centres and places of care for certain children and in connection with the provision of facilities for community development; to consolidate the laws providing for the creation of a National Housing Fund and the establishment of a National Housing Commission **[and a Black Housing Board]**, defining the powers, duties and functions of the said Commission **[and Board]**, conferring certain powers upon 50 55

BEHUISINGSWYSGINGSWET, 1979.

Wet No. 109, 1979

- (ii) een 'n **[mediese praktisyn]** geneesheer moet wees wat **[in besit is van die in artikel 12 (2) van die ,Volksgezondheidswet, 1919' (Wet No. 36 van 1919), genoemde kwalifikasies]** as sodanig
- 5 **kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is;**
- (iii) een 'n advokaat of 'n prokureur moet wees; **[en]**
- 10 (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 behuisingstoestande;
- (v) twee deur die Minister van Plurale Betrekkinge en
- Ontwikkeling aangewys word."**

15 5. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 7 van Wet 4 van 1966.

„Afskaffing van die Swart Behuisingraad.

20 7. (1) Die Swart Behuisingraad ingestel deur artikel 8 van die Behuisingwet, 1957 (Wet No. 10 van 1957), **[bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en bly 'n regs persoon bevoeg om in sy naam as regs persoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir, of in verband staan met, die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede en pligte kragtens hierdie Wet]** word hierby

25 **afgeskaf.**

(2) Die bevoegdhede, werksaamhede en pligte wat **[deur]** ingevoel hierdie Wet **[aan die**

30 **Kommissie verleen of opgelê word, word, vir sover hulle betrekking het op die behuising van Swartes, deur die Behuisingraad uitgeoefen of verrig en vir daardie doel word enige verwysing in hierdie Wet na die Kommissie geag 'n verwysing na die Behuisingraad te wees]** deur die Swart Behuisingraad uitgeoefen of verrig is, word geag deur die Kommissie uitgeoefen of verrig te gewees het en enige verwysing in hierdie Wet, enige ander

35 Wet of in enige stuk na die Swart Behuisingraad, word geag 'n verwysing na die Kommissie te wees.

(3) Die Kommissie is bevoeg om as eiser en verweerder in regte op te tree ten opsigte van alle handeling wat verrig is deur die Swart Behuisingraad in die uitoefening van sy bevoegdhede of die

40 verrigting van sy werksaamhede en pligte kragtens hierdie Wet."

45

6. Artikel 8 van die Hoofwet word hierby herroep.

Herroeping van artikel 8 van Wet 4 van 1966, soos gewysig deur artikel 2 van Wet 40 van 1975.

7. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van lang titel van Wet 4 van 1966, soos vervang deur artikel 10 van Wet 40 van 1975.

50 „Tot samevatting van die wetsbepalings wat voorsiening maak vir die bou van wonings en die uitvoering van behuisingkemas; om voorsiening te maak vir die uitvoering van skemas met betrekking tot die bou of aankoop van geboue of grond vir sekere dienssentrums en versorgings-

55 oorde vir sekere kinders en met betrekking tot die voorsiening van fasiliteite vir gemeenskapsontwikkeling; tot samevatting van die wetsbepalings wat voorsiening maak vir die stigting van 'n Nasionale Behuisingfonds en die instelling van 'n Nasionale Behuisingkommissie **[en 'n Swart Behuisingraad]**, wat die bevoegdhede, pligte en werksaamhede van bedoelde kommissie **[en raad]** omskryf, wat

60

Act No. 109, 1979

HOUSING AMENDMENT ACT, 1979.

local authorities in connection with the construction of dwellings, the purchase of dwellings and the carrying out of housing schemes, providing for the granting of loans to natural persons to enable them to purchase dwellings, to utility companies and other bodies to enable them to purchase 5 certain dwellings and to certain persons to enable them to make provision for water for domestic purposes, and providing for other incidental matters.”.

Short title and commencement.

8. This Act shall be called the Housing Amendment Act, 1979, and shall come into operation on a date to be fixed by the State 10 President by proclamation in the *Gazette*.

BEHUISINGSWYSIGINGSWET, 1979.

Wet No. 109, 1979

- 5 sekere bevoegdhede met betrekking tot die bou van wonings,
die aankoop van wonings, en die uitvoering van behuising-
skemas aan plaaslike besture verleen, wat voorsiening maak
vir die toestaan van lenings aan natuurlike persone om hulle
in staat te stel om wonings aan te koop, aan nutsmaatskappye
en aan ander liggame om hulle in staat te stel om sekere
woningen te koop en aan sekere persone om hulle in staat te
stel om voorsiening te maak vir water vir huishoudelike
doeleindes, en wat vir ander bykomstige aangeleenthede
10 voorsiening maak.”.

8. Hierdie Wet heet die Behuisingswysigingswet, 1979, en tree Kort titel en
in werking op 'n datum wat die Staatspresident by proklamasie in inwerkingtreding.
die *Staatskoerant* bepaal.

