

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1368.

29 Julie 1977.

No. 1368.

29 July 1977.

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

No. 126 van 1977: Wysigingswet op Gemeenskapsontwikkeling, 1977.

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

No. 126 of 1977: Community Development Amendment Act, 1977.

ACT

To amend the Community Development Act, 1966, so as to grant the Community Development Board the power in certain circumstances to compensate lessees; to provide for the transfer of property to the said Board without the submission of an estate duty certificate; and for the transfer of certain public places to the said Board free of all conditions of title; to extend the definition of "township" in the application of section 16; to provide for the summary ejection of persons who move into, live in or on, occupy or use certain properties; and to amend the provisions relating to the manner in which the compensation payable to certain lessees and occupiers is to be determined; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 11 July 1977.)

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

Amendment of section 15 of Act 3 of 1966, as amended by section 2 of Act 42 of 1967, section 1 of Act 58 of 1969, section 2 of Act 74 of 1970, section 24 of Act 80 of 1971 and section 1 of Act 93 of 1972.

1. Section 15 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after paragraph (h) of subsection (2) of the following paragraph:

“(hA) if a lessee of property acquired by the board by agreement has complied with a notice by the board to vacate that property before the expiry of his lease, with the approval of the Minister to compensate such lessee for any loss or inconvenience caused by such vacating in an amount determined by the board and approved by the Minister;” and

(b) by the addition of the following subsection:

“(8) (a) Notwithstanding anything to the contrary in any other law contained, but subject to the provisions of paragraph (c) of this subsection, a deed of transfer of property or interest in property acquired in any manner by the board from a deceased estate may be registered without the certificate referred to in section 22 of the Estate Duty Act, 1955 (Act No. 45 of 1955).

(b) Where the board has acquired any property or interest in property as contemplated in paragraph (a), any compensation payable therefor may be paid over to the Master of the Supreme Court and the latter shall not pay it out to the persons who are or become entitled thereto unless proof is furnished to him that all necessary provision has been made for the payment of any duties payable in terms of the Estate Duty Act, 1955.

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COMMUNITY DEVELOPMENT AMENDMENT ACT, 1977.

- (c) Where the board intends to act in terms of paragraph (b), the registrar of deeds concerned shall not register any deed referred to in paragraph (a) unless there is produced to him a certificate by the board to the effect that such compensation shall after registration be paid over in terms of paragraph (b)."

Amendment of section 16 of Act 3 of 1966, as amended by section 2 of Act 93 of 1972 and section 1 of Act 19 of 1975.

2. Section 16 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) Upon the registration of the transfer of land referred to in paragraph (a), the registrar of deeds concerned shall register that land in the name of the board free of all conditions of title and make such endorsements in his registers as he deems necessary to give effect to this provision."; and

- (b) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

"(b) 'township' means a township as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), and also an agricultural holding."

Amendment of section 18 of Act 3 of 1966.

3. Section 18 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) If a tenant of immovable property belonging to the board fails—"

Insertion of section 18C in Act 3 of 1966.

4. (1) The following section is hereby inserted in the principal Act after section 18B:

"Summary
ejectment of
persons.

18C. (1) If any person moves into, lives in or on, occupies or uses any property erected or acquired with moneys from the fund without the permission of a person authorized by the Secretary, the Secretary or a person authorized by him may, without having obtained any judgment or order of court, summarily enter upon and take possession of that property and employ such force as may be necessary to remove from the property that person with his dependants and their possessions.

(2) Any person who moves into, lives in or on, occupies or uses any property referred to in subsection (1) without the permission referred to in the said subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

(2) Subsection (1) shall be deemed to have come into operation on 1 September 1976.

Amendment of section 21 of Act 3 of 1966, as amended by section 4 of Act 42 of 1967.

5. Section 21 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (5) of the following paragraph:

"(c) If the board or such local authority or statutory body or other body corporate or the said Commission and the lessee or occupier are unable to agree as to the amount of such compensation within a period of sixty days after the termination of the lease, such compensation shall be determined in the manner set out in section 14 and such other provisions of the Expropriation Act, 1975 (Act No. 63 of 1975), as relate to the determination of compensation."

Short title.

6. This Act shall be called the Community Development Amendment Act, 1977.