

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

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

Vol. 153]

KAAPSTAD, 15 MAART 1978

[No. 5923

CAPE TOWN, 15 MARCH 1978

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 490. 15 Maart 1978.

No. 490. 15 March 1978.

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. 19 van 1978: Wysigingswet op Gemeenskapsontwikkeling, 1978.

No. 19 of 1978: Community Development Amendment Act, 1978.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1978.

Act No. 19, 1978

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 abolish the payment of appreciation contributions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 7 March 1978.)

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

- 5 1. Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) in the definition of "owner", for the words following upon paragraph (b) of the following words:

10 "and for the purpose of **[section]** sections 15, **[section]** 29 (4), **[and sections]** 32, 33, 34, **[37]** and 38, includes any sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator, administrator or other person lawfully entitled or required to dispose of that property;"

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 and section 50 of Act 63 of 1975.
- 15 2. Section 29 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) Whenever any affected property has been included in the list in terms of this section, the board shall forthwith notify the owner thereof that the said property has been so included in the list."

Amendment of section 29 of Act 3 of 1966, as amended by section 4 of Act 58 of 1968 and section 6 of Act 74 of 1970.
- 20 3. Section 31 of the principal Act is hereby repealed.

Repeal of section 31 of Act 3 of 1966.
- 25 4. Section 34 of the principal Act is hereby amended—
 - (a) by the deletion of paragraph (a) of subsection (4);
 - (b) by the deletion of the second proviso to subsection (4); and
 - (c) by the deletion of subsections (6) and (7).

Amendment of section 34 of Act 3 of 1966, as amended by section 7 of Act 42 of 1967, section 7 of Act 74 of 1970, section 1 of Act 68 of 1971, section 34 of Act 94 of 1974 and section 54 of Act 63 of 1975.
5. Section 35 of the principal Act is hereby amended—
 - (a) by the deletion of subparagraph (i) of paragraph (a) of subsection (1); and
 - (b) by the deletion of subsection (2).

Amendment of section 35 of Act 3 of 1966, as amended by section 8 of Act 42 of 1967, section 2 of Act 68 of 1971, section 44 of Act 94 of 1974 and section 55 of Act 63 of 1975.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1978.

Act No. 19, 1978

6. Section 37 of the principal Act is hereby amended—

- (a) by the deletion of subsections (1), (2), (3) and (4); and
 (b) by the substitution for subsection (5) of the following subsection:

“(5) Every affected property—

- (a) acquired by the board in terms of section 15, 34 or 38; or
 (b) which has after the basic date been disposed of for value or expropriated by the State or a person other than the board,

and in respect of which any **[appreciation or depreciation contribution]** which may be due in respect thereof has been paid or guaranteed, or the right to which has **[in the case of a depreciation contribution]** been waived, or which is transferred to any person for a consideration equal to or higher than the basic value thereof, shall be removed from the list.”.

Amendment of section 37 of Act 3 of 1966, as amended by section 9 of Act 42 of 1967, section 3 of Act 68 of 1971, section 45 of Act 94 of 1974 and section 56 of Act 63 of 1975.

7. Section 38 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the purchase price or the compensation payable by the board in respect of the acquisition under section 15 or subsection (1) (a) of this section of any affected property **[exceeds the basic value of that property, there shall be deducted from the said purchase price or the said compensation—**

- (a) if such acquisition takes place after the expiry of one hundred and thirty-two months but before the expiry of one hundred and forty-four months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to twenty-five per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof; or
 (b) if such acquisition takes place after the expiry of one hundred and forty-four months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, an appreciation contribution equal to fifty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value thereof;

and if the said purchase price or compensation] is less than the basic value of the said property, there shall, save where notice has been given in respect of the said property in terms of section 41 of the Group Areas Act and such notice has not been withdrawn, be added to the said purchase price or compensation, as the case may be, a depreciation contribution equal to eighty per cent of the difference between the said purchase price or compensation, as the case may be, and the basic value of the said property: Provided that the owner of such affected property may waive his right to be paid a depreciation contribution and thereupon the board shall cease to be liable for such contribution **[:Provided further that where the National Housing Commission referred to in section 5 of the Housing Act, 1966 (Act No. 4 of 1966), acquires any affected property for the purposes of the said Act, any appreciation contribution payable in terms of this Act shall accrue to the National Housing Fund established in terms of section 2 of the said Act, but shall nevertheless be regarded as part of the cost to the Commission of the acquisition of such property].”.**

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 and section 57 of Act 63 of 1975.

8. This Act shall be called the Community Development Amendment Act, 1978, and shall be deemed to have come into operation on 1 February 1978.

Short title and commencement.