

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.



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GOVERNMENT GAZETTE

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[No. 2871.]

KAAPSTAD, 9 OKTOBER 1970.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1702.

9th October, 1970.

No. 1702.

9 Oktober 1970.

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. 74 of 1970: Community Development Amendment Act, 1970.

No. 74 van 1970: Wysigingswet op Gemeenskapsontwikkeling, 1970.

COMMUNITY DEVELOPMENT AMENDMENT ACT, 1970. Act No. 74, 1970

ACT

To amend the Community Development Act, 1966, so as to adjust the numbers of certain sections of laws referred to therein, to the change of the numbers of those sections in the laws concerned; to regulate further the duties of the Community Development Board towards the Senate and the House of Assembly in connection with certain expenditure; to enable the Secretary for Community Development, instead of the said board, to confer certain powers on certain officers; to equate the unpaid portion of the purchase price of property of the said board with a loan; to empower the said board to assign names to streets in certain townships or to change the names of such streets; to empower the said board to cancel a contract of purchase and sale in certain circumstances and to make provision in such a case, for the expropriation of the property in question; to apply the duty of the said board to pay an appreciation or a depreciation contribution in respect of every acquisition of property by it; to regulate the determination of the amount of the compensation payable by the said board in respect of immovable property when certain provisions of the said Act are not being complied with by the owner of that property; and to regulate further the payment of such compensation when the owner of the property concerned cannot be found; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 28th September, 1970.)

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

1. Section 1 of the Community Development Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—
- Amendment of section 1 of Act 3 of 1966, as amended by section 1 of Act 42 of 1967 and section 1 of Act 58 of 1968.
- (a) by the substitution in subsection (1), in paragraph (a) of the definition of "affected property", for the expressions "20 (1) (a)" and "21 (1) (a)" of the expressions "23 (1) (a)" and "24 (1) (a)", respectively;
 - (b) by the substitution in paragraph (b) of the said definition for the expressions "20 (1) (b)" and "21 (1) (b)" of the expressions "23 (1) (b)" and "24 (1) (b)", respectively;
 - (c) by the substitution in paragraph (c) of the said definition for the expressions "20 (1) (b)" and "21 (1) (b)" of the expressions "23 (1) (b)" and "24 (1) (b)", respectively;
 - (d) by the substitution in subparagraph (ii) of the said paragraph (c) of the said definition for the expression "15 and 16" of the expression "17 and 18";
 - (e) by the substitution in paragraph (d) of the said definition for the expression "22 (1)" of the expression "25 (1)";

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- (f) by the substitution in paragraph (e) of the said definition for the expressions "16 (3) (a)" and "16bis" of the expressions "18 (3) (a)" and "19", respectively; and
- (g) by the substitution in subsection (3) for the expression "16bis" of the expression "19".
2. Section 15 of the principal Act is hereby amended—
- (a) by the substitution in paragraph (a) of subsection (1) for the expression "20 (3) (c)" of the expression "23 (6) (c)"; and
- (b) by the substitution for subsection (4) of the following subsection:
- "(4) No payment, refund, donation or remission exceeding five thousand rand shall be made or granted by the board under subparagraph (i) of paragraph (c) of subsection (2) except with the approval, by resolution, of the Senate and of the House of Assembly, and every payment, refund, donation or remission under that subparagraph shall be reported to Parliament by the Controller and Auditor-General."
3. Section 18A of the principal Act is hereby amended by the substitution in paragraph (ii) of subsection (1) for the word "board" of the word "Secretary".
4. The following section is hereby inserted in the principal Act after section 18A:
- "Unpaid portion of purchase price of property of board regarded as a loan. 18B. If any property belonging to the board is sold and the purchaser is required to pay only a portion of the purchase price before transfer of such property to him, the unpaid portion of the purchase price shall be regarded as a loan and the provisions of section 18A shall, in so far as they can be applied, apply *mutatis mutandis* in respect thereof as if it were a loan from the fund."
5. Section 19 of the principal Act is hereby amended—
- (a) by the insertion after subsection (2) of the following subsection:
- "(2A) Notwithstanding anything to the contrary in any law contained, the board may assign a name to or, after consultation with the Administrator and local authority concerned, change the name of any street in a township referred to in subsection (1)."; and
- (b) by the substitution for subsection (3) of the following subsection:
- "(3) When the name of a township or part thereof has in terms of subsection (1) been changed, or where they consider it desirable whenever the name of a street has been changed in terms of subsection (2A), the registrar of deeds concerned and the surveyor-general concerned shall without charge cause the necessary endorsements and entries to be made on or in all the appropriate registers, documents and plans in their custody, and shall from time to time make such endorsements on any deed or other document relating to any property situated in such street, township or portion thereof, which is for any purpose lodged in the appropriate deeds registry or in the office of such surveyor-general."

Amendment of section 15 of Act 3 of 1966, as amended by section 2 of Act 42 of 1967 and section 1 of Act 58 of 1969.

Amendment of section 18A of Act 3 of 1966, as inserted by section 3 of Act 42 of 1967.

Insertion of section 18B in Act 3 of 1966.

Amendment of section 19 of Act 3 of 1966.

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6. Section 29 of the principal Act is hereby amended by the substitution in subsection (1) for the expressions "20, 21 or 22", "16" and "16bis", wherever they occur, of the expressions "23, 24 or 25", "18" and "19", respectively.

Amendment of section 29 of Act 3 of 1966, as amended by section 4 of Act 58 of 1968.

7. Section 34 of the principal Act is hereby amended by the substitution in subsection (4) for the expression "37" of the expression "41".

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

8. Section 38 of the principal Act is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

"(1A) (a) If the board has, in terms of this Act, purchased any immovable property from any person and such person cannot thereafter be found to effect transfer of such property to the board within such period as the board may deem reasonable, the board may, by resolution, cancel the contract of purchase and sale in question.

(b) If any contract is so cancelled the immovable property in question shall be deemed to have been expropriated in terms of this section and on the date on which it was so purchased by the board, and the compensation payable therefor in terms of this Act shall be the amount of the purchase price stipulated in that contract.

(c) A copy of a relevant resolution referred to in paragraph (a) shall for the purposes of section 40 be deemed to be a copy of the notice by which the expropriation of the property in question has taken place."; and

(b) by the substitution in subsection (2) for the expression "15 (1)" of the expression "15".

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967.

9. Section 41 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

Amendment of section 41 of Act 3 of 1966.

(2) If an owner on whom a notice has been served under section 39 fails to comply with the provisions of section 40 (4) (a) (i), the Minister may appoint a retired judge or a retired magistrate to determine the amount of the compensation to be paid to the owner for the property in question.

(3) After the appointment of any person in terms of subsection (2) the Secretary shall cause to be published once in the *Gazette* and twice, with an interval of not less than one week, in an English and an Afrikaans newspaper circulating in the district in which the property in question is situated, a notice stating that the amount of the compensation for such property, described in the notice, will be determined in terms of subsection (2), and calling upon all interested persons to submit in writing any representations that they may wish to make in connection therewith to an officer of the Department of Community Development at an address and within a period stated in the notice.

(4) After the expiry of the period referred to in subsection (3) the person appointed under subsection (2) shall proceed to determine the amount of the compensation, and for that purpose he shall obtain at least two sworn valuations of the property in question by different persons who have no interest therein, and may obtain such further information as he may deem necessary to determine such amount.

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(5) The amount of the compensation shall not exceed the market value of the property in question on the date of the service of the notice of expropriation in terms of section 39.

(6) The determination of the amount of the compensation in terms of subsection (2) shall be final."

10. Section 42 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If property expropriated under this Act was burdened with a *fideicommissum* or if compensation is payable in terms of this Act to a person whose place of residence is not known, or if compensation is so payable and there is no person to whom it can be paid, the board shall, subject to the provisions of section 38, pay the amount of the compensation payable in terms of this Act to the Master of the Supreme Court appointed for the area in which the property is situated, and after such payment the board shall cease to be liable in respect of that amount."

Amendment of section 42 of Act 3 of 1966, as substituted by section 11 of Act 42 of 1967.

11. This Act shall be called the Community Development Short title. Amendment Act, 1970.