



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 47.]

CAPE TOWN, 28TH MAY, 1969.

KAAPSTAD, 28 MEI 1969.

[No. 2409.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 856.

28th May, 1969.

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

No. 58 of 1969: Community Development Amendment Act, 1969.

No. 856.

28 Mei 1969.

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

No. 58 van 1969: Wysigingswet op Gemeenskapsontwikkeling, 1969.

Act No. 58, 1969

COMMUNITY DEVELOPMENT AMENDMENT ACT,
1969.

ACT

To amend the Community Development Act, 1966, so as to authorize the Community Development Board to pay compensation to any local authority in respect of certain fruitless expenditure incurred in connection with the development of any group area; to make further provision as regards the assignment of powers, functions and duties of a local authority to the said board; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th May, 1969.)

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 15 of Act
3 of 1966, as
amended by
section 2 of Act
42 of 1967.

1. Section 15 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(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—

(i) to make or grant *ex gratia* payments, refunds, donations and remissions; and

(ii) to pay compensation to any local authority in respect of fruitless expenditure incurred by such local authority in connection with the development of any group area proclaimed for any race group but which for any reason is thereafter deproclaimed: Provided that when any compensation is paid to any local authority in this connection, the Secretary shall as soon as possible after the thirty-first day of March in each year submit a statement signed by him and showing the amount of such compensation and the group area concerned, to the Minister who shall lay such statement upon the Table in the Senate and in the House of Assembly within fourteen days of the receipt thereof by him, 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 session.”.

Amendment of
section 17 of Act
3 of 1966.

2. Section 17 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Any such proclamation may provide *inter alia* that the board in relation to the exercise of a power or the performance of a function or duty with which it is so vested or charged—

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1969.

- (a) (i) may enter upon, control, sub-divide, lay out, plan, develop, let or sell any land or property owned or controlled by the local authority in the defined area, or any portion of such land or property, and cause works of whatever nature to be carried out on or under the said land or property;
- (ii) may enter upon any land or property inside or outside the defined area and cause any works of whatever nature to be carried out on or under such land or property and maintain the same;
- (iii) may apply to the local authority, in writing or otherwise, for the supply of all information, assistance or support or the performance of services, of whatever nature, which the board thinks fit for or in connection with the exercise of the powers, functions or duties with which it has been vested or charged in terms of the proclamation, and that if the local authority fails to supply or render such information, assistance or support or to perform such services within the period determined by the board, the board may incur any costs which it considers necessary for the acquisition of such information, assistance or support or for the performance of such services by any person, and that the board may recover the costs so incurred by it from the local authority, and that if the local authority fails to pay such costs or to reimburse the board within a period of thirty days from the date on which the local authority was requested to do so, the board may recover such costs from the local authority—
- (aa) by action in a competent court;
- (bb) by declaring that any revenue of the local authority shall be applied to the payment of such costs and by appointing a receiver, who is hereby authorized to collect so much of such revenue as will discharge the amount of such costs and to pay over the same to the board; or
- (cc) by levying a special rate on all rateable property within the area under the jurisdiction of such local authority, or by all three or any two of such methods of recovery, and a certificate by the Secretary as to the amount of such costs shall be sufficient proof of such costs;
- (iv) may take the place of the local authority in respect of any contract or loan concluded by the local authority and may deal therewith exclusively as if it had itself concluded that contract or loan, and that all parties to such a contract or loan shall, for so long as the board acts in accordance with the powers conferred on it by any such proclamation, fulfil the provisions of such a contract or loan as if the board were the local authority concerned;
- (v) may conclude contracts or loans which it considers necessary for or in connection with the control, subdivision, laying out, planning, development or administration of the defined area or land or property in that area:

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Provided that any contracts in respect of financial commitments concluded by the local authority in connection with the defined area or any land or property in that area shall continue to exist but that the fulfilment thereof by the local authority shall be suspended for so long and in so far as the proclamation remains in force and that the board shall during the period of such suspension fulfil the conditions of such contracts as the local authority would have been obliged to fulfil them had it not been for the proclamation, and that any interest payable on loans, whether the loans were concluded by the local authority or the board, or capitalized interest on such a loan, shall, on withdrawal of the board from the defined area in question, be deemed to be a lawful liability of the local authority;

- (b) shall not be required to comply with any requirement, whether as regards approval of any proposed action or otherwise, including the entering into of financial obligations, 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.”; and
- (b) by the substitution for subsection (5) of the following subsection:

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

- (b) When repealing any proclamation issued under subsection (1) the State President may provide that any power, function, duty or other act exercised or performed by the board in terms of such proclamation, including any financial obligation entered into or incurred by the board, in respect of the defined area in question or any land or property in that area, shall, as from a date specified in the proclamation issued under paragraph (a) of this subsection, be deemed to have been exercised, performed, entered into or incurred by the local authority in whose area of jurisdiction the said defined area fell prior to such first-mentioned proclamation and that the said local authority shall in relation thereto be deemed to have complied with all prescribed requirements 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, duty or other act, that as from the said date full responsibility for and in respect of the said exercise or performance of any such power, function, duty or other act by the board, including full responsibility for and in respect of any financial obligation entered into or incurred by the board, shall vest in the said local authority in all respects as if the power, function, duty or other act in question had been exercised, performed or entered into by the said local authority, and that the said local authority shall be liable to refund to the board

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all expenditure of the board, together with interest thereon, and a certificate by the Secretary as to the amount of such expenditure shall be sufficient proof of such expenditure."

Short title and
commencement.

3. This Act shall be called the Community Development Amendment Act, 1969, and shall be deemed to have come into operation on the first day of January, 1969.