

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

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 397.

12 Maart 1982.

No. 397.

12 March 1982.

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

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

No. 26 van 1982: Wysigingswet op Gemeenskapsontwikkeling, 1982.

No. 26 of 1982: Community Development Amendment Act, 1982.

**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 Community Development Act, 1966, so as to insert, substitute or delete certain definitions; to make provision for a pre-emptive right in favour of the Community Development Board in respect of certain immovable property; and to further regulate the application of section 12 (5) of the Expropriation Act, 1975, to expropriations by the board; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 22 February 1982.)*

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

1. Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—
- Amendment of section 1 of Act 3 of 1966, as amended by section 1 of Act 42 of 1967, section 1 of Act 58 of 1968, section 1 of Act 74 of 1970, section 50 of Act 63 of 1975 and section 1 of Act 19 of 1978.
- (a) by the insertion in subsection (1) after the definition of “deeds registry” of the following definition:  
“‘Director-General’ means the Director-General: Community Development;”;
- 10 (b) by the substitution in the Afrikaans text of subsection (1) for the definition of “Minister” of the following definition:  
“‘Minister’ die Minister van **[Gemeenskapsbou]** Gemeenskapsontwikkeling;”;
- 15 (c) by the deletion in subsection (1) of the definition of “Secretary”.
2. The following section is hereby inserted in the principal Act after section 18C:
- Insertion of section 18D in Act 3 of 1966.
- “Pre-emptive right of board in respect of immovable property sold for residential purposes.
- 20 **18D.** (1) it shall be a condition of every sale by the board, or by a local authority, statutory body or other body corporate in terms of a delegation or assignment of powers, functions or duties under section 22, of immovable property to a person for residential purposes that, notwithstanding the fact that the total amount of the purchase price, together with all interest thereon, has been paid, such person or his successors in title shall not sell or otherwise alienate such property within a period of five years from the date on which the property was bought by such person, unless it has first been offered for sale to the board.
- 25
- 30 (2) Any such offer shall be made in writing and shall be accepted or rejected by the board within a period of 60 days after receipt thereof: Provided that the board in deciding whether to accept or reject such offer must be guided by the principle that it is inappropriate that property purchased from the board should be used for speculative purposes.
- 35
- 40 (3) If such offer is accepted, the purchase price shall be determined—

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- (a) by agreement between the board and the person concerned; or
- 5 (b) if the board and such person are unable to come to an agreement within a period of 60 days after the acceptance of the offer, by two arbitrators, one of whom shall be appointed by such person or, if he fails to appoint an arbitrator within 14 days after having been required to do so in writing by the board, by the Minister and the other by the board; or
- 10 (c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or, if no agreement can be reached by them as to the referee, by a referee appointed by the Minister, and the decision of any such referee shall be final.
- 15 (4) In determining the purchase price of the property the arbitrators or the referee shall have due regard to any principles which may be prescribed by regulation.
- 20 (5) The costs, calculated in accordance with the higher scale applicable to costs in magistrates' courts, in connection with the determination of the purchase price of the property shall, in the absence of agreement between the parties, be paid—
- 25 (a) if the determination is made by arbitrators in terms of subsection (3) (b), as directed by them;
- 30 (b) if the arbitrators are unable to agree as to the direction to be given under paragraph (a), by the party who incurred the costs; or
- (c) if the determination is made by a referee in terms of subsection (3) (c), as directed by him, and his decision shall be final.
- 35 (6) The board may at any time grant exemption from the provisions of subsection (1) in respect of any property to which the provisions of that subsection apply.
- 40 (7) The registrar of deeds shall at the request of the board—
- (a) make such endorsements on the title deeds of any property and such entries in his registers as may be necessary to indicate that the provisions of subsection (1) apply in respect of such property; and
- 45 (b) cancel any such endorsements and entries where an exemption has been granted in terms of subsection (6) in respect of a property.
- 50 (8) No transfer of any property in respect of which the condition referred to in subsection (1) applies, shall be passed to a person other than the board unless there is produced to the registrar of deeds a certificate by the board that such property has been offered for sale in terms of the said subsection and
- 55 that the offer has been rejected.

3. Section 38 of the principal Act is hereby amended by the substitution for subsection (1B) of the following subsection:

60 "(1B) Subject to the provisions of subsection (2), the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of immovable property by expropriation in terms of this section, and in such application a reference [in that Act]—

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967, section 8 of Act 74 of 1970, section 4 of Act 68 of 1971, section 46 of Act 94 of 1974,

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- 5 **[(i)]** (a) in the said sections of that Act to 'Minister' and 'State' shall subject to the provisions of paragraph (b) be construed as a reference to the board;
- [(ii)]** (b) in section 12 (5) of that Act to 'State' shall be construed as including a reference to the board;  
and  
(c) in the said sections of that Act to 'section 2' shall be construed as a reference to this section."
- 10 4. The principal Act is hereby amended by the substitution for the word "Secretary", wherever it occurs, of the word "Director-General".
5. This Act shall be called the Community Development Amendment Act, 1982.

section 57 of  
Act 63 of 1975  
and section 7 of  
Act 19 of 1978.

Substitution of  
word "Secretary"  
in Act 3 of 1966.

Short title.