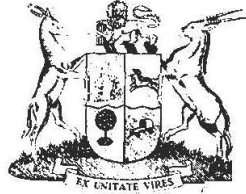


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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Local **45c** Plaaslik
Other countries 60c Buitelands
Post free • Posvry

Vol. 240

CAPE TOWN, 28 JUNE 1985

No. 9817

KAAPSTAD, 28 JUNIE 1985

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1410.

28 June 1985

No. 1410.

28 Junie 1985

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. 78 of 1985: Share Blocks Control Amendment Act, 1985.

No. 78 van 1985: Wysigingswet op die Beheer van Aandeleblokke, 1985.

Act No. 78, 1985

SHARE BLOCKS CONTROL AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Share Blocks Control Act, 1980, so as to provide for the furnishing by share block companies of information regarding share block schemes to certain lessees; and to regulate the sale of shares conferring a right to or an interest in the use of immovable property occupied by certain lessees; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 19 June 1985.)*

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

Insertion of sections 11A and 11B in Act 59 of 1980.

1. The following sections are hereby inserted in the Share Blocks Control Act, 1980, after section 11:

“Furnishing of information regarding share block schemes to certain lessees.

- 11A.** (1) If the immovable property in respect of which a share block scheme is to be brought into operation is a building of which one or more than one part is wholly or partially let for residential purposes, the share block scheme may not be so brought into operation unless—
- (a) every lessee of every such part which is leased for such residential purposes has been notified in writing by the share block company concerned, by letter delivered either personally or by registered post, of a date, at least 21 days after the date of the notice, of a meeting of such lessees, to be held in the building in question or in another building situated within a reasonable distance from the first-mentioned building, at which a representative of the share block company intends to be available to provide the lessees with—
- (i) such particulars of the proposed share block scheme as they may reasonably require from the share block company; and
- (ii) information regarding their rights as set out in section 11B; and
- (b) a meeting contemplated in paragraph (a) has been held and a representative of the share block company has been available thereat to provide the particulars contemplated in the said paragraph, and has answered all reasonable questions put to the representative of the share block company by interested lessees personally or through their representatives.
- (2) The letter referred to in subsection (1) shall be accompanied by a copy of the use agreement mentioned in section 7 (5).

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SHARE BLOCKS CONTROL AMENDMENT ACT, 1985

Sale of shares conferring right to or interest in use of parts of building occupied by lessees.

11B. (1) No share of a share block company which confers a right to or an interest in the use of a particular part of a building shall—

- (a) if that part is wholly or partially let for residential purposes; and
- (b) if that share is to be offered for sale or sold for the first time,

be so offered for sale or sold to any person other than the lessee concerned unless that share has in writing, by letter delivered either personally or by registered post, been offered for sale to the said lessee and the lessee has refused the offer within a period of 90 days or, in the case of a part referred to in paragraph (a) which is controlled premises referred to in the Rent Control Act, 1976 (Act No. 80 of 1976), and is subject to the provisions of that Act, within a period of 365 days, from the date of the offer, or has at the expiration of any such applicable period not accepted the offer.

(2) If a lessee has refused an offer referred to in subsection (1) within the applicable period mentioned in that subsection or has at the expiration of such applicable period not accepted the offer, the share in question shall not, within a period of 180 days from the date on which the lessee has refused the offer or on which such applicable period has expired, as the case may be, be offered for sale or sold to any person other than the lessee at a price lower than that at which it was in terms of subsection (1) offered for sale to the lessee, unless the share in question has at that lower price again been offered for sale to the lessee and he has refused the offer within a period of 60 days from the date thereof, or has at the expiration of that period not accepted the offer.

(3) No person shall—

(a) when a lessee has in terms of section 11A (a) been notified of the meeting referred to in that section—

(i) in the case of a lessee to whom no offer in terms of subsection (1) has been made, so long as that lessee continues to occupy the relevant part of the building in terms of his lease; or

(ii) in the case of a lessee to whom an offer in terms of subsection (1) has been made and who has refused or not accepted the offer as contemplated in that subsection, before the date on which the period of 180 days referred to in subsection (2) or, if applicable, the date on which the period of 60 days referred to in the last-mentioned subsection (whichever date is the latest) expires,

require the lessee to vacate the relevant part of the building occupied by him in terms of his lease unless the lessee has failed to pay the rental, or has inflicted material damage to the relevant part or any other part of the building, or has been guilty of conduct which is a nuisance to occupiers of other parts of the building in question;

(b) in any case contemplated in paragraph (a) (ii), before the date or, if applicable, the latest date referred to in that paragraph, require or permit the lessee concerned to pay an amount of rent

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higher than the amount which was payable by the lessee on the date contemplated in subsection (1) on which the lessee refused the offer referred to in that subsection, or on which the applicable period referred to in that subsection expired, as the case may be: 5

Provided that the provisions of this subsection shall not derogate from any applicable provision of the Rent Control Act, 1976 (Act No. 80 of 1976).

(4) (a) If any part referred to in paragraph (a) of subsection (1), of a building is controlled premises as contemplated in that subsection and the lessee thereof is 65 years old or older and his monthly income does not exceed the maximum amount of income from time to time mentioned in any proclamation issued under section 52 (1) of the Rent Control Act, 1976 (Act No. 80 of 1976), for lessees of premises in respect of which rent control is in terms of that section established by such proclamation, any share conferring a right to or an interest in the use of that part and which is to be offered for sale or sold as contemplated in paragraph (b) of subsection (1) shall, as long as such lessee continues to occupy that part and his income does not exceed such maximum amount, be so offered for sale or sold to that lessee only. 10 15 20 25

(b) The provisions of paragraph (a) shall *mutatis mutandis* apply in respect of—

(i) the surviving spouse of a lessee referred to in paragraph (a) who has died; or 30

(ii) the spouse of a lessee referred to in paragraph (a) who has been divorced or deserted by the lessee, 35

provided the said surviving spouse or spouse occupied the premises in question together with the lessee at the time of the death of the lessee or at the time of the divorce or desertion in question, as the case may be, and continues to occupy the said premises as lessee after the said death, divorce or desertion, and himself satisfies the requirements relating to age and income set in paragraph (a) in respect of the lessee. 40

(5) Any contract of purchase and sale concluded contrary to the provisions of subsection (1), (2) or (4) shall be void, and the provisions of section 18 (1) shall apply *mutatis mutandis* in respect of any such void contract. 45

(6) Any person who—

(a) commits an act which, if it were not for the provisions of subsection (5), would have constituted the sale of a share contrary to the provisions of subsection (1), (2) or (4); or 50

(b) contravenes any provision of subsection (3), shall be guilty of an offence and liable on conviction to the penalty set out in section 21 (a).” 55

Amendment of section 21 of Act 59 of 1980, as amended by section 2 of Act 33 of 1982.

2. Section 21 of the Share Blocks Control Act, 1980, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) section 5A (1), 8 (3), 9, 11A, 12 or 13, or the provisions of item 2 or 5 of Schedule 1, to a fine not exceeding 1 000 rand or imprisonment for a period not exceeding one year or to both such fine and such imprisonment;” 60

Short title and commencement.

3. This Act shall be called the Share Blocks Control Amendment Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 65