

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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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1128.

28th June, 1972.

No. 1128.

28 Junie 1972.

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. 93 of 1972: Community Development Amendment Act, 1972.

No. 93 van 1972: Wysigingswet op Gemeenskapsontwikkeling, 1972.

# ACT

To amend subsection (1) of section 15 of the Community Development Act, 1966, in order to extend the objects of the Community Development Board; to amend subsection (5) of that section in order to make certain provisions of the said Act relating to arbitration applicable with reference to any arbitration under the said subsection (5), and to limit any price under that subsection to the market value of the property as at a certain date; to amend section 16 of the said Act in order to amend the definitions of "public place" and "township"; to amend section 41 of the said Act in order to empower the Community Development Board to pay an amount, additional to compensation, to make good actual financial loss or inconvenience caused by expropriation, the acquisition of affected property or the purchase of property in certain areas; to amend section 43 of the said Act in order to make a notice of expropriation authority for a registrar of deeds to transfer expropriated property in the name of the Community Development Board; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 16th June, 1972.)

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

1. Section 15 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) to develop or assist in the development of such areas, not being areas referred to in section 23 (6) (c) of the Group Areas Act, as may from time to time be designated by the Minister, to promote community development in any such area and, after consultation with the local authority concerned, to take steps to prevent decay in any such area or to rehabilitate or assist with the rehabilitation of any such area or any portion thereof which tends to decay;”;
- (b) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
- “(b) The provisions of section 45 (2) and (3) shall *mutatis mutandis* apply in connection with any arbitration under this subsection.”; and
- Amendment of section 15 of Act 3 of 1966, as amended by section 2 of Act 42 of 1967, section 1 of Act 58 of 1969, section 2 of Act 74 of 1970 and section 24 of Act 80 of 1971.

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- (c) by the addition of the following paragraph to subsection (5):

“(d) The price referred to in this subsection shall not exceed the market value of the property in question as at the date on which the notice referred to in subsection (2) (e) was published in the *Gazette* or as at the date on which the board exercised its preferent right, whichever market value is the greater.”.

2. Section 16 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (4) of the following paragraphs: Amendment of section 16 of Act 3 of 1966.

- (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 or, if there is no such general plan, which falls within 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’ means a township as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937).”.

3. (1) Section 41 of the principal Act is hereby amended by the addition of the following paragraphs to subsection (1), the existing subsection (1) becoming subsection (1) (a): Amendment of section 41 of Act 3 of 1966, as amended by section 9 of Act 74 of 1970.

- (b) The board shall add to the compensation an amount to make good any actual financial loss or any inconvenience caused by the expropriation of the property or the acquisition under paragraph (a) or (b) of section 15 (2) of affected property or the purchase of property in an area in respect of which any notice under paragraph (e) of section 15 (2) is in operation, and such amount shall not be regarded as part of the consideration for the purpose of determining an appreciation contribution or a depreciation contribution.
- (c) Any amount determined by the board under paragraph (b) shall be final.”.

- (2) Subsection (1) shall be deemed to have come into operation on the first day of January, 1971.

4. Section 43 of the principal Act is hereby amended: Amendment of section 43 of Act 3 of 1966.

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

“(1) The notice whereby expropriation is effected under section 39 shall be authority for the registrar of deeds to register transfer of the property in question in the name of the board and the registrar of deeds shall, subject to the provisions of section 31 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), upon the request of the board in writing—

- (a) register the transfer to the board of the property in question; and
- (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.”; and

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(b) by the substitution for subsection (3) of the following subsection:

“(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 the procedure prescribed in section 39 and section 40 (1) (b) has been observed.”.

5. This Act shall be called the Community Development Short title. Amendment Act, 1972.