

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

No. R. 297

12 March 2004

**HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT,
(ACT NO. 65 OF 1988)**

I, Alexander Erwin, Minister of Trade and Industry do hereby publish for general comment, the intended notice to exempt the Benoni Council for the Care of the Aged from the provisions of regulations 7 – 15 contained in the Government Notice No. R1351 of June 1989, promulgated under the Act, with regard to Rynpark 7, to be situated on Struben Street, Rynfield, Benoni, on conditions set out in schedule 'A' hereto.

Interested persons are invited to make written comments regarding this notice within a period of twenty-one (21) days from the date of this publication to:

**The Deputy Director: Regulated Industries
Department of Trade and Industry
Private Bag X84
PRETORIA
0001**

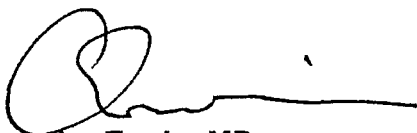
**Attention: Lindiwe Khumalo
Fax no : (012) 320 0311**

Schedule A

EXEMPTION OF THE BENONI COUNCIL FOR THE CARE OF THE AGED FROM THE PROVISIONS OF REGULATIONS 7 TO 15 CONTAINED IN THE GOVERNMENT NOTICE No. R 1351 OF JUNE 1989 PROMULGATED UNDER THE HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988 (ACT No. 65 OF 1988)

1. The exemption with regard to regulations 7 to 15 is valid only for a period of three (3) years from the date of alienation of the first right of occupation in the above housing scheme, after which period, the Benoni Council for the Care of the Aged is at liberty to apply for exemption from these regulations to extend the period or to make it more permanent on the proviso that the residents in the housing development scheme approve such application.
2. The Management Structure of Benoni Council for the Care of the Aged will provide each housing development scheme with a separate local committee of fourteen (14) members, who are concerned and interested persons living in the vicinity of the scheme and who are responsible to the board of directors. The local committee for Rynpark 7 shall include at least two democratically elected resident representatives.
3. Benoni Council for the Care of the Aged shall arrange that the title deeds of the land on which the housing development scheme is to be developed, be endorsed in terms of section 4C of the Act to the effect that such land is subject to a housing development scheme.
4. A clause that conditional exemption from the provisions of regulations 7 to 15 contained in the Government Notice No. R1351 of June 1989 has been granted to Benoni Council for the Care of the Aged as well as the suspensive conditions related thereto must be brought to the attention of all prospective buyers in the relevant scheme by way of either a letter as an annexure to the sales agreement or as a clause in the sales agreement.
5. That Benoni Council for the Care of the Aged should provide an irrevocable guarantee to buyers that in the event a unit is not available for occupation on the agreed date, the Benoni Council for the Care of the Aged shall take all steps reasonably possible to ensure that the unit is available as soon as possible thereafter or, if occupation is likely to be unduly delayed, offer, if available, another unit which has not been allocated to the occupant and if accepted by the occupant, the agreement shall be amended accordingly or all payments made will be refunded to the buyer, if, for any reason whatsoever, a unit is not completed within two years from the date of conclusion of the contract.

6. Benoni Council for the Care of the Aged is obliged to report in writing to the Minister of Trade and Industry, after two (2) years from the date on which the exemption has been granted, regarding their compliance of the above mentioned conditions.



Alexander Erwin, MP
Minister of Trade and Industry

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