

No. 38, 1943.]

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.

ACT

To amend the Housing Act, 1920 (Act No. 35 of 1920) and the Additional Housing Act, 1937 (Act No. 41 of 1937) and to validate certain powers of attorney and mortgage bonds.

(Signed by the Officer Administering the Government
in Afrikaans.)
(Assented to 28th April, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

Amendment of section 3 of Act 35 of 1920.

1. Section *three* of the Housing Act, 1920 (which, as amended, is hereinafter referred to as the principal Act) is hereby amended by the substitution in sub-section (2) for the word "Treasury" where it occurs for the first time, of the word "Minister".

Amendment of section 6 of Act 35 of 1920.

2. Section *six* of the principal Act is hereby amended by the addition of the following proviso to paragraph (b) of sub-section (4) thereof—

"Provided that the administrator may in any particular case, at the request of the local authority and on the recommendation of the central housing board, extend the period of twenty years mentioned in this paragraph by such further period as the said board shall determine."

Amendment of section 10 of Act 35 of 1920.

3. Section *ten* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "into the Treasury" in both places where they occur, of the words "to the Minister".

Amendment of section 14 of Act 35 of 1920.

4. Section *fourteen* of the principal Act is hereby amended by the substitution for the word "Treasury" in sub-section (1), of the word "Minister".

Insertion of new section 19bis in Act 35 of 1920.

5. The principal Act is hereby amended by the insertion of the following new section after section *nineteen*—

"Delegation 19bis. The Minister may, if he deems it expedient to do so, in writing authorize the central housing board to perform or carry out any function, power or duty vested in or imposed upon him by or under section *eleven* (but subject to the proviso to sub-section (1) of that section) and anything done by the said board under and within the scope of such authority shall be as valid and effective as if done by the Minister himself."

Amendment of section 21 of Act 35 of 1920.

6. Section *twenty-one* of the principal Act is hereby amended by the addition thereto of the following sub-section—

"(3) The powers conferred and the duties imposed upon a local authority by this Act shall be deemed to be such powers and duties as are referred to in section *eleven* of the Public Health Act, 1919 (Act No. 36 of 1919)."

Amendment of section 2 of Act 41 of 1937, as amended by section 25 of Act 27 of 1940.

7. Section *two* of the Additional Housing Act, 1937, is hereby amended—

- (a) by the substitution in sub-section (3) for the words "The Treasury shall, at the request of the Minister," of the words "The Minister shall"; and
(b) by the deletion in the said sub-section of the words "the Treasury on behalf of".

Amendment of section 5 of Act 41 of 1937.

8. Section *five* of the Additional Housing Act, 1937, is hereby amended by the addition of the following new sub-sections at the end thereof—

"(5) Whenever for any good and sufficient reason the board considers it expedient to do so, it may approve of the substitution of any other person as mortgagor in place of the borrower under any mortgage bond passed to secure a building loan, provided the person so to be substituted as mortgagor, complies with the requirements of paragraph (h) of sub-section (1).

(6) Notwithstanding anything in sub-section (1) contained, the lending building society may, at any time after a building loan has been granted by it to an individual borrower (including any individual substituted as mortgagor in place of the borrower under sub-section (5) or deemed to have been so substituted), on good cause shown and subject to the approval of the board, extend the period for repayment of such loan, to a period in excess of twenty years."

Validation of certain powers of attorney and bonds granted or passed in connection with building loans.

9. Any person who, before the commencement of this Act, was substituted as mortgagor in place of the borrower under any mortgage bond passed to secure a building loan granted under the Additional Housing Act, 1937 (Act No. 41 of 1937), shall be deemed to have been so substituted in terms of sub-section (5) of section *five* of the said Act, as inserted by this Act, and any power of attorney granted or mortgage bond passed by such a person before the commencement of this Act in connection with or in pursuance of his substitution in place of the borrower as aforesaid, shall be as valid and effectual as it would be if, at the time it was granted or passed, as the case may be, such person had been duly substituted in place of the borrower in terms of the said sub-section (5).

Short title.

10. This Act shall be called the Housing Acts Amendment Act, 1943.