

**BUITENGEWONE**



**EXTRAORDINARY**

# Staatskoerant

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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**THE REPUBLIC OF SOUTH AFRICA**

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 225.] [17 Februarie 1966.

No. 225.] [17th February, 1966.

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

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

No. 3 van 1966: Wet op Gemeenskapsontwikkeling, 1966 .. .. . 2

No. 3 of 1966: Community Development Act, 1966 PAGE 3

No. 3, 1966.]

# ACT

To consolidate the law relating to the development of certain areas, the promotion of community development in such areas, the control of the disposal of affected properties, the grant of assistance to persons to acquire or hire immovable property, the establishment for such purposes of a board and the definition of its functions, and matters incidental thereto.

*(English text signed by the State President.)  
(Assented to 9th February, 1966.)*

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

1. (1) In this Act, unless otherwise defined in this section or unless the context otherwise indicates, any expression to which a meaning has been assigned in the Group Areas Act, 1957 (Act No. 77 of 1957) (hereinafter referred to as the Group Areas Act), shall, when used in this Act, have the same meaning, and—

Definitions.

- (i) "affected property" means any immovable property (excluding mineral rights) and, in respect of ownership, any undivided share in such property situate—
  - (a) in any area defined in a proclamation issued under section 20 (1) (a) or section 21 (1) (a) of the Group Areas Act and occupied at the basic date by a person who is not a member of the group specified in the proclamation;
  - (b) in any area defined in a proclamation issued under section 20 (1) (b) or section 21 (1) (b) of the Group Areas Act and owned or occupied at the basic date by a person who is not a member of the group specified in the proclamation, or owned by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of a person who is not a member of the group specified in the proclamation;
  - (c) in any area defined in a proclamation issued under section 20 (1) (b) or section 21 (1) (b) of the Group Areas Act and—
    - (i) which forms part of the controlled area for the purpose of the provisions of that Act relating to the occupation of land or premises in the controlled area, and which is occupied at the basic date by a person who is not a member of the group of which the owner of such immovable property is a member or, if the owner is a company, is occupied at that date by a person who is a member of any group if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a person who is a member of another group; or
    - (ii) to which the provisions of sections 15 and 16 of that Act apply and which is occupied at the basic date by a person who is not a member of the group specified in the proclamation;
  - (d) in any area defined in a proclamation issued under section 22 (1) of the Group Areas Act and not owned by the State or a statutory body;
  - (e) in any area defined in terms of section 16 (3) (a) of the Group Areas Act and specified in a proclamation issued under section 16bis of that Act, which on the date of publication of such proclamation is occupied or used, whether

wholly or partly, for a purpose other than the particular purpose specified in such proclamation;  
(vi)

- (ii) "basic date" in relation to affected property, means the date of the publication in the *Gazette* of the proclamation by virtue of which such property first became affected property or, having ceased to be affected property, again became affected property; (ii)
- (iii) "basic value" in relation to—
  - (a) land which is affected property, means the market value of the land immediately prior to the basic date determined in accordance with the provisions of this Act;
  - (b) any building which is affected property, means the estimated cost of erection thereof at the time of the valuation thereof, reduced by the amount of depreciation due to wear and tear and to the unsuitability, wholly or partly, of the building for the purpose for which it is being used at the time of the valuation, unless such unsuitability is due, wholly or partly, to the fact that such building is affected property: Provided that the basic value of a building (not being a building intended or used exclusively for religious, school or similar purposes, or intended or used for a purpose determined by the Minister) shall not in any case exceed the difference between the market value of the land on which such building is erected, determined on the basis that such building constitutes an integral part of that land, and the market value which that land would have had if such building had not existed;
  - (c) affected property, means the basic value of the land plus the basic value of the buildings thereon; (iii)
- (iv) "board" means the Community Development Board referred to in section 2; (xv)
- (v) "bond" includes a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of "owner"; (xix)
- (vi) "deeds registry" in relation to immovable property referred to in paragraph (b) of the definition of "owner", means the office of De Beers Consolidated Mines, Limited, or the office of the town clerk of Kimberley, according to whether the relevant lease or licence is registered in the one or the other of those offices; (i)
- (vii) "fund" means the Community Development Fund established by section 11; (v)
- (viii) "immovable property" means land and any buildings thereon and includes any interest in immovable property; (xiv)
- (ix) "inspector" means an inspector appointed under section 48; (ix)
- (x) "land" includes any portion of land and any improvements thereon other than buildings; (vii)
- (xi) "legal proceedings" includes proceedings of a revision court referred to in section 33; (xvii)
- (xii) "lessee or licensee" in relation to immovable property referred to in paragraph (b) of the definition of "owner", does not include the person to whom the relevant lease or licence has been ceded *in securitatem debiti*; (viii)
- (xiii) "list" means the list of affected properties referred to in section 29; (x)
- (xiv) "mineral rights" means any rights to minerals (including rights to prospect, dig or mine) or any lease or sub-lease of such rights; (xi)
- (xv) "Minister" means the Minister of Community Development; (xii)
- (xvi) "mortgagee" includes the holder of a cession *in securitatem debiti* of any lease or licence referred to in paragraph (b) of the definition of "owner"; (xx)

- (xvii) "occupy" means occupy as owner or by virtue of a lease or usufruct or right of *habitatio* or by virtue of a prescriptive title; (xiii)
- (xviii) "owner" means, in relation to—
- (a) immovable property or any interest in immovable property other than such property as is referred to in paragraph (b), the person in whose name that property or in whose favour that interest in immovable property is registered;
- (b) immovable property forming part of the farm Alexanderfontein or the farm Bultfontein in the district of Kimberley and held under a lease or licence which entitles the lessee or licensee and his successors in title to occupy such property, the person registered in the deeds registry as the lessee or licensee of that property, and for the purpose of section 29 (4) and sections 32, 33, 34, 37 to 42, inclusive, and 45, 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; (iv)
- (xix) "registrar of deeds", in relation to immovable property referred to in paragraph (b) of the definition of "owner", means the secretary of De Beers Consolidated Mines, Limited, or the town clerk of Kimberley, according to whether the relevant lease or licence is registered in the office of De Beers Consolidated Mines, Limited, or in the office of the said town clerk; (xvi)
- (xx) "Secretary" means the Secretary for Community Development. (xviii)

(2) A cession of any lease or licence referred to in paragraph (b) of the definition of "owner" which is registered in a deeds registry, or any other disposal of any rights under such a lease or licence, other than a cession *in securitatem debiti*, shall for the purposes of this Act be deemed to be a disposal of the immovable property to which the lease or licence relates, and the registration in the deeds registry of such a cession, other than a cession *in securitatem debiti*, shall, for the said purposes, be deemed to be a transfer to the cessionary of the said immovable property.

(3) Notwithstanding anything to the contrary in this Act contained, no property which is affected property by reason only of occupation thereof by a person who is not a member of a particular group, or by reason only of occupation or use thereof for a purpose other than the particular purpose specified in any proclamation issued in respect of that property under section 16bis of the Group Areas Act, shall be dealt with as affected property—

- (a) in the case of property which was affected property at the commencement of the Group Areas Amendment Act, 1962 (Act No. 49 of 1962), if the owner thereof requested or requests the board in writing within two months after the date of such commencement, or within such further period as the Minister may, in his discretion, have allowed or allow, that it be not so dealt with; or
- (b) in the case of property which became or becomes affected property after such commencement, unless the owner thereof requested or requests the board in writing within two months after the date on which the obligation arose or arises to compile a list in respect of the area in which such property is situate, or within such further period as the Minister may, in his discretion, have allowed or allow, that it be so dealt with.

2. (1) There is hereby established a board to be known as the Community Development Board, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this Act.

Establishment  
of Community  
Development  
Board.

(2) The board shall not be liable for any tax, duty, fee or other charge imposed by or under any law for the benefit of the Consolidated Revenue Fund or a provincial revenue fund.

(3) The Rents Act, 1950 (Act No. 43 of 1950), shall not apply in relation to any immovable property acquired by the board under this Act.

3. (1) The board shall consist of not more than seven members appointed by the State President. Constitution of board.

(2) One of the members of the board shall be designated by the State President as the chairman and one as the vice-chairman of the board.

(3) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman may act in his stead.

4. (1) A member of the board shall be appointed for such a period as the State President may in each case determine, and shall be eligible for re-appointment on the termination of any period for which he has been appointed. Tenure of office of members of board.

(2) A member of the board shall vacate his office—

(a) if he resigns or dies;

(b) if his estate is sequestrated or a notice with reference to him is published under section 10 (1) of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935);

(c) if he becomes of unsound mind or is convicted of an offence under section 9 or of any other offence, and sentenced to imprisonment without the option of a fine; or

(d) if he has absented himself from three consecutive meetings of the board without its leave, which shall not be granted for a period exceeding six months in any period of twelve months.

(3) A member of the board may at any time be removed from his office by the State President.

5. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the board or the chairman of the board, if authorized thereto by it, may determine. Meetings of the board.

(2) The chairman of the board may at any time call a special meeting of the board, and shall call such meeting within fourteen days after receipt of a written request signed by not fewer than three members of the board desiring such a meeting to be called.

(3) Three members of the board shall form a quorum for a meeting of the board.

(4) The chairman of the board shall preside at all meetings of the board at which he is present, and if both the chairman and vice-chairman are absent from any meeting the members present thereat may elect one of their number to preside at such meeting.

(5) The decision of a majority of the members of the board present at any meeting thereof shall be deemed to be a decision of the board: Provided that in the event of an equality of votes on any matter before a meeting of the board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(6) A member of the board shall not be present at or take part in the discussion of or vote upon any matter before the board or any committee thereof in which he or his spouse, or his partner or employer, other than the State, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest.

6. (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, determine. Remuneration and allowances of members of board.

(2) Save as is otherwise provided in this Act, the conditions of service of a member of the board who is not an officer in the public service as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), shall be determined by the Minister.

7. (1) The Minister may appoint an executive committee consisting of the chairman and the vice-chairman of the board and so many other members of the board as the Minister may determine. Appointment and powers of executive committee.

(2) Any three members of the executive committee shall form a quorum.

(3) The chairman of the board shall be the chairman of the executive committee.

(4) The executive committee may, subject to the directions of the board, exercise all the powers and perform 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 taken or decision made by the executive committee shall be subject to review at the first ensuing meeting of the board.

(5) The executive committee shall meet at such times and places as the chairman of the board may direct.

8. (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, 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 committee may for the proper carrying out of such functions exercise all the powers conferred and perform all the duties imposed upon the board in respect of the carrying out of such functions.

Standing and  
ad hoc  
committees of  
the board.

(2) (a) The Minister may at any time terminate the appointment of any person as a member of a standing committee.

(b) A member of a standing committee who ceases to be qualified for appointment thereto shall cease to be a member thereof.

(c) If a member of a standing committee ceases to be a member thereof, the Minister may appoint another qualified person as a member of that committee in his place.

(d) If any member of a standing committee is temporarily absent or unable to fulfil his duties, the Minister may appoint another qualified person to act in his place.

(e) Until a member has been appointed in terms of paragraph (c) or (d), the remaining members of the standing committee concerned may carry out its functions.

(3) If a standing committee consists of more than one member, the Minister shall designate one of such members to be the chairman thereof.

(4) The chairman of the board may appoint a committee, 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 any such particular function of the board as he may specify, and any such committee may, for the proper carrying out of such function, exercise all the powers conferred and perform all the duties imposed upon the board in respect of the carrying out of such function.

(5) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of a committee appointed in terms of subsection (4), and for the purposes of such application any reference in the said subsections to the Minister shall be construed as a reference to the chairman of the board.

9. (1) Any member of the board who directly or indirectly receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three years, and shall be precluded thereafter from holding office under this Act or under the Group Areas Act.

Prohibition  
on receiving  
of fees or  
rewards and  
preservation  
of secrecy.

(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 hundred rands.

10. Subject to the laws governing the public service, the Minister shall appoint such officers and employees in the Department of Community Development as may be necessary for the performance of the administrative, professional and executive work arising from the exercise by the board of its powers, the carrying out of its functions and the performance of its duties.

Administration  
of Act.

11. There is hereby established a fund to be known as the **Establishment of Community Development Fund.** Community Development Fund into which shall be deposited all moneys which become payable to the board and from which shall be met the costs referred to in section 12 (5) and all expenditure incurred by the board in the exercise of its powers, the carrying out of its functions and the performance of its duties.

12. (1) The fund shall consist of— **Moneys of the fund.**

- (a) loans granted to the board, on such conditions as the Minister of Finance determines, out of moneys appropriated by Parliament for the purpose;
- (b) moneys paid to the board by way of appreciation contributions under this Act;
- (c) moneys derived from the sale or lease of land or buildings owned by the board; and
- (d) all moneys in the fund at the commencement of this Act, or accruing to the board from any source whatsoever after such commencement.

(2) A full and correct account shall be kept of all moneys deposited in or paid out of the fund.

(3) Any moneys in the fund which are not required for immediate use shall, subject to the provisions of subsection (4), be invested with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(4) The board may from time to time pay to the Consolidated Revenue Fund such amounts from the fund as may be approved in each case by the Minister in consultation with the Minister of Finance.

(5) Such costs of administering this Act as may be determined by the Minister in consultation with the Minister of Finance shall be recovered from the fund by the Secretary.

13. Notwithstanding the provisions of section 16 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transfer to the board of any immovable property acquired by it from the State or the National Housing Commission referred to in section 5 of the Housing Act, 1966, or the transfer by the board of any immovable property to the State or the said Commission, may upon application to the officer in charge of the deeds registry concerned be effected by endorsement by him upon the title deed of such property, and any such endorsement shall for all purposes be sufficient evidence of the fact that the ownership of the property in question is vested in the board or the State or the said Commission, as the case may be, by virtue of the said endorsement. **Transfer of immovable property to or by the board.**

14. The books and statements of account and balance sheet of the fund shall be audited annually by the Controller and Auditor-General. **Auditing of accounts.**

15. (1) The objects for which the board is established shall be, subject to the directions of the Minister— **Objects and general powers of board.**

- (a) to develop or assist in the development of such areas, not being areas referred to in section 20 (3) (c) of the Group Areas Act, as may from time to time be designated by the Minister, and to promote community development in any such area;
- (b) to assist in and control the disposal of affected properties; and
- (c) to assist persons to acquire or hire immovable property in so far as in the opinion of the board may be necessary or expedient for the achievement of the objects mentioned in paragraph (a) or (b).

(2) For the purpose of achieving its objects the board shall, in addition to any other powers vested in it by this Act, have power—

- (a) with the approval of the Minister and subject to such conditions as he may in consultation with the Minister of Finance determine, to acquire or hire such property as it may consider necessary for the effective performance of its functions;
- (b) with the approval of the Minister given either generally or in a particular case, and subject to such conditions as he may determine—
  - (i) to acquire by purchase, exchange or otherwise any immovable property;



- (ii) to develop any immovable property belonging to the board and to provide amenities and services on any such property or any portion thereof;
- (iii) to sell, hypothecate or otherwise dispose of or encumber any immovable property belonging to the board or to exchange it for other immovable property and to let such property to any person or to donate it for any purpose or to deal therewith in any other manner as the board may deem fit;
- (iv) to sublet to any person any immovable property which the board has hired;
- (c) with the approval of the Minister given in consultation with the Minister of Finance, and subject to such conditions as the Minister may in consultation with the Minister of Finance determine, to make or grant *ex gratia* payments, refunds, donations and remissions;
- (d) with the approval of the Minister given either generally or in any particular case after consultation with the Administrator of the province concerned and with the local authority, if any, for the area concerned, and subject to such conditions as the Minister may determine—
  - (i) to sub-divide, lay out, plan and develop any land belonging to the board or any portion thereof;
  - (ii) to cause surveys, plans, sections, maps, diagrams or drawings to be made in respect thereof;
  - (iii) to construct roads, streets, thoroughfares, bridges, subways, drains, sewers, aqueducts, conduits, water and other mains, power lines and such other works, including buildings, on or over such land, as the board may deem necessary;
  - (iv) to reserve or set aside any portion thereof for streets, open spaces or other public purposes;
  - (v) to construct and maintain on any land, roads, drains, sewers, aqueducts, conduits, water and other mains and power lines to connect with roads, drains, sewers, aqueducts, conduits, water and other mains and power lines constructed or to be constructed under subparagraph (iii) of this paragraph, and for such purposes, subject *mutatis mutandis* to the provisions of paragraph (b) (i) of this subsection and of section 38, to acquire any interest in immovable property wherever situated;
- (e) if it is satisfied that it is expedient to do so in furtherance of a slum clearance scheme or an urban renewal scheme, by notice published in the *Gazette* and at least once in a newspaper circulating in the district in which any area defined in the notice is situated, to prohibit, for such period as may be specified in the notice, the erection or alteration of any building or structure within that area or the use of any existing building or structure within that area for a purpose other than the purpose for which such building or structure was being used on the date of the publication of the notice, except with the written consent of the board;
- (f) with the approval of the Minister given either generally or in any particular case, and subject to such conditions as he may in consultation with the Minister of Finance determine—
  - (i) to build houses or other structures or to demolish, alter or reconstruct any buildings on land belonging to the board and to grant leases over such land, houses or buildings or to dispose of the right of occupation of such houses or buildings;
  - (ii) to make available any such land for lease by any person for the purpose of enabling him, subject to the approval of the board and on such conditions as it may deem fit, to provide for his own housing requirements;
  - (iii) by agreement with the owner thereof to develop any land not belonging to the board, to build



houses or other structures thereon, to demolish, alter or reconstruct any building thereon and to provide amenities and services on such land or any portion thereof;

- (iv) to grant loans or advance money or make available materials for any purpose which in the opinion of the board will contribute towards the attainment of the objects for which the board is established;
- (g) to enter into contracts with the Government of the Republic, including the South African Railways Administration and any provincial administration, or any statutory or other body or person, for the performance of any act which the board is empowered to perform;
- (h) with the approval of the Minister to make payments in respect of any goodwill value which may be attached to any profession or business which is likely to be lost as a result of the person carrying on that profession or business having to cease carrying on that profession or business in consequence of any proclamation under the Group Areas Act, or any steps taken under that Act: Provided that such payment shall not exceed an amount equal to the nett profit derived from such profession or business by the person carrying on that profession or business during the period of twelve months immediately preceding the date on which such person was obliged to cease carrying on such profession or business, or during the period of twelve months immediately preceding the date of the relevant proclamation, whichever is the greater; and
- (i) generally to perform all such acts as in the opinion of the board are necessary for or incidental to the attainment of the objects for which the board is established.

(3) The price payable for any immovable property disposed of by the board under subsection (2) (b) (iii) to the National Housing Commission referred to in section 5 of the Housing Act, 1966, shall not exceed the cost of acquisition of such property by the board, plus interest on such cost at the rate at which interest was at the date of disposal of such property being paid by the board on loans obtained by the board.

(4) No payment, refund, donation or remission exceeding one thousand rands shall be made or granted by the board under 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 paragraph shall be reported to Parliament by the Controller and Auditor-General.

- (5) (a) Any owner of immovable property in an area in respect of which any notice under subsection (2) (e) is in operation, who desires to dispose of such property, shall offer such property for sale to the board, and the board shall thereupon have a preferent right to purchase such property at a price agreed upon between it and the owner concerned, or (if within sixty days after the date on which the offer was made the board and such owner fail to agree as to the price to be paid) at a price fixed by an arbitrator appointed by the board and such owner, or (if the board and such owner fail to agree, within a period of fourteen days after written notice given by either party to the other, as to the person to be appointed as arbitrator) by an arbitrator appointed by the Minister on application by either party.
- (b) The provisions of section 23 of the Slums Act, 1934 (Act No. 53 of 1934), shall *mutatis mutandis* apply in connection with any arbitration under this subsection.
- (c) Any owner who disposes of immovable property referred to in this subsection, in respect of which the board has not advised him in writing that it does not propose to exercise its preferent right to purchase such property in terms of this subsection, to any person

other than the board, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rands or, in default of payment, to imprisonment for a period not exceeding six months.

(6) The board shall keep a register of all immovable property acquired by it, reflecting the descriptions of such property, the dates and costs of acquisition thereof, details of any consolidations, subdivisions or disposals thereof, and such other particulars as may be deemed necessary.

(7) The board shall, in the exercise of its powers under subsection (2) (d), comply with the provisions of any applicable law relating to townships and town-planning, except in so far as the Minister after consultation with the Administrator concerned otherwise directs.

16. (1) (a) Whenever the board has acquired all the lots or erven (other than public places) within any township or portion of a township, all the public places in that township or portion thereof shall, notwithstanding anything to the contrary contained in any law, vest in the board and shall be deemed to be closed, and the board shall be entitled to obtain transfer in respect of the piece of land comprising such township or portion thereof as if that entire piece of land had become vested in the board under circumstances contemplated in section 31 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

Vesting in board in certain circumstances of portions of townships set aside for public purposes.

(b) No compensation shall be payable by the board to any person in respect of any public place which has become vested in the board in terms of paragraph (a), but the board shall compensate any existing local authority in respect of useful improvements made to any such public place up to an amount not exceeding the unredeemed portion of the cost thereof.

(c) Upon the registration of the transfer of any piece of land referred to in paragraph (a), the registrar of deeds concerned shall cancel every title deed held by the board in respect of any lot or erf in the township or portion of a township in question and make the necessary consequential endorsements in his registers.

(2) (a) When all the lots or erven and public places in a township or portion thereof have in terms of subsection (1) become vested in the board, the surveyor-general concerned shall, on the application of the board, cancel the general plan of that township or, as the case may be, so much of that general plan as relates to such portion of the township in question, and such cancellation shall, subject to the provisions of subsection (1), have effect as if it had been effected under the law in pursuance of which the township in question was established.

(b) No application shall be made under paragraph (a) of this subsection in respect of any general plan or any portion thereof if in the opinion of the Minister it is in the public interest or in the interest of efficient and speedy development of the township or portion of the township to which such general plan relates that the said general plan remain in force, but in that event any conditions attached to the title of any erf or lot in such township or portion of a township shall lapse, and any registrar of deeds or surveyor-general concerned shall on application by the board make appropriate entries in any relevant register, deed, diagram or plan kept in his office.

(3) The provisions of subsections (1) and (2) shall apply *mutatis mutandis* with reference to a local authority, statutory body or other body corporate which holds or has, in pursuance of a delegation under section 22, acquired all the lots or erven in any township or portion thereof, and for the purpose of such application any reference in the said subsections to the board shall be construed as a reference to such local authority, statutory body or other body corporate.

(4) For the purposes of this section—

(a) "public place" means the land comprising any street, road, square, thoroughfare, sanitary lane, park, recreation or sports ground or open space shown on the general plan of a township and all land vested in a

local authority or in the State President in trust for a future local authority or to which the owners of lots or erven in the township have a common right; and

- (b) "township" includes any village, settlement or subdivided estate and any other land laid out and proclaimed for residential, industrial, occupational or similar purposes in terms of any law relating to townships.

17. (1) The State President may, after consultation with the local authority, if any, and after reference to the Administrator of the province concerned, by proclamation in the *Gazette* determine that, as from a date specified in the proclamation, and subject to such conditions and restrictions as may be set out in the proclamation, the board shall, with reference to any defined area, be vested and charged with any or all of the powers, functions and duties of any local authority which could be established in such province, and thereupon the provisions of any applicable law relating to the exercise of such powers or the performance of such functions or duties by such a local authority within its area of jurisdiction, shall *mutatis mutandis* apply with reference to the exercise of such powers or the performance of such functions or duties by the board within the defined area in question as if it were such a local authority, except in so far as the proclamation or this section otherwise provides.

Assignment of certain powers, functions and duties of local authority to board.

(2) Any such proclamation may provide *inter alia* that the board shall not, in relation to the exercise of a power or the performance of a function or duty with which it is so vested or charged, be required to comply with any requirement, whether as regards approval of any proposed action or otherwise, with which a local authority is required to comply in connection with the exercise by it of any such power or the performance by it of any such function or duty.

(3) Where any powers, functions or duties have by proclamation under subsection (1) been assigned to the board with reference to any portion of the area of jurisdiction of a local authority, such local authority shall not, so long and in so far as the proclamation remains in force, be competent to exercise such powers or perform such functions or duties with reference to the said portion.

(4) Notwithstanding anything to the contrary contained in any law, any notice which may be required in connection with the exercise of any power or the performance of any function or duty with which the board is vested or charged in terms of this section, may by order of the board be made known in the *Gazette* or in such other manner as the Minister may determine.

(5) The State President may at any time by proclamation in the *Gazette* repeal any proclamation issued under subsection (1) or amend it in such manner as he may deem fit.

(6) In this section "defined area" means any area designated under section 15 or comprising only land belonging to the board, or any area consisting partly of an area so designated and partly of such land, whether or not such area or any portion thereof falls within the jurisdiction of a local authority.

18. (1) If a tenant or other occupier of immovable property belonging to the board fails—

(a) to pay the rental payable by him on the due date; or

(b) to vacate such property on or before the date on which he has lawfully been required by the board to do so,

the board may, after having given seven days' notice in the case of any such property occupied for residential purposes, or thirty days' notice in the case of any such property occupied for any other purpose, by letter delivered either to such tenant or other occupier personally or to some adult person living on the property, or by registered letter addressed to such tenant or occupier at the address where the property is situated, without having obtained any judgment or order of court, by resolution declare that such property may be entered upon and taken possession of.

Remedies of board against tenants who fail to pay rental due or to vacate premises.

(2) Whenever the board has made any declaration under subsection (1), the property may be entered upon and taken possession of by the Secretary or any person acting under his authority.

19. (1) Notwithstanding anything to the contrary in any law contained but subject to the provisions of subsection (2), the board may with the approval of the Minister change the name of any township or part of a township if the board owns all or the majority of the erven or lots in such township or part of a township.

Change of name of a township or part thereof in certain circumstances.

(2) The board shall not exercise its powers under subsection (1) unless it has consulted the Administrator of the province in which the township in question is situated, and, if such township falls within the area of jurisdiction of a local authority, also such local authority, and has duly considered any representations which may have been made to it by that Administrator or such local authority.

(3) When the name of a township or part thereof has in terms of subsection (1) been changed, the registrar of deeds concerned and the surveyor-general concerned shall without charge cause the necessary endorsements and entries to be made on or in all the appropriate registers, documents and plans in their custody, and shall from time to time make such endorsements on any deed or other document relating to any property situated in such township or portion thereof, which is for any purpose lodged in the appropriate deeds registry or in the office of such surveyor-general for any purpose.

20. (1) The board shall be exempt from the provisions of any by-law or regulation of a local authority and the conditions of establishment of a township prescribed by any Administrator, townships board or townships commission relating to—

Board exempt from certain by-laws, etc.

(a) the lodging or approval of subdivisional diagrams of land and of plans of proposed dwellings or other structures;

(b) the type of building or structure to be constructed or the value thereof or the materials to be used in the construction thereof or the number of dwellings or other structures which may be erected on a single lot or erf or the subdivision of any lot or erf and the payment of endowment in respect of the subdivision of a lot or erf;

(c) the siting of a building or structure or any portion thereof, on the site on which it is to be constructed;

(d) the permission of the local authority or owner of an approved township to commence building operations;

(e) any restriction in terms of which the transfer of land or any particular land in a township or any part of a township is subject to the condition that prescribed requirements must first be complied with in respect of—

(i) the construction of streets;

(ii) the provision of water, electricity or gas;

(iii) the removal of rubbish; or

(iv) the disposal of sewage or night soil.

(2) The Minister may, after consultation with the Administrator concerned, exempt the board—

(a) from the provisions of any town planning scheme; and

(b) from the provisions of any ordinance in terms whereof approval must be obtained from a local authority for the subdivision of land.

21. (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.

Board may terminate leases in certain areas.

(2) Whenever any area which has at any time been the subject of a proclamation under Law No. 3 of 1885 of the Transvaal, or which has been set apart in terms of section 10 of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of

1905) of the Transvaal, or any area within a controlled area is being redeveloped or replanned by the board or any local authority or statutory body or other body corporate referred to in subsection (1), or by the National Housing Commission, the board or such local authority or statutory body or other body corporate or the said Commission may terminate any existing lease in respect of any land or premises in such area by giving three months' notice in writing of termination thereof to the lessee concerned or the person occupying such land or premises.

(3) A notice under subsection (2) shall terminate all rights to the occupation of the land or premises in question at the expiration of the period mentioned in such notice, irrespective of whether such rights were acquired in terms of a lease or sublease or any transfer or cession of a lease or sublease or in terms of any law.

(4) Any such notice shall be served—

- (a) by the delivery thereof to the lessee or occupier of the land or premises personally; or
- (b) by delivery thereof to some adult person occupying the land or premises; or
- (c) by despatching the notice by prepaid registered letter to the lessee or occupier concerned at his last known address,

and shall be deemed to have been properly served on the date of delivery thereof or the date of despatch thereof by post, according to whether it is delivered or transmitted by post.

(5) (a) The board or such local authority or statutory body or other body corporate or the said Commission shall compensate the lessee or occupier of any property, in respect of which any such notice is served, for any improvements lawfully effected which it may find on the land or premises to which the notice relates on the date of the termination of the lease and which have become part of the land or premises.

(b) The amount of such compensation shall be an amount equal to the estimated cost of erection of the improvements on the date of termination of the lease, less any depreciation which may have occurred since the date on which the improvements were effected.

(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 date of the termination of the lease, such compensation shall be determined in the same manner as in the case of a dispute referred to in section 45.

22. (1) The board may, with the approval of the Minister and subject to such conditions as he may in consultation with the Minister of Finance and the Administrator of the province concerned determine, enter into an agreement with any local authority, statutory body or other body corporate whereby such powers, functions and duties of the board under this Act as it may deem fit and as may be specified in the agreement, are, subject to such conditions as may be set out in the agreement, delegated and assigned to such local authority, statutory body or other body corporate in respect of any area specified in the agreement in which the provisions of this Act apply: Provided that no power to expropriate mineral rights shall in terms of this subsection be delegated or assigned to any local authority, statutory body or other body corporate: Provided further that no delegation or assignment in terms of this subsection shall exempt a local authority, statutory body or other body corporate from the provisions of any law relating to townships or town planning.

Delegation  
of powers  
by board.

(2) As from a date specified by the Minister by notice in the *Gazette*, any local authority, statutory body or other body corporate which has concluded an agreement in terms of subsection (1) shall, notwithstanding anything to the contrary in any law contained, have in the area mentioned in the agreement and specified in the notice and subject to the conditions set out in the agreement and specified in the notice, all the powers and perform all the functions and be subject to all the duties delegated and assigned to it under the agreement and specified in the notice, whether or not such area falls within the area of

jurisdiction of such local authority, statutory body or other body corporate, and thereupon any reference to the board in any provision of this Act relating to the powers, functions and duties so delegated or assigned, and in any other provision of this Act specified in the notice, shall in relation to the area concerned, be construed as a reference to such local authority, statutory body or other body corporate, as the case may be.

(3) The Minister may in any notice referred to in subsection (2), declare that any provision of this Act specified in the notice shall, subject to such conditions as may be specified in the notice, apply with reference to any local authority, statutory body or other body corporate in any area in respect of which an agreement has been concluded by such local authority, statutory body or other body corporate in terms of subsection (1), and thereupon any reference in any such provision to the board or the chairman of the board shall, in such area and subject to such conditions, be construed as a reference to such local authority, statutory body or other body corporate.

(4) (a) Every agreement concluded under this section may contain a condition providing—

(i) for the payment from time to time to the board by the local authority, statutory body or other body corporate concerned, of a percentage of the amount of any appreciation contributions received by such local authority, statutory body or other body corporate during any specified period under any provision of this Act as applied with reference to such local authority, statutory body or other body corporate under subsection (3), whether by way of a cash payment or by way of a deduction from the purchase price or the compensation paid in respect of any affected property purchased or expropriated by such local authority, statutory body or other body corporate; and

(ii) for the payment from time to time by the board to the local authority, statutory body or other body corporate concerned of a percentage of the amount of any depreciation contributions paid by such local authority, statutory body or other body corporate during any specified period under any provision of this Act as applied with reference to such local authority, statutory body or other body corporate in terms of subsection (3), whether by way of a cash payment or by way of an addition to the purchase price or the compensation paid in respect of any affected property purchased or expropriated by such local authority, statutory body or other body corporate.

(b) A local authority, statutory body or other body corporate shall, for the purposes of any condition stipulated under this subsection, keep such books, records and accounts as may be prescribed by regulation made under section 49, and such books, records and accounts shall be audited, in the case of a local authority, by the auditor who normally audits the books and accounts of that local authority, and, in any other case, by the Controller and Auditor-General.

(c) The auditor who audits the books, records and accounts of a local authority in terms of this subsection shall, as soon as possible after the completion of every annual audit of such books, records and accounts, transmit a copy of his certificate, together with his comments on the said books, records and accounts, to the board.

(5) Whenever the board has under subsection (1) delegated or assigned any of its powers, functions and duties under this Act in respect of any area, it shall in respect of that area cease to have the powers so delegated, or to perform the functions or to be subject to the duties so assigned, and whenever the Minister has under subsection (2) or (3) declared that any provision of this Act shall in any area apply with reference to any local authority, statutory body or other body corporate, the said

provision shall in that area cease to apply with reference to the board: Provided that if the local authority, statutory body or other body corporate to which the board has so delegated or assigned its powers, functions and duties, fails to exercise the powers or to perform the functions and duties delegated or assigned to it, the board may, after conducting such enquiry as it may deem fit (at which such local authority, statutory body or other body corporate shall be afforded an opportunity of being heard) in respect of the area concerned, exercise those powers and perform those functions and duties on behalf of the said local authority, statutory body or other body corporate, and may, in its discretion, recover from that local authority, statutory body or other body corporate, any expense incurred by the board in the exercise of those powers and the performance of those functions and duties in respect of that area.

(6) Any local authority or statutory body may, with the approval of the board given after consultation with the Administrator of the province concerned and subject to such conditions as the board may prescribe, borrow such moneys as may be necessary for the exercise of its powers and the performance of its functions and duties under this section.

(7) Any local authority or statutory body may authorize any committee or officer of such local authority or statutory body on its behalf to exercise any power or to perform any function delegated to such local authority or statutory body in pursuance of this section.

23. (1) The board may, after consultation with any local authority and with the approval of the Minister—

Assistance and facilities to be afforded to board by local authority.

- (a) connect any drain, sewer, conduit, water or other main or power line or telephone line on land belonging to the board, or situated in an area defined under section 17, to any drain, sewer, conduit, water or other main or power line or telephone line in the vicinity of such land which is under the control of that local authority;
- (b) connect any road, street or thoroughfare on such land to any road, street or thoroughfare which is under the control of that local authority;
- (c) make use, for the deposit of night soil or refuse, of any site used for that purpose by that local authority;
- (d) make use of any burial place, for the group concerned, which belongs to or is under the control of that local authority,

in so far as may be reasonably practicable and necessary for the purpose of providing essential services on such land or ensuring convenient entrance to or exit from such land, and may for the purposes of paragraph (a) require the local authority or its servants to furnish any assistance or information which the board may consider necessary for the effective exercise of its powers under that paragraph.

(2) The local authority shall in so far as may be reasonably practicable supply water and electricity from and receive water or sewage at any connection made under subsection (1) in the same manner and on the same conditions as if the services in question were provided in respect of land within the area of jurisdiction of the local authority concerned, and the charges made in respect of such services shall not exceed the charges for like services in respect of any similar township served by the local authority concerned.

- (3) (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, direct 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 that 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.

- (b) The cost of the performance of any functions by a local authority in pursuance of any direction under paragraph (a), shall not be higher than would have been the case if that local authority had performed such functions of its own accord.

(4) The board may, with the approval of the Minister and subject *mutatis mutandis* to the provisions of sections 15 and 38, acquire rights over any land wherever situated for the purpose of making any connection under subsection (1) (a) or (b), or for the maintenance or supervision thereof.

24. Whenever the board has with reference to any area been vested or charged under section 17 with any or all of the powers, functions and duties of a local authority and has under section 22 delegated or assigned any or all of such powers, functions and duties to a local authority, such area shall, if the State President, after consultation with the Administrator of the province concerned and with the consent of the local authority concerned, so determines by proclamation in the *Gazette*, for the purposes of or in respect of any matter connected with the exercise of any power so delegated and the performance of any function or duty so assigned, be regarded as forming part of the area of jurisdiction of such local authority.

Certain areas to be regarded as forming part of area of jurisdiction of local authority.

25. (1) The Secretary 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 is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Reports on activities of board.

(2) The Minister shall forward to the Administrator of every province a copy of every report submitted to him in terms of subsection (1).

26. (1) Notwithstanding anything to the contrary contained in any law, the State President may, on the recommendation of the Minister, by proclamation in the *Gazette*, direct that any restriction in operation under any law with reference to the use, occupation or subdivision of land belonging to or to be acquired by the board shall for the purposes of the development thereof by the board be suspended for such period or shall lapse or shall be modified in such manner and to such extent as may be specified in that direction.

Extinction or modification of certain restrictions on land.

(2) No recommendation shall be made under subsection (1) by the Minister—

- (a) except after not less than one month's prior notice in writing to every person who in his opinion is likely to be affected thereby;
- (b) in respect of land which in terms of any law relating to mining is or is deemed to be proclaimed land or upon which prospecting, digging or mining operations are being carried on or upon which there are reasonable grounds for believing that minerals exist in workable quantities, except with the concurrence of the Minister of Mines.

(3) The provisions of section 39 (2) and (3) shall *mutatis mutandis* apply in connection with any notice required to be given under subsection (2) (a) of this section.

27. (1) If the board is unable to obtain from a local authority exemption from any restrictive condition or provision contained in any town-planning scheme or in the conditions of establishment of a township prescribed by any Administrator or any townships board or townships commission regarding the use or development of any land belonging to the board which in the opinion of the Minister will not detract from the general appearance of the surrounding area or any adjacent building and is necessary in order to enable the board to use such land for the purpose for which it is most suitable, the Minister may request the Administrator concerned to modify or waive such condition or provision to such extent as may be necessary to permit of such land being so used.

Waiving or modification of provisions of town planning schemes or conditions of title of land.

(2) Upon receipt of any such request such Administrator shall direct the local authority concerned (as he is hereby empowered to do) to amend such town-planning scheme or the conditions of establishment of such township in accordance with the request, and to cause the conditions of title of the land in question to be amended accordingly.

28. If the lay-out plan of a township intended to be developed by the board has not been approved within a period of three months after it was submitted to the Provincial Secretary the Minister may, if he is satisfied that the proposed lay-out plan could be applied effectively, with the concurrence of the Administrator, grant authority for the land in respect of which the plan has been prepared to be laid out as a township and to be developed in anticipation of the proclamation of such township, and authorize the board to erect such dwellings and other structures thereon and to provide such services in connection therewith as it may consider necessary, and any building or structure so erected or service so provided shall be deemed to be in accordance with all requirements which may thereafter be prescribed in respect of the township in question.

Minister may approve lay-out plan and development of township in anticipation of proclamation.

29. (1) The Board shall as soon as possible after any area has under section 20, 21 or 22 of the Group Areas Act been proclaimed within an area in which the provisions of this section have been applied under section 51 of this Act, or as soon as possible after any area has in terms of section 16 of that Act been defined within an area in which the provisions of this section have been applied under section 51 of this Act, and any immovable property within the area so defined has been specified in a proclamation issued under section 16*bis* of that Act, or as soon as possible after the provisions of this section have under section 51 of this Act been applied in an area in which any area has been proclaimed under section 20, 21 or 22 of that Act, or as soon as possible after the provisions of this section have under section 51 of this Act been applied in an area in which any area has in terms of section 16 of that Act been defined and any immovable property within the area so defined has been specified in a proclamation issued under section 16*bis* of that Act, as the case may be, compile a list of all affected properties situate in any area so proclaimed or defined, and shall record in respect of each affected property—

List of affected properties.

- (a) the description and number of the property at the basic date;
- (b) the name of the owner at the basic date, and the group (determined in accordance with the Group Areas Act or any proclamation or regulation issued or made thereunder) of which he is a member or, in the case of a company, the group (so determined) of which the person by whom or on whose behalf or in whose interest a controlling interest is held or deemed to be held in such company, is a member;
- (c) the name of the occupier and the group of which he is a member;
- (d) the basic date and the basic value of the land and of the buildings thereon at the basic date.

(2) If on or after the basic date any affected property has been transferred to any person in pursuance of a transaction entered into before that date or in pursuance of a disposition otherwise than for value, the transferee shall for the purposes of this Act be deemed to have been the owner of such property at the said date.

(3) The board may from time to time amend the list by—

- (a) deleting therefrom any property which ceases after the basic date to be affected property;
- (b) making any alteration therein which is under this Act required to be made therein or which the board may consider necessary.

(4) The board shall not make any amendment to the list under subsection (3) unless the owner of the affected property concerned has been afforded a reasonable opportunity of objecting to such amendment.

30. (1) The board shall, subject to the provisions of this Act, have a pre-emptive right in respect of every affected property.

Pre-emptive right of board in respect of affected properties.

(2) The pre-emptive right of the board in respect of any affected property shall, unless sooner waived by the board in terms of section 34, lapse when that property ceases to be affected property.

31. (1) Whenever any affected property has been included in the list in terms of section 29 the board shall forthwith notify the owner thereof and the registrar of deeds in whose deeds registry such property is registered, that the said property has been so included in the list.

Transfer of affected properties included in list.

(2) Upon receipt of the notice referred to in subsection (1), the registrar of deeds shall record thereon the time and date of receipt thereof and shall note in the appropriate registers that the said property has been included in the list.

(3) (a) No immovable property situated in an area in which the provisions of sections 16 to 23, inclusive, 29 to 37, inclusive, and 38 apply, shall be transferred to any person other than the board, unless there is lodged with the registrar of deeds a certificate, signed by an officer authorized thereto by the Secretary, to the effect that any appreciation contribution due to the board under this Act in respect of the disposal of such property, has been paid to the board, or that payment thereof has been guaranteed to the satisfaction of the board or that no such contribution is due.

(b) If an officer referred to in paragraph (a) has notified the registrar of deeds that all the affected properties in any area have been included in the list compiled in respect of that area in accordance with section 29, the provisions of the said paragraph shall cease to apply in so far as it relates to immovable property other than affected property in that area.

(4) If any affected property is removed from the list in terms of section 37 the board shall likewise notify the registrar of deeds who shall thereupon cancel the note made in terms of subsection (2) of this section in respect of that property.

32. (1) The basic value of any new building erected after the basic date or in course of erection on that date on land which is affected property shall, on the application of the owner and if such building was or is being erected with the approval of the board, be determined and recorded on the list as the basic value of that building.

Alterations, extensions or additions to buildings or new buildings on affected property after basic date.

(2) The basic value of any building which is altered or extended after the basic date or which on that date is in course of being altered or extended shall, on the application of the owner and if such alteration or extension was or is being made with the approval of the board, be re-determined, and thereupon the basic value so re-determined shall be substituted for the basic value recorded on the list in respect of that building.

(3) Where improvements, other than improvements consisting of the erection, alteration or extension of buildings, are made after the basic date or at that date are being made on land which is affected property, or where the value of any affected property is increased in consequence of a zoning or rezoning under any law relating to town planning, the basic value of the land in question may, on the application of the owner and, in the case of improvements, if such improvements were or are being made with the approval of the board, be re-determined, and thereupon the basic value so re-determined shall be substituted for the basic value recorded on the list in respect of that land.

(4) If a building referred to in subsection (1) or (2) has been erected, altered or extended or improvements referred to in subsection (3) have been made without the approval of the board, the board may in its discretion direct that the basic value of the building or of the land in question, as the case may be, be determined or re-determined, as the case may be, and recorded on the list as the basic value of that building or of that land.

(5) Where, after the basic date but before the basic value of an affected property has been determined, a building or improvements other than buildings on such property is or are damaged or destroyed, such building or the land in question, as the case may be, shall be valued as it exists at the date on which the basic value is determined, and the value so determined shall, subject, in the case of a building, to the proviso to paragraph (b) of the definition of "basic value" in section 1 (1), be recorded on the list as the basic value of that building or land.

(6) If, after the determination of the basic value of any land or building, it appears that the affected property in question is burdened with a servitude, lease or other encumbrance of which the valuers were at the date of determination of such basic value not aware, the basic value of such land or building shall, if the board so requires, be re-determined, and thereupon the basic value so re-determined shall be substituted for the basic value recorded on the list in respect of that land or building.

(7) If, after determination or the re-determination (including any re-determination under this subsection) of the basic value of any land or building, the value of such land has in the opinion of the board been reduced in consequence of a zoning or rezoning under any law relating to town-planning or of neglect or damage to or removal or destruction of any improvements thereon other than buildings, or the value of such building has in the opinion of the board been reduced in consequence of neglect or of being declared to be a slum in terms of the Slums Act, 1934 (Act No. 53 of 1934), or as the result of having been damaged in any manner, the board shall cause the basic value of that land or building to be re-determined or to be re-determined afresh as if the circumstances which in the opinion of the board have resulted in the reduction of the value thereof had existed at the date with reference to which that value was determined or re-determined, and the value as so re-determined shall be recorded on the list as the basic value thereof instead of the basic value then appearing on the list, and if any such building is demolished or destroyed any reference thereto shall be deleted from the list.

(8) If, in the case of any land or building referred to in subsection (1), (2), (3), (4), (5), (6) or (7), a valuation is agreed upon between the board and the owner concerned, the said subsections shall not apply, and the value so agreed upon shall be recorded on the list as the basic value of that land or building.

(9) The provisions of section 33 shall *mutatis mutandis* apply in respect of the re-determination of the basic value of an affected property in terms of this section.

33. (1) (a) Save as provided in subsection (8), the basic value of any affected property shall, as soon as possible after the inclusion of that property in the list, be provisionally determined by one or more persons (hereinafter referred to as valuers) appointed for the purpose by the Minister. Determination of basic value.
- (b) Whenever for any reason a valuator is unable to proceed with the determination of basic values at any time after the proceedings in connection with such determination have commenced, the Minister may, if more than one valuator has been appointed, in his discretion direct that the value of any of the properties in question in respect of which the basic values have not been and are not deemed to have been finally determined, may be determined by the remaining valuator or valuers.
- (2) (a) The valuers shall, as soon as possible after the basic value of any affected property has been provisionally determined, by notice in writing advise the board and the owner and every mortgagee of such property of the basic value so determined.
- (b) Any notice under paragraph (a) shall contain an intimation that objections to the determination made by the valuers may be lodged with the Minister in writing within twenty-one days after the service of the notice, or within such further period as the Minister may on application in any particular case allow.

(3) If any objections are lodged with the Minister in pursuance of a notice under subsection (2) the valuers shall, after considering such objections, make a final determination of the basic value of the affected property in question, and if no objections are so lodged, the basic value provisionally determined shall be deemed to be the basic value of the affected property as finally determined.

(4) (a) Whenever the basic value of any affected property has been finally determined or is deemed to have been finally determined, the valuers shall cause the board and the owner and every mortgagee of the said property to be advised in writing of the basic value, and the board or any such owner or mortgagee may, where the final determination was made after consideration of any objections lodged under subsection (2), within twenty-one days of the date of service of the said notice lodge with the Minister an appeal against such determination.

(b) Where no appeal is lodged in respect of any determination as provided in paragraph (a) of this subsection, that determination shall be final.

(5) An appeal lodged in terms of subsection (4) shall be heard by a revision court consisting of a magistrate or retired magistrate and two assessors appointed by the Minister, and such revision court shall determine the basic value of the affected property, and its determination shall be final.

(6) The provisions of section 39(2) and (3) shall *mutatis mutandis* apply in respect of any notice referred to in this section.

(7) The provisions of subsection (3) of section 45 shall *mutatis mutandis* apply with reference to an appeal to a revision court referred to in subsection (5) of this section as if the members of such court were arbitrators appointed under that section and as if a determination by such court were a determination by arbitrators so appointed.

(8) If the board and the owner of any affected property and all mortgagees thereof agree as to the basic value of such property, such agreed value shall be the basic value thereof, and the procedure set out in subsections (1) to (7), inclusive, of this section shall not apply in respect of the said property.

34. (1) Where the owner of an affected property intends to dispose of such property for value to a person other than the board, whether or not in pursuance of a sale by public auction, he shall—

Procedure where owner intends to dispose of affected property.

(a) notify the board in writing of his intention to do so;

(b) attach to the notice a copy of the agreement in pursuance whereof he intends to do so;

(c) state in the notice the monetary value, if any, of any condition, other than a condition onerous to the owner, contained in such agreement,

and the monetary consideration for the said property, plus the monetary value of all conditions referred to in paragraph (c), shall be deemed to be the proposed consideration for the property.

(2) (a) On receipt of the said notice the board may elect to waive its pre-emptive right in respect of the property or to exercise such pre-emptive right for a consideration equal in value to the proposed consideration.

(b) Such pre-emptive right shall, unless sooner waived or exercised, lapse on the expiry of thirty days after receipt by the board of the notice referred to in subsection (1), but shall revive if the said property is not disposed of for an amount equal to or in excess of the proposed consideration.

(3) If the board elects to exercise its pre-emptive right in terms of subsection (2), it shall not be bound by any condition in the agreement referred to in subsection (1) in respect of which no monetary value has been stated in the notice referred to in subsection (1).

(4) Upon the transfer of any affected property by the person who was the owner or is deemed to have been the owner thereof at the basic date, in pursuance of a disposition under this section whether to the board or to a person other than the board, there shall—

- (a) if the consideration for which the property was in fact disposed of exceeds the basic value thereof, be payable by the owner to the board an appreciation contribution equal to fifty per cent of the difference between the basic value and such consideration; or
- (b) if the consideration for which the property was in fact disposed of is less than the basic value thereof, be payable by the board to the owner a depreciation contribution equal to eighty per cent of the difference between the basic value and such consideration:

Provided that no depreciation contribution shall be payable in respect of an affected property which is sold in terms of section 37 of the Group Areas Act: Provided further that where the National Housing Commission referred to in section 5 of the Housing Act, 1966, acquires such affected property for the purpose of that 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.

(5) For the purpose of this section, the consideration in respect of any affected property shall—

- (a) in the case of a sale, be the selling price thereof plus the monetary value, if any, of any of the conditions of sale not onerous to the owner, and also such other charges (other than costs of drawing the deed of sale and of transfer, transfer duty and any *pro rata* share of taxes and charges on the property paid in advance by the owner to a local authority in respect of a period after the date of registration of transfer) as may be imposed on the purchaser by law or arise from the conditions of sale: Provided that where a condition of sale provides for the re-imbusement by the purchaser of the seller for disbursements made by him in respect of the property which in the opinion of the board were fruitless, or for agent's commission, advertising and similar charges, the monetary value of such condition may, in the discretion of the board, be excluded from the said consideration up to an amount which the board with due regard to the circumstances considers fair and reasonable;
- (b) in the case of an exchange for other property, be the market value of that property at the time of the exchange, plus the amount or the value of any additional consideration received or receivable by the owner of the affected property, and less the amount or the value of any additional consideration paid or payable by the said owner, as the case may be;
- (c) in the case of any other disposition, be the value of the consideration received for the property.

(6) If the alienation of any affected property takes place after the basic date and before the basic value of that property has been determined, the certificate required by section 31 (3) may be obtained from the board upon furnishing to the board a guarantee approved by it that any appreciation contribution which may become due to the board will be paid.

(7) If after the basic date any affected property, the basic value of which has not yet been determined, is alienated to the board, the board may, pending the determination of the basic value, withhold payment of so much of the consideration payable as will, in its opinion, be sufficient to pay any appreciation contribution which may become due to the board.

(8) The market value of any property exchanged or proposed to be exchanged for affected property, or the value of any consideration received or payable for affected property, shall for the purpose of this section, in the absence of agreement between the owner and the board, be determined by arbitration in terms of section 45.

(9) An owner of affected property may, in consideration of the board's waiving its pre-emptive right in respect of such property, or for any other cause, waive his right to be paid any depreciation contribution in respect of such property, and on such waiver subsection (4) (b) shall cease to apply in respect of such property.

35. (1) (a) Whenever any affected property is expropriated by the State or any other person (other than the board) and the compensation payable for such property is fixed at an amount which exceeds the basic value of that property, there shall be paid to the board an appreciation contribution equal to fifty per cent. of the difference between the compensation so fixed and the basic value of the said property, or if the compensation so fixed 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 37 of the Group Areas Act and such notice has not been withdrawn, be paid by the board to the owner of the said property a depreciation contribution equal to eighty per cent. of the difference between the compensation so fixed and the basic value of the said property.

Expropriation of affected property by the State or any person other than the board.

(b) If the compensation fixed is less than the basic value of the property in question and is, in the opinion of the board, also lower than the market value thereof, the market value of the property shall be determined by agreement between the owner and the board, or in the absence of such agreement, by arbitration in accordance with the provisions of section 45, and if the market value so determined exceeds the compensation fixed, such market value shall for the purpose of determining the depreciation contribution payable in terms of paragraph (a) (if any) be regarded as the compensation fixed.

(2) Any appreciation contribution payable to the board under subsection (1) shall be deducted from the compensation payable to the owner of the expropriated property and shall be paid to the board by the State or, as the case may be, such other person by whom the affected property was expropriated.

(3) Whenever a portion only of an affected property as described on the list is expropriated, the basic value of the portion expropriated shall for the purpose of this section be determined after the date of expropriation, anything to the contrary in this Act notwithstanding, and thereupon the basic value of the remaining portion of the affected property shall be the basic value recorded on the list in respect of the whole of that property less the amount of the basic value of the expropriated portion.

(4) For the purpose of this section "compensation payable" includes any compensation paid *ex gratia* by the State or other person in respect of the expropriated property.

36. No affected property in respect of which the board has not and is not deemed to have waived its pre-emptive right and in respect of which such right has not lapsed, shall, except with the consent of the board, be disposed of for value on or after the basic date to a person other than the board.

Prohibition on disposal of affected property in certain circumstances.

37. (1) (a) Whenever the board considers that the market value of any affected property included in the list is equal to or exceeds the basic value of that property, it may notify the owner of that property in writing of its estimate of the market value thereof, and if the owner agrees to such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent. of the difference, if any, between the market value thus agreed upon between the board and the owner and the basic value of the said property, remove such property from the list.

Removal of affected property from list.

(b) Where any affected property in relation to which the board has notified the owner as provided in paragraph (a), is registered in the name of a company or is in terms of a testamentary disposition vested in the administrator of the estate of a deceased person, the market value thereof shall, if the board and the owner or the administrator do not agree on any valuation, be determined by arbitration as provided in section 45, and if the market value thus agreed upon or deter-



mined is equal to or exceeds the basic value of the property in question, the owner shall forthwith pay to the board an appreciation contribution equal to fifty per cent. of the difference, if any, between such market value and the basic value of that property, and the board shall remove that property from the list.

(2) Whenever the owner of any affected property included in the list considers that the market value of that property is equal to or exceeds the basic value thereof, he may notify the board in writing that he desires the said property to be removed from the list and may state his estimate of the market value thereof, and if the board agrees to such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, or if in the absence of such agreement the market value of the said property as determined by arbitration in terms of section 45 is equal to or exceeds the basic value of the said property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent. of the difference, if any, between the market value thus agreed upon between the board and the owner or determined by arbitration, as the case may be, and the basic value of the said property, remove such property from the list.

(3) In estimating or determining the market value of a property for the purposes of subsection (1) or (2) regard shall not be had to improvements (other than buildings) and developments effected by the owner after the basic date.

(4) When a notice in terms of subsection (1) or (2) has been given in respect of any affected property, the payment of a contribution in terms of section 34 in respect of the transfer of a subdivision of such property shall, subject to such conditions as the board may impose, be suspended pending the outcome of the said notice, and if the property is removed from the list in terms of either of those subsections, no contribution shall be separately payable in respect of such subdivision.

(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 the basic value thereof, shall be removed from the list.

(6) Any affected property removed from the list in terms of this section shall for the purposes of this Act cease to be affected property.

38. (1) (a) The board may with the written approval of the Minister, if it is satisfied that it is expedient to do so for the attainment of any of its objects, acquire any immovable property by expropriation: Provided that no approval for the acquisition by expropriation of mineral rights shall be granted by the Minister except in consultation with the Minister of Mines.

Acquisition of immovable property by the board by agreement or expropriation.

(b) If any immovable property acquired under paragraph (a) has already been surveyed, the board shall be entitled to the delivery to it by the owner of any plans, sections, diagrams, subdivisional diagrams or sketches made in respect thereof, against payment of an amount not exceeding the expenditure incurred by the owner in connection therewith.

(2) If the purchase price or the compensation payable by the board in respect of the acquisition under section 15(1) 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 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 37 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, 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.

39. (1) Upon receipt of the written approval of the Minister to expropriate any immovable property, the board shall serve or cause to be served on the owner a notice in the manner prescribed in subsection (2) setting forth clearly and fully a description of the property and inviting the owner to state the amount claimed by him for that property. Procedure on expropriation.

(2) The notice referred to in subsection (1) shall be served—

- (a) by delivery of the notice to the owner personally; or
- (b) by leaving the notice with some adult inmate of his place of residence; or
- (c) by despatching the notice by registered post in an envelope addressed to his last known address; or
- (d) if service cannot be effected as provided in paragraph (a), (b) or (c), by publication in both official languages of the Republic in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the magisterial district in which the property is situate.

(3) A notice under subsection (1) which has been served as provided in subsection (2) shall be deemed to have been duly served, and the date of service of a notice under subsection (2) shall be the date of the first publication thereof.

(4) A notice to expropriate shall be served within six months after receipt of the approval by the Minister and, if not served within that time, such approval shall lapse unless the Minister has agreed in writing to the extension thereof.

(5) Upon the service of any such notice the ownership in the immovable property described in the notice shall pass to the board and the board may, after expiry of a period of not less than three months from the date of such service, take possession of the property: Provided that the board may at any time before taking transfer of the property in terms of section 31 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), with the concurrence of the owner concerned withdraw the said notice in respect of the whole or any portion of such property, and in that event such notice shall be deemed not to have been served in respect of such property or portion thereof.

40. (1) Whenever any immovable property has been expropriated under section 39 the board shall forthwith— Duties of board, registrar of deeds, mortgagee and owner on expropriation.

- (a) transmit to the registrar of deeds in whose deeds registry the property is registered, a certified copy of the notice by which the expropriation has taken place; and
- (b) transmit to every holder of a bond registered over such property, whose name and address are known to it, a copy of such notice.

(2) Upon receipt of the copy referred to in subsection (1) the registrar of deeds shall—

- (a) record thereon the time and date of receipt of such copy; and
- (b) note in the appropriate records that the property in question has been expropriated.

(3) A mortgagee to whom a copy of a notice of expropriation has been transmitted shall, within thirty days of the date of receipt thereof, transmit to the board—

- (a) a statement in writing setting forth the amounts received by him in payment of the debt secured by the bond and particulars of the amount still owing thereunder; and
  - (b) the bond of which he is the holder and any documents of title relating to the immovable property which may be in his possession or under his control.
- (4) (a) Every owner on whom a notice has been served under section 39 shall, within thirty days after the date of expropriation, or within such further period as the board may allow, deliver or cause to be delivered to the board—
- (i) a statement in writing setting forth the amount of compensation, if any, claimed by him;
  - (ii) his documents of title to the immovable property if these are in his possession or under his control;
  - (iii) a list signed by him of the said documents if these are not in his possession or under his control, setting forth the registration numbers and dates thereof and the name and address of the person in whose possession or under whose control those documents are and the registration numbers and dates of mortgage bonds, if any, on the immovable property and the names and addresses of the holders thereof.
- (b) The board may by notice in writing call upon any person named in any list delivered to it under subparagraph (iii) of paragraph (a), to deliver or cause to be delivered to the board, within a period specified in the notice, the documents referred to in that subparagraph.

41. If the owner of any immovable property and the board are unable to agree on the amount of compensation to be paid for the property expropriated under section 39, such amount shall be determined by arbitration in terms of section 45, and shall not exceed the market value of the immovable property at the date of the service of the notice of expropriation in terms of section 39. Determination of compensation.

42. Any compensation for immovable property expropriated shall, subject to the provisions of section 38, be paid to the owner of such property, if his address is known, or, if his address is not known, to the Master of the Supreme Court for deposit in the guardian's fund: Provided that where the immovable property is mortgaged or serves otherwise as security for any charges against the owner, the compensation shall be applied as far as may be required towards the payment of the claims of mortgagees and of claimants in respect of such charges in their legal order of preference, provided such mortgagees have complied with the provisions of section 40 or, as the case may be, such charges have been proved to the satisfaction of the board. Payment of compensation.

43. (1) The registrar of deeds shall, subject to the provisions of section 31 of the Deeds Registries Act, 1937 (Act No. 47 of 1937)— Registration of transfer of affected property expropriated by board.

- (a) register the transfer to the board of any immovable property expropriated by it;
  - (b) if such property is subject to any bond, endorse upon the bond and note in the appropriate records that the property is released therefrom.
- (2) Notwithstanding anything to the contrary in any other law contained, the registrar of deeds may, on being satisfied that the title deeds of any property expropriated as aforesaid have been lost or destroyed, register the transfer to the board of such property without the production thereof or the authority of any order of court.
- (3) No transfer of property which has been expropriated under this Act, shall be registered unless the registrar of deeds has been furnished with a certificate signed on behalf of the board that—
- (a) the procedure prescribed in section 39 and section 40 (i) (b) has been observed; and
  - (b) all amounts payable by the board on the transaction have been paid or guaranteed.

44. (1) As soon as possible after the application of the provisions referred to in section 51 (1) in an area or in a group of areas, an account, to be known as the Community Development Account, shall be established for that area or group of areas. Community Development Accounts.

- (2) Such account shall—

- (a) be credited with—
- (i) such moneys as the board may from time to time make available for carrying out the functions of the board in the area concerned or in any area in the group of areas concerned;
  - (ii) all moneys received by the board from the sale, lease or exchange of immovable property situate in that area or in any area in that group of areas;
  - (iii) all appreciation contributions received by the board in terms of this Act in respect of affected properties situate in that area or in any area in that group of areas;
  - (iv) all other moneys received by the board in connection with the application of the provisions of this Act in that area or in any area in that group of areas; and
- (b) be debited with—
- (i) all moneys paid by the board in respect of the acquisition of immovable property situate in the area concerned or in any area in the group of areas concerned;
  - (ii) all moneys expended by the board in connection with the demolition, renovation, reconstruction, alteration or maintenance of any immovable property acquired by the board in that area or in any area in that group of areas;
  - (iii) all expenses incurred by the board in connection with arbitration or legal proceedings in connection with any immovable property situate in that area or in any area in that group of areas;
  - (iv) all depreciation contributions paid by the board in terms of this Act in respect of affected properties situate in that area or in any area in that group of areas;
  - (v) all other moneys lawfully expended under this Act by the board in or in respect of that area or in or in respect of any area in that group of areas.

(3) Community Development Accounts for different areas may, in the discretion of the board, be consolidated into one Community Development Account for such areas, and a Community Development Account for a group of areas may likewise be separated into Community Development Accounts for any of the areas comprising such group of areas.

45. (1) If the owner of any property and the board do not, **Arbitration.** within a period of sixty days from the date on which a dispute arises as to the value of any property or the compensation payable in respect of the expropriation under section 39 of any immovable property, or within such further period as the board may allow, come to an agreement as to the value concerned, or the compensation payable, such value or compensation shall be determined by three arbitrators appointed by the Minister of whom, if possible, one shall be a former judge or former magistrate or an advocate or attorney of not less than ten years' standing.

(2) The arbitrators shall receive such remuneration or allowances for their services as the Minister may, in consultation with the Minister of Finance, determine.

(3) The costs, calculated in accordance with the table of costs in magistrates' courts, in connection with the determination of any value or compensation in terms of this section, including the remuneration of the arbitrators, shall, in the absence of any agreement between the parties, be paid as directed by the arbitrators.

46. (1) No rates shall be levied upon any immovable property owned by the board so long as such property has not been leased or sold to any person by the board. **Exemption from rates in respect of immovable property belonging to the board.**

(2) Whenever any immovable property is leased or sold by the board it shall become rateable as from the date of the lease or sale.

(3) In respect of the year in which any immovable property is leased or sold as aforesaid, rates on such property may be levied on the same basis as that on which rates on other immovable property within the same area are levied for that

year, and the board or, in the case of a sale of the property, the person to whom the property is so sold, shall in respect of that year pay such portion of the rates thereon as is represented by the proportion which the unexpired portion of the year as from the date of the lease or sale bears to the whole year.

47. The amount of any appreciation contribution due to the board under this Act by any person shall—

Priority of appreciation contributions upon insolvency.

- (a) upon the date of sequestration or surrender of that person's estate under the law relating to insolvency; or
- (b) if that person is a company, upon the winding-up of that company under the law relating to companies,

notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever other than debts secured by special bond, tacit hypothec, pledge or right of retention and the expenses, costs, fees and charges referred to in the Insolvency Act, 1936 (Act No. 24 of 1936), and in the case of the winding-up of a company, all expenditure properly incurred in the winding-up, including the remuneration of the liquidator.

48. (1) The Secretary 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—

Appointment and duties of inspectors.

- (a) enter upon any premises in any area designated by the Minister under section 15 (1);
- (b) question any person found in or upon such premises;
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or occupation of or residence on land or premises in such area, or the disposal of any affected property, and make extracts from such title deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on such land or premises, or the disposal of any affected property.

(2) Any inspector referred to in subsection (1) may be accompanied by an interpreter or other assistant in the performance of his functions under that subsection.

(3) An interpreter or assistant shall, while acting under the lawful directions of any inspector referred to in subsection (1) whom he accompanies, be deemed to be an inspector, and any question put through, reply made to, requirement made by or any obstructing or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstructing or hindering of or interference with an inspector.

49. (1) The Minister may make regulations as to—

Regulations.

- (a) the planning or replanning and laying out of any land owned by the board, the reservation or setting aside of any such land by the board for public purposes and the siting, construction, erection, maintenance and control of buildings and other improvements thereon;
- (b) the vacating of immovable property expropriated by the board;
- (c) the powers, functions and duties of valuers and inspectors;
- (d) the conduct of and procedure at arbitration proceedings, including the subpoenaing of witnesses, the payment of allowances to such witnesses and the taxation of costs incurred thereat;
- (e) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of the board, or for the supply of any goods or material to the board;
- (f) the compilation and maintenance of the lists referred to in section 29;

- (g) the procedure relating to the determination of the basic value of any affected property;
  - (h) the powers, functions and duties of any local authority, statutory body or other body corporate which has concluded an agreement under section 22, and the control by the board of the exercise and the performance by any such local authority, statutory body or other body corporate of such powers, functions and duties;
  - (i) the appointment and remuneration of valuers and members of a revision court referred to in section 33, and the procedure governing hearings and determinations by such a court, including the taxation of costs incurred in such proceedings;
  - (j) generally as to any other matter which is required to be prescribed by this Act or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) (a) Different regulations may be made in respect of different areas in which the provisions of this Act apply.
- (b) No regulations shall be made under subsection (1) (a) except after consultation with the Administrator of the province concerned.
- (3) Regulations made under subsection (1) may prescribe penalties for contravention thereof or failure to comply therewith, but no such penalty shall exceed a fine of two hundred rands or imprisonment for a period exceeding six months.
- (4) Any regulations made under subsection (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament 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 for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulations shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.
- (5) If both Houses of Parliament by resolution passed in the same session (being a session during which such regulations have been laid on the Tables of both Houses of Parliament in terms of subsection (4)) disapprove 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.

50. Any person who—

Penalties.

- (a) for the purpose of any provision of this Act makes any statement or furnishes any document or any particulars which are false, knowing the same to be false; or
  - (b) falsely holds himself out to be an inspector; or
  - (c) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him by an inspector or a valuator in the exercise of his powers or to comply with any lawful requirement of an inspector or valuator in the exercise of his powers; or
  - (d) gives an answer to any question by, or makes any relevant statement to, an inspector or a valuator which is false in any material particular, knowing such answer or statement to be false; or
  - (e) obstructs, hinders, resists or interferes with any inspector or valuator in the exercise of his powers or the performance of his functions or duties in terms of this Act or any regulation made thereunder; or
  - (f) fails to comply with a notice under section 40 (3) or (4),
- shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rands or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

51. (1) The provisions of sections 16 to 23, inclusive, 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. Application of Act.

(2) No proclamation shall be issued under subsection (1) or (3) unless the Minister has considered a written report in regard thereto by the Group Areas Board established under the Group Areas Act.

(3) The State President may at any time in like manner withdraw or amend any proclamation issued under subsection (1).

52. (1) The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the second column of the said Schedule. Repeal of laws and savings.

(2) Any notice, regulation, proclamation, certificate, summons, report, order, appointment, record or other document issued, made or kept, or a board or other body established, or any other action taken or anything done or deemed to have been taken or done by or under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, kept, established, taken or done by or under the corresponding provision of this Act.

(3) As from the commencement of this Act—

(a) any person who immediately before the commencement of the Community Development Amendment Act 1965 (Act No. 44 of 1965), held office as a member of the Group Areas Development Board referred to in section 2 of the Group Areas Development Act, 1955 (Act No. 69 of 1955), or of any committee thereof, and who immediately before the commencement of this Act held office in terms of section 2 (2) (a) of the Community Development Amendment Act, 1965, as a member of the Community Development Board referred to in section 2 of the Community Development Act, 1955 (Act No. 69 of 1955), or of any committee thereof, shall be deemed to have been duly appointed in terms of this Act as a member of the board or of the corresponding committee thereof in the capacity in which he so held office and for the period for which he would have so held office if this Act had not been passed;

(b) all assets, rights, liabilities and obligations of the said Group Areas Development Board which, in terms of section 2 (2) (b) of the Community Development Amendment Act, 1965, became assets, rights, liabilities and obligations of the said Community Development Board, shall become assets, rights, liabilities and obligations of the board;

(c) any agreement, transaction or document entered into, drawn or executed by or on behalf or in favour of the said Group Areas Development Board shall be deemed to have been entered into, drawn or executed by or on behalf or in favour of the board;

(d) any reference in any law to the said Group Areas Development Board shall be construed as a reference to the board.

(4) The registrar of deeds concerned shall, on application by the board, free of charge make such endorsements on any deed, bond or document filed or registered in his deeds registry and such entries in his registers as may be necessary to give effect to the provisions of subsections (2) and (3) of this section.

53. This Act shall be called the Community Development Act, 1966. Short title.



## Schedule.

Laws repealed.	Extent of repeal.
The Community Development Act, 1955 (Act No. 69 of 1955).	The whole.
The Group Areas Development Amendment Act, 1959 (Act No. 81 of 1959).	The whole.
The Group Areas Development Amendment Act, 1961 (Act No. 23 of 1961).	The whole.
The Group Areas Development Amendment Act, 1962 (Act No. 49 of 1962).	The whole.
The General Law Amendment Act, 1964 (Act No. 80 of 1964).	Section 8.
The Group Areas Development Amendment Act, 1965 (Act No. 44 of 1965).	The whole.