

OFFICE OF THE PRESIDENT

No. 2087

7 December 1994

NO. 33 OF 1994: HOUSING SECOND AMENDMENT ACT, 1994.

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

GENERAL EXPLANATORY NOTE:

<< >> Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the Housing Act, 1966, so as to make further provision for assistance to natural persons for housing purposes; to amend the Housing Arrangements Act, 1993, so as to insert a certain definition; and to make provision for the appointment of an executive committee of a provincial housing board; to make further provision for the delegation of certain powers; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 23 November 1994.)

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

Insertion of section 10C in Act 4 of 1966

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

"Payment of money and provision of other housing assistance to natural persons

<<10C. (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 payment of a sum of money to any natural person or his or her nominee for that person's housing purposes or, in lieu of or in addition to any such sum of money, the said Board may in like manner approve any other arrangement for that purpose.

(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.">>

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

2. Section 1 of the Housing Arrangements Act, 1993, is hereby amended by the insertion after the definition of "Director-General" of the following definition:

<<" 'executive committee' means an executive committee appointed under section 11A;">>

Insertion of section 11A in Act 155 of 1993

3. The following section is hereby inserted in the Housing Arrangements Act, 1993, after section 11:

"Executive committee of provincial housing board

<<11A. (1) (a) A provincial board may, with the concurrence of the member of the executive council, appoint an executive committee consisting of the chairperson and vice-chairperson of the provincial board and not more than four other members of the provincial board.

(b) The chairperson or, in his or her absence, the vice-chairperson of the provincial board, shall preside at meetings of an executive committee or, in the absence of both the chairperson and vice-chairperson, the meeting shall be chaired by a person designated by the board.

(2) (a) Subject to any directions of, or limitations on the extent of financial and other implications by, the provincial board, the executive committee shall perform such functions of the provincial board as the provincial board may determine with the concurrence of the member of the executive council, but shall, save in so far as the provincial board otherwise directs, not have the power to alter or rescind any decision of the provincial board.

(b) The provincial board may alter or rescind any decision of the executive committee: Provided that the provincial board shall not alter or rescind any such decision under or pursuant to which any person has acquired any right or incurred any obligation or liability, unless the person concerned has consented thereto.

(3) The provisions of sections 5(4) (b) and 7(3) and (5) shall apply mutatis mutandis in respect of any meeting of any executive committee. ".>>

Further provision for delegation of certain powers

4. (1) The Minister of Housing may, subject to the conditions he or she may determine and with the concurrence of the Premier of a province, delegate any power vested in him or her in terms of the Housing Act, 1966 (Act No. 4 of 1966), or in terms of any law referred to in section 9(1) of the Housing Arrangements Act, 1993 (Act No. 155 of 1993), to the member of the executive council of the province concerned responsible for housing matters in that province.

(2) The Director-General of Housing may, subject to the conditions he or she may determine and with the concurrence of the Director-General of a provincial administration, delegate any power vested in him or her in terms of the Housing Act, 1966, or in terms of any law referred to in section 9(1) of the Housing Arrangements Act, 1993, other than any power in his or her capacity as accounting officer, to that Director-General.

(3) Any power delegated to the Director-General under subsection (2), may be delegated by that Director-General to any officer of the provincial administration in question.

Short title

5. This Act shall be called the Housing Second Amendment Act, 1994.

