

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

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 963.

12 Mei 1982.

No. 963.

12 May 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. 68 van 1982: Tweede Wysigingswet op Gemeenskapsontwikkeling, 1982.

No. 68 of 1982: Second 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 a certain definition; to increase the membership of the Community Development Board; to further regulate the circumstances in which a member of the said Board shall vacate his office; to further regulate the emoluments and allowances of members of the said Board; to further regulate the powers of the executive committee and standing and *ad hoc* committees of the said Board; to increase certain penalties; to extend, and in a certain respect to further regulate, the general powers of the said Board; to regulate the assignment to the said Board of certain powers and functions which have been assigned by the State President to the Minister of Community Development; and to delete or to substitute certain obsolete words and expressions; to repeal the Land Tenure Act, 1966; and to provide for matters connected therewith.

(*Afrikaans text signed by the State President.*)
(*Assented to 4 May 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 by the insertion in subsection (1) after the definition of "deeds registry" of the following definition:
- "Department" means the Department of Community Development;
- 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, section 1 of Act 19 of 1978 and section 1 of Act 26 of 1982.
2. Section 2 of the principal Act is hereby amended—
- 10 (a) by the substitution in subsection (2) for the expression "Consolidated Revenue Fund" of the expression "State Revenue Fund"; and
- 15 (b) by the substitution in subsection (3) for the expression "The Rents Act, 1950 (Act No. 43 of 1950)" of the expression "The Rent Control Act, 1976 (Act No. 80 of 1976)."
- Amendment of section 2 of Act 3 of 1966.
3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 20 "(1) The board shall consist of not more than **[seven]** twelve members appointed by the State President."
- Amendment of section 3 of Act 3 of 1966.

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4. Section 4 of the principal Act is hereby amended—

Amendment of
section 4 of
Act 3 of 1966.

(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

5 “(b) if his estate is sequestrated or **[a notice with refer-
ence to him is published under section 10 (1) of the
Farmers’ Assistance Act, 1935 (Act No. 48 of
1935)]** he applies for assistance contemplated in
section 10 (1) (c) of the Agricultural Credit Act,
1966 (Act No. 28 of 1966);”;

10 (b) by the insertion after paragraph (b) of subsection (2) of the following paragraph:

15 “(bA) if he seeks election at any party or official nomi-
nation of candidates for the House of Assembly or
a provincial council or attempts to have himself
nominated at any such nomination;”.

5. Section 5 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of
section 5 of
Act 3 of 1966.

 “(3) **[Three] Four** members of the board shall form a
quorum for a meeting of the board.”.

20 6. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 6 of
Act 3 of 1966.

25 “(1) A member of the board (other than a person who is
in the full-time employment of the State and in receipt of a
salary from public funds) shall, and any such person may,
receive such remuneration and allowances as the Minister
may, in consultation with the Minister of Finance, deter-
mine: Provided that the remuneration and allowances of
any such members or persons may differ according as to
whether they serve in a full-time or part-time capacity.”.

30 7. Section 7 of the principal Act is hereby amended—

Amendment of
section 7 of
Act 3 of 1966.

(a) by the substitution for subsection (2) of the following subsection:

35 “(2) Any **[three] four** members of the executive com-
mittee shall form a quorum.”; and

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

40 “(4) The executive committee may, subject to the di-
rections of the board, exercise all the powers and per-
form all the functions of the board between meetings of
the board, but shall not have the power, save in so far
as the board otherwise directs, to set aside or vary any
decision of the board, and **[any action]** such steps taken
or **[decision]** decisions made by the executive com-
tee as are indicated in the said directions shall be sub-
ject to **[review] confirmation** at the first ensuing meet-
ing of the board.”.

8. Section 8 of the principal Act is hereby amended—

Amendment of
section 8 of
Act 3 of 1966.

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

50 “(1) The Minister may appoint one or more standing
committees, consisting of one or more members of the
board or of one or more officers in the Department **[of
Community Development]** or of one or more such
members and one or more such officers, to carry out,
55 subject to such conditions as he may determine, such
of the functions of the board as he may, after consultation
with the board, specify, and any such standing com-
mittee may for the proper carrying out of such functions
[exercise all the powers conferred and] perform all the
60 duties imposed upon the board in respect of the carry-
ing out of such functions: Provided that the board shall

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not be divested of any function which has so been specified to be carried out by a committee.”;

(b) by the insertion after subsection (1) of the following subsection:

5 “(1A) The board may with the concurrence of the Director-General alter or rescind any decision of a standing committee: Provided that the 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 such person has consented thereto.”; and

(c) by the substitution in subsection (4) for the expression “Department of Community Development” of the word “Department”.

15 9. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 9 of Act 3 of 1966.

20 “(2) Any member of the board who discloses, except with the consent of the board or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding **[one] five hundred rands.**”.

25 10. Section 10 of the principal Act is hereby amended by the substitution for the expression “Department of Community Development” of the word “Department”. Amendment of section 10 of Act 3 of 1966.

11. Section 12 of the principal Act is hereby amended by the substitution in subsection (4) for the expression “Consolidated Revenue Fund” of the expression “State Revenue Fund”. Amendment of section 12 of Act 3 of 1966.

30 12. Section 14 of the principal Act is hereby amended by the substitution for the expression “Controller and Auditor-General” of the expression “Auditor-General”. Amendment of section 14 of Act 3 of 1966.

13. (1) Section 15 of the principal Act is hereby amended—

(a) by the deletion in the proviso to subparagraph (ii) of subsection (2) (c) of the words “in the Senate and”;

35 (b) by the substitution in paragraph (g) of subsection (2) for the words “South African Railways Administration” of the words “South African Transport Services”; and

40 (c) by the substitution for subsection (4) of the following subsection:

45 “(4) No payment, refund, donation or remission exceeding **[five thousand rand]** the amount mentioned in the proviso to section 31 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall be made or granted by the board under subparagraph (i) of paragraph (c) of subsection (2) except with the approval, by resolution, of the **[Senate and of the]** House of Assembly, and every payment, refund, donation or remission under that subparagraph shall be reported to Parliament by the **[Controller and]** Auditor-General.”.

14. The following sections are hereby inserted in the principal Act after section 15:

55 “Purchase or lease of immovable property for public purposes by board. **15A.** (1) Subject to the provisions of subsections (2), (3) and (4) and the directions of the Minister, the board may, out of moneys appropriated by Parliament for the purpose, purchase or lease immovable property for public purposes.

Insertion of sections 15A and 15B in Act 3 of 1966.

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(2) Immovable property purchased under subsection (1) shall be transferred to and registered in the name of the Republic of South Africa.

5 (3) When immovable property is leased under subsection (1) the board shall act as lessee on behalf of the Republic of South Africa.

(4) For the purposes of this section—

10 (a) 'immovable property' includes movable property which in the opinion of the board forms part of immovable property which the board intends to purchase or lease under subsection (1); and

(b) 'public purposes' includes any purpose which is connected with the administration of the provisions of any law by a State department or any statutory body or body corporate.

15 **15B.** Subject to the directions of the Minister, the board may advise any other Minister, the Department and any other department of State, and any other statutory body or body corporate, with regard to—

20 (a) the value of land and of rights on or in respect of land; and

(b) amounts of compensation, purchase prices, rents or other amounts which in the opinion of the board ought to be paid when immovable property is expropriated, or a right to use such property temporarily is taken, or such property is purchased or otherwise acquired or leased, by any such Minister, Department or body.”

30 **15.** Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 21 of Act 3 of 1966, as amended by section 4 of Act 42 of 1967 and section 5 of Act 126 of 1977.

35 “(1) Whenever the board or any local authority, statutory body or other body corporate to which any powers, functions or duties have been delegated or assigned by the board under section 22 (1), or the National Housing Commission referred to in section 5 of the Housing Act, 1966, is undertaking or has authorized the redevelopment or replanning of any area within the controlled area, the Minister may **[with the concurrence of the Minister of Planning,]** authorize the board or such local authority or statutory body or other body corporate or the said Commission to make available land or premises in the controlled area for occupation as lessee or owner by any person (including any person who in terms of the Group Areas Act or any proclamation or notice issued under that Act or in terms of any other law is a disqualified person) who is not in terms of any law precluded from occupying such land or premises.”

50 **16.** Section 22 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (4) for the expression “Controller and Auditor-General” of the expression “Auditor-General”.

Amendment of section 22 of Act 3 of 1966, as amended by section 3 of Act 58 of 1968.

55 **17.** Section 23 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

Amendment of section 23 of Act 3 of 1966.

60 “(a) Whenever **[the Minister of Planning has certified that]** any group area is intended for occupation or ownership by members of the group concerned who are resident within the area of jurisdiction of any local authority, the board may, whether or not that group area or any portion thereof is within such area of jurisdiction, di-

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rect that local authority to perform in that group area at the expense of the board any or all of the functions which the board is in terms of section 15 (2) (d) empowered to perform in that area, and such local authority shall be obliged to comply with any such direction and shall for the purpose have the same powers as the board has in connection with the performance of such functions, as also any powers which such local authority has in connection with the performance by it of its own accord of such functions within its area of jurisdiction, and the provisions of any law applicable in connection with the performance by that local authority of such functions of its own accord within its area of jurisdiction shall also apply with reference to the performance of such functions in pursuance of a direction by the board.”

18. Section 25 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 25 of Act 3 of 1966.

“(1) The Director-General shall submit to the Minister once every year a report on the activities of the board, and the Minister shall lay a copy of such report on the Table of the **[Senate and of the]** House of Assembly within fourteen days after receipt thereof if **[Parliament]** the House of Assembly is then in ordinary session, or, if **[Parliament]** the House of Assembly is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.”

19. Section 26 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (2) for the expression “Minister of Mines” of the expression “Minister of Mineral and Energy Affairs”. Amendment of section 26 of Act 3 of 1966, as amended by section 52 of Act 63 of 1975.

20. Section 32 of the principal Act is hereby amended by the substitution in subsection (7) for the words “the Slums Act, 1934 (Act No. 53 of 1934),” of the words “the Slums Act, 1979 (Act No. 76 of 1979),”. Amendment of section 32 of Act 3 of 1966, as amended by section 5 of Act 42 of 1967 and section 5 of Act 58 of 1968.

21. Section 48 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: Amendment of section 48 of Act 3 of 1966, as amended by section 2 of Act 12 of 1980.

“(The Director-General may authorize in writing any member of the board or officer in the Department **[of Community Development]** to appoint in writing any member of the board or officer in the **[said]** Department as an inspector under this Act, who may at all reasonable times in furtherance of the objects for which the board is established—”

22. Section 49 of the principal Act is hereby amended by the substitution for subsections (4) and (5) of the following subsections: Amendment of section 49 of Act 3 of 1966, as amended by section 61 of Act 63 of 1975.

“(4) Any regulations made under subsection (1) shall be laid on the **[Tables of both Houses of Parliament]** Table of the House of Assembly within fourteen days after promulgation thereof if **[Parliament]** the House of Assembly is then in ordinary session, or, if **[Parliament]** the House of Assembly is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said **[Tables]** Table for at least twenty-eight consecutive days, and if **[Parliament]** the House of Assembly is prorogued before the necessary twenty-eight days have elapsed, such regulations shall again be laid on the said **[Tables]** Table as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.”

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(5) If **[both Houses of Parliament]** the House of Assembly by resolution passed in the same session (being a session during which such regulations have been laid on the **[Tables]** Table of **[both Houses of Parliament]** the House of Assembly in terms of subsection (4)) disapproves such regulations or any provision thereof, such regulations or such provision thereof shall cease to be of force and effect to the extent to which they are so disapproved, but without prejudice to the validity of anything done in terms of such regulations or such provision thereof up to the date upon which such regulations or such provision thereof so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulations or such provision thereof.”.

23. Section 51 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 51 of Act 3 of 1966.

“(1) The provisions of sections 16 to 23, inclusive, and 29 to 37, inclusive, **[and 47]** of this Act shall apply only in an area in which the State President has by proclamation in the *Gazette* applied the said provisions, and with effect from a date specified in the proclamation.”.

24. The following section is hereby inserted in the principal Act after section 51: Insertion of section 51A in Act 3 of 1966.

25 “Assignment of certain powers and functions of Minister to board.”

30 **51A.** (1) The Minister may assign any power or function which is granted or entrusted in connection with the acquisition of movable or immovable property by any of the legal provisions mentioned in subsection (4), the administration of which provisions the State President has assigned to the Minister as notified in Government Notice No. 1100 of 30 May 1980, either generally, or in regard to particular property, or in a particular case, to the board or any committee of the board.

35 (2) The board or any committee of the board shall after any such assignment, subject to the directions of the Minister, be vested with the relevant power or entrusted with the relevant function, and shall thereafter also be vested with any other power and be subject to any other duty (if any) which is granted to or imposed on the Minister in connection with the power or function so assigned by the legal provision in question, or any other provision of the relevant law.

40 (3) The Minister shall after an assignment contemplated in subsection (1) not be divested of the relevant power or function, and he may at any time alter or rescind any such assignment with regard to cases in respect of which it has not yet been exercised or carried out.

45 (4) The legal provisions referred to in subsection (1) shall be the following, namely—

50 (a) section 13 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);

55 (b) section 2 of the Unbeneficial Occupation of Farms Act, 1937 (Act No. 29 of 1937);

60 (c) section 37 of each of the following respective Acts: the University of Fort Hare Act, 1969 (Act No. 40 of 1969), the University of Zululand Act, 1969 (Act No. 43 of 1969), the University of the North Act, 1969 (Act No. 47 of 1969), the University of Durban-Westville Act, 1969 (Act No. 49 of 1969), and the University of the Western Cape Act, 1969 (Act No. 50 of 1969);

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- (d) section 18 of the Soil Conservation Act, 1969 (Act No. 76 of 1969);
- (e) section 16 of the Lake Areas Development Act, 1975 (Act No. 39 of 1975);
- 5 (f) any provision of the Expropriation Act, 1975 (Act No. 63 of 1975);
- (g) sections 59, 60 (2) and 61 of the Abattoir Industry Act, 1976 (Act No. 54 of 1976);
- 10 (h) section 3 of the National Parks Act, 1976 (Act No. 57 of 1976).
- (5) The provisions of subsections (1), (2) and (3) of this section shall apply *mutatis mutandis* to the power to let any portion of the sea-shore and the sea as contemplated in section 3 (1) of the Sea-shore Act, 1935 (Act No. 21 of 1935), the administration of which section has, as notified by the Government Notice mentioned in subsection (1), been assigned to the Minister.
- 15 (6) (a) The Minister may assign to the board or any committee thereof any power conferred by section 6 (1) of the Land Titles (Division of George) Adjustment Act, 1972 (Act No. 34 of 1972), sections 11 (1) (b) and 17 of the Lake Areas Development Act, 1975 (Act No. 39 of 1975), and sections 12 (1) and 13 (1) of the Land Titles Adjustment Act, 1979 (Act No. 68 of 1979), the administration of which sections has been assigned to the Minister as notified by the Government Notice mentioned in subsection (1).
- 20 (b) The provisions of subsections (1), (2) and (3) of this section shall, as regards the particular power conferred by any provision mentioned in paragraph (a), apply *mutatis mutandis* in respect of any assignment contemplated in that paragraph of any such power.”
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25. (1) The Land Tenure Act, 1966 (Act No. 32 of 1966), the Land Tenure Amendment Act, 1970 (Act No. 67 of 1970), and the Land Tenure Amendment Act, 1972 (Act No. 16 of 1972), are hereby repealed.
- 40 (2) Any reference in any law or document to the Land Tenure Board shall be construed as a reference to the Community Development Board established under section 2 of the Community Development Act, 1966 (Act No. 3 of 1966).
26. This Act shall be called the Second Community Development Amendment Act, 1982, and shall come into operation on a date to be fixed by the State President by notice in the *Gazette*.
- 45 Short title and commencement.