

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



REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

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**STAATSKOERANT**

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CAPE TOWN, 30TH JUNE, 1971.

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1117.

30th June, 1971.

No. 1117.

30 Junie 1971.

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

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

No. 68 of 1971: Community Development Amendment Act, 1971.

No. 68 van 1971: Wysigingswet op Gemeenskapsontwikkeling, 1971.

Act No. 68, 1971

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1971.

# ACT

To amend the Community Development Act, 1966, to extend the period upon the expiry of which appreciation contributions shall become payable.

*(English text signed by the State President.)*  
*(Assented to 10th June, 1971.)*

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

Amendment of section 34 of Act 3 of 1966, as amended by section 7 of Act 42 of 1967 and section 7 of Act 74 of 1970.

1. Section 34 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subparagraphs (i) and (ii) of subsection (4) (a) of the following subparagraphs:

“(i) such a disposition takes place after the expiry of ninety-six months but before the expiry of one hundred and eight months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, be payable by the owner to the board an appreciation contribution equal to twenty-five per cent of the difference between the basic value and such consideration; and

(ii) such a disposition takes place after the expiry of one hundred and eight months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, 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) by the substitution for subsections (6) and (7) of the following subsections:

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

(7) If after the expiry of ninety-six months 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.”.

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Amendment of section 35 of Act 3 of 1966, as amended by section 8 of Act 42 of 1967.

2. Section 35 of the principal Act is hereby amended by the substitution for subparagraph (i) of subsection (1) (a) of the following subparagraph:

- “(i) at an amount which exceeds the basic value of that property, and such expropriation takes place after the expiry of ninety-six months but before the expiry of one hundred and eight months after the basic date or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, there shall be paid to the board an appreciation contribution equal to twenty-five per cent of the difference between the compensation so fixed and the basic value of the said property, and if such expropriation takes place after the expiry of one hundred and eight months after the basic date or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, 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”.

Amendment of section 37 of Act 3 of 1966, as amended by section 9 of Act 42 of 1967.

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

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

“(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, and a period of ninety-six months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, has expired, 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.”; and

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

“(2) Whenever after the expiry of ninety-six months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, 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 with 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

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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."

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967 and section 8 of Act 74 of 1970.

4. Section 38 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs:

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

Short title.

5. This Act shall be called the Community Development Amendment Act, 1971.