

**HOUSING DEVELOPMENT SCHEMES FOR RETIRED
PERSONS ACT
NO. 65 OF 1988**

[ASSENTED TO 17 JUNE, 1988]

[DATE OF COMMENCEMENT: 1 JULY, 1989]

(Afrikaans text signed by the State President)

as amended by

Housing Development Schemes for Retired Persons Amendment Act,
No. 20 of 1989

Housing Development Schemes for Retired Persons Amendment Act,
No. 70 of 1990

Housing Development Schemes for Retired Persons Amendment Act,
No. 66 of 1991

ACT

To regulate the alienation of certain interests in housing development schemes for retired persons; and to provide for matters connected therewith.

1. Definitions.—In this Act, unless the context indicates otherwise—

“alienate”, in relation to a housing interest, means—

- (a) sell, exchange, lease, donate, grant or otherwise dispose of or place at disposal;
or
- (b) the making of an irrevocable offer to acquire the interest for consideration;

“architect” means an architect as defined in section 1 of the Architects Act, 1970 (Act No. 35 of 1970);

“consideration”, in relation to the alienation of a housing interest, means the purchase price and interest thereon (but excluding occupational interest), rent or other consideration which is payable or must be rendered in terms of the contract concerned;

“contract” means a document in terms of which a housing interest is alienated to a retired person, and includes any agreement or agreements which together have the same import, whatever form the agreement or agreements may take;

“debilitated person” means a debilitated person as defined in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967);

“developer”—

- (a) means a share block developer as defined in section 1 of the Share Blocks Control Act;
- (b) means a developer as defined in section 1 (1) of the Sectional Titles Act;
- (c) in relation to a housing interest, includes any person, or his agent or successor-in-title, who alienates the interest for the first time;

“development scheme” means a development scheme as defined in section 1 (1) of the Sectional Titles Act;

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“**estate agent**” means an estate agent as defined in section 1 of the Estate Agents Act, 1976 (Act No. 112 of 1976);

“**housing development scheme**” means any scheme, arrangement or undertaking—

- (a) in terms of which housing interests are alienated for occupation contemplated in section 7, whether the scheme, arrangement or undertaking is operated pursuant to or in connection with a development scheme or a share block scheme or membership of or participation in any club, association, organization or other body, or the issuing of shares, or otherwise, but excluding a property time-sharing scheme; or

[Para. (a) substituted by s. 1 of Act No. 20 of 1989.]

- (b) declared a housing development scheme by the Minister by notice in the *Gazette* for the purposes of this Act;

“**housing interest**”, in relation to a housing development scheme, means any right to claim transfer of the land to which the scheme relates, or to use or occupy that land;

“**insolvent**” means—

- (a) any person whose estate is under sequestration in terms of the Insolvency Act, 1936 (Act No. 24 of 1936);
- (b) any insolvent deceased estate which is being dealt with in terms of section 34 (2) of the Administration of Estates Act, 1965 (Act No. 66 of 1965);
- (c) any juristic person in liquidation which is unable to pay its debts;
- (d) any person whose estate is being dealt with in terms of section 28 (5) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);

“**land**”, in relation to a housing development scheme, means land which is used or intended to be used mainly for residential purposes, including any unit and any undivided share in land;

“**levy**” means the amount payable as a contribution to the costs of the control, management and administration of a housing development scheme;

“**Minister**” means the Minister of Economic Affairs and Technology;

“**practitioner**” means a practitioner as defined in section 1 of the Attorneys Act, 1979 (Act No. 53 of 1979);

“**property time-sharing scheme**” means a property time-sharing scheme as defined in section 1 of the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983);

“**purchaser**” means any person to whom a housing interest is alienated in terms of a contract;

“**quantity surveyor**” means a quantity surveyor as defined in section 1 of the Quantity Surveyors Act, 1970 (Act No. 36 of 1970);

“**registrable**”, in relation to land, means capable of being registered as the subject of a separate title deed in a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in that the requirements of any law relating to such registration have been complied with;

“**regulation**” means a regulation made under section 11;

“**retired person**” means a person who is 50 years of age or older;

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“right of occupation” means the right of a purchaser of a housing interest—

- (a) which is subject to the payment of a fixed or determinable sum of money by way of a loan or otherwise, payable in one amount or in instalments, in addition to or in lieu of a levy, and whether or not such a sum of money is in whole or in part refundable to the purchaser or any other person or to the estate of the purchaser or of such other person; and
- (b) which confers the power to occupy a portion in a housing development scheme for the duration of the lifetime of the purchaser or, subject to section 7, any other person mentioned in the contract in terms of which the housing interest is acquired, but without conferring the power to claim transfer of the ownership of the portion to which the housing interest relates;

[Definition of “right of occupation” inserted by s. 1 of Act No. 70 of 1990. Para. (b) substituted by s. 1 of Act No. 66 of 1991.]

“Sectional Titles Act” means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

“seller” means any person who alienates a housing interest in terms of a contract;

“share block scheme” means a share block scheme as defined in section 1 of the Share Blocks Control Act;

“Share Blocks Control Act” means the Share Blocks Control Act, 1980 (Act No. 59 of 1980);

“this Act” includes the regulations;

“unit” means a unit as defined in section 1 (1) of the Sectional Titles Act.

2. **Formalities in respect of contracts.**—(1) No alienation of a housing interest to a retired person shall, subject to section 8 (2), be of any force or effect, unless it is contained in a contract signed by the parties thereto or by their agents acting on their written authority.

(2) The provisions of subsection (1) relating to the signature by the agent of a party acting on the written authority of the party, shall not derogate from any law relating to the conclusion of a contract in writing by a person professing to act as agent or trustee for a company or close corporation not yet formed.

3. **Language in which contract shall be drawn up.**—The purchaser in relation to a contract is entitled to choose the official language in which the contract shall be drawn up.

4. **Contents of contract.**—(1) Without derogating from the requirements of any other law, a contract, if the seller concerned is a developer, shall contain the following:

- (a) The names of the purchaser and the seller and their residential or business addresses in the Republic;
- (b) a concise description of the legal basis upon which the housing interest concerned is to be alienated;
- (c) the duration of the housing interest and any other limitations thereon;
- (d) a statement as to whether the housing interest is registrable;
- (dA) a statement as to whether the title deed of the land has been endorsed as referred to in section 4C;

[Para. (dA) inserted by s. 2 (a) of Act No. 70 of 1990.]

- (e) a description of the land concerned, including the erf and unit member (if any), the extent thereof and the magisterial district in which it is situated;
- (f) a statement as to whether the land is held by the seller by virtue of ownership or otherwise;

- (g) if the seller is not the owner of the land—
 - (i) the name and address of the owner;
 - (ii) the nature of the seller's right to the land;
 - (iii) the period for which the right is being held;
 - (iv) the obligations (if any) of the seller, arising from the right; and
 - (v) a statement of the place where and the hours during which a document which confirms the existence of the right, or a certified copy thereof, may be inspected;
- (h) if the land is encumbered by a mortgage bond—
 - (i) the name and address of the person in favour of whom, or, in the case of a participation bond, the name and address of the relevant nominee company contemplated in the Participation Bonds Act, 1981 (Act No. 55 of 1981), in favour of which, the mortgage bond is registered at the time the contract is concluded; and
 - (ii) the outstanding balance owing by the mortgagor in terms of the mortgage bond;
- (hA) in the case of a housing interest consisting of a right of occupation, the amount, if any, of the consideration payable by the purchaser which will be applied by the seller in reduction of the outstanding balance owing by the mortgagor in terms of the mortgage bond;
[Para. (hA) inserted by s. 2 (b) of Act No. 70 of 1990.]
- (i) the amount or nature of the consideration concerned;
- (j) the annual rate at which interest (if any) is to be paid on any balance in respect of the consideration;
- (k) the amount, or the method of determining the amount, of each instalment payable in terms of the contract in reduction or settlement of the consideration concerned (if any);
- (l) the due date, or the method of determining the due date, of each such instalment;
- (m) if a certificate contemplated in section 6 (1) has not been issued at the time the contract is concluded, the latest date by which such certificate, subject to subsection (2), will be issued and furnished to the purchaser;
- (n) a statement of the place where and the hours during which rules (if any), in accordance with which the housing interest concerned is to be utilized, may be inspected;
- (o) a statement—
 - (i) of the location, nature and extent of any facilities or services which are to be provided or rendered in connection with the housing interest concerned;
 - (ii) of the rights and obligations of the purchaser in connection with the utilization of those facilities or services;
 - (iii) without derogating from the above, as to whether any such facility or service provides for the care of debilitated persons; and
 - (iv) of the date by which the facilities or services contemplated in subparagraphs (i) and (iii) will be provided or rendered;
- (p) a statement of the official language chosen by the purchaser under section 3;

- (q) the date on which the purchaser will become entitled to utilize the housing interest;
- (r) if applicable, the date upon which the risk of the housing interest will pass to the purchaser;
- (s) a statement of the obligation (if any) of either the seller or the purchaser to insure the subject matter of the contract;
- (t) a statement—
 - (i) of any amount which in terms of any law is payable in respect of the land as endowment, betterment or enhancement levy, a development contribution or any similar imposition, and an indication of the person to whom and the person by whom it is payable; or
 - (ii) that no amount contemplated in subparagraph (i) is payable in respect of the land, if such is the case;
- (u) an indication of the party who is liable for the payment of the costs of the drafting of the contract and (if applicable) the transfer of the land;
- (v) if the seller is the owner of the land, an undertaking by him that the land will not be encumbered or further encumbered by a mortgage bond, as the case may be;
- (w) if applicable, the period within which the purchaser is obliged or may be compelled to take transfer of the land against simultaneous payment of all amounts owed by him in terms of the contract;
- (x) an estimate, for a period of three years in advance, of all expenditure for the control, management and administration of the housing development scheme and all services and facilities concerned, and an indication of the person or persons who will be liable for the payment thereof, and a statement that over and above any levy contemplated in paragraph (y), the purchaser will not be liable for the payment of any such expenditure;
- (y) a statement of the basis upon which any levy payable by the purchaser is to be calculated, and an estimate, for a period of two years in advance, of the amount of the levy;
- (z) a reference to the rights and remedies of the purchaser in terms of subsection (3) and sections 8 and 9;
- (aa) a statement as to the percentage of the total number of housing interests in the housing development scheme concerned which is reserved for alienation to retired persons only;
- (bb) a concise outline of the management structure or proposed management structure of the housing development scheme concerned;
- (cc) such further particulars as may be prescribed by regulation.

(2) The date stated in a contract in terms of subsection (1) (m), shall not be later than two years from the date of conclusion of the contract.

(3) If, for any reason whatsoever, the seller is unable, by the date referred to in subsection (1) (m), to furnish the certificate referred to in that subsection, the purchaser may cancel the contract, in which event the parties shall be entitled to the relief provided for in section 8, or the purchaser may abide by the contract, in which event no interest shall be payable by him in terms of the contract as from the date in question until such time as the certificate is furnished to him.

(4) The date stated in a contract in terms of subsection (1) (r), shall not be earlier than the date stated in terms of subsection (1) (q).

- (5) A provision in a contract whereby—
- (a) any person who acted on behalf of the seller in connection with the conclusion of the contract or the negotiations which preceded the conclusion of the contract, is appointed or is deemed to have been appointed as the agent of the purchaser;
 - (b) the seller is exempted from liability for any act, omission or representation by any person acting on his behalf;
 - (c) the liability of the seller to indemnify the purchaser against eviction is restricted or excluded;
 - (d) the purchaser binds himself in advance to agree to an assignment by the seller of his obligations in terms of a contract,

shall be null and void.

(6) A rouwkoop stipulation in a contract in terms of which the purchaser is deemed to have terminated the contract on account of any act or omission on his part and he, in consequence thereof, is liable for any forfeiture or for the payment of a penalty or damages or for the delivery or performance of anything, or any other stipulation of like import, shall be subject to the Conventional Penalties Act, 1962 (Act No. 15 of 1962), as if that stipulation were a penalty stipulation contemplated in that Act.

4A. Right of occupation shall confer same right as registered lease.—The holder of a right of occupation shall for the purposes of any law have the same rights as those conferred on a lessee in terms of a lease as contemplated in section 1 (2) of the Formalities in respect of Leases of Land Act, 1969 (Act No. 18 of 1969), registered against the title deed of the leased land, and such rights shall rank in priority over any other right whether or not such other right has been registered or endorsed against the title deed and irrespective of the time when such other right was registered or endorsed.

[S.4A inserted by s. 3 of Act No. 70 of 1990.]

4B. Alienation of land subject to right of occupation.—Unless at least 75 per cent of the holders of rights of occupation in a housing development scheme consent thereto the land concerned may not be alienated free from such rights: Provided that the holders of the rights of occupation shall in the case of such an alienation have preferent claims in respect of the proceeds of the sale of land, which claims shall, notwithstanding the provisions of any other law—

- (a) rank in priority over the claim of any mortgagee; and
- (b) be equal to the amount paid in terms of paragraph (a) of the definition of right of occupation.

(2) Any alienation taking place without the consent of the holders as contemplated in subsection (1) shall be null and void.

[S. 4B inserted by s. 3 of Act No. 70 of 1990.]

4C. Alienation of right of occupation shall be subject to endorsement against title deed.—(1) (a) No developer shall alienate a right of occupation in relation to a housing interest which originated as from the commencement of the Housing Development Schemes for Retired Persons Amendment Act, 1990, or enter into an agreement having such effect or purporting to have such effect, unless the title deed of the land concerned to which such right relates, has, with the consent of the owner of that land and, if the land is encumbered by a mortgage bond, the consent of the mortgagee, or, in the case of a participation bond, the consent of the nominee company concerned as contemplated in the Participation Bonds Act, 1981 (Act No. 55 of 1981), in whose favour the bond is registered, been endorsed by a registrar as defined in section 102 of the Deeds Registration Act, 1937 (Act No. 47 of 1937), to the effect that such land is subject to a housing development scheme.

(b) For the purposes of paragraph (a) it shall be deemed that a right of occupation in relation to a housing interest originates as soon as a developer alienates the first right of occupation in a housing development scheme.

(2) The provisions of subsection (1) do not preclude any developer who is not compelled to comply with the provisions of that subsection, to apply to the registrar concerned that the title deed of land in respect of which he has alienated a right of occupation in relation to a housing interest, be endorsed to the effect that such land is subject to a housing development scheme.

(3) The registrar concerned shall, on receipt of an application in the form prescribed by regulation after consultation with the chief registrar of deeds, make such endorsements as he may deem necessary so as to give effect to the provisions of subsections (1) and (2), and no office fee or other charge shall be payable to the registrar in respect of such endorsement.

(4) Any person contravening the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment.

[S. 4C inserted by s. 3 of Act No. 70 of 1990.]

5. Facilities for care of debilitated persons deemed to be homes for the aged.—If any facility contemplated in section 4 (1) (o) is to be maintained mainly for the care of debilitated persons, the facility shall be deemed to be a home for the aged as defined in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967), and sections 3 and 4 of that Act shall apply *mutatis mutandis* in respect of that facility.

6. Restriction on receipt of consideration.—(1) Subject to subsection (3) and notwithstanding any other law, no developer may by virtue of a contract receive any consideration or any part thereof, unless—

(a) an architect or a quantity surveyor has issued a certificate that the housing development scheme concerned has been erected substantially in accordance with any applicable officially approved building plans and townplanning scheme and applicable local authority by-laws, and is sufficiently completed for the purposes of utilization of the housing interest concerned;

(b) a copy of that certificate and a copy of the contract have been furnished to the purchaser concerned; and

[Para. (b) substituted by s. 4 (b) of Act No. 70 of 1990.]

(c) in the case where a housing interest includes a right of occupation, a practitioner has issued a certificate that the title deed of the land to which the right of occupation relates, has been endorsed as contemplated in section 4C, in so far as endorsement is required by that section, and a copy of that certificate has been furnished to the purchaser concerned.

[Para. (c) added by s. 4 (c) of Act No. 70 of 1990.]

(2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment.

[Sub-s. (2) amended by s. 4 (d) of Act No. 70 of 1990.]

(3) Subsection (1) shall not apply to the receipt of any amount—

(a) which the purchaser by virtue of a contract entrusts to a practitioner or an estate agent in his capacity as such, to be kept, for the benefit of the developer, in the trust account of the practitioner or estate agent until the provisions of subsection (1) have been complied with; or

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- (b) which by virtue of a contract is paid to the developer if, before such payment, the purchaser was furnished with an irrevocable and unconditional guarantee by a banking institution registered otherwise than provisionally under the Banks Act, 1965 (Act No. 23 of 1965), a mutual building society registered otherwise than provisionally under the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), a building society registered otherwise than provisionally under the Building Societies Act, 1986 (Act No. 82 of 1986), or a registered insurer as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943), in terms of which the banking institution, mutual building society, building society or insurer undertakes to repay the said amount to the purchaser, if the provisions of subsection (1) are not being complied with.

[Sub-s. (3) substituted by s. 4 (e) of Act No. 70 of 1990.]

(4) If, in the circumstances contemplated in subsection (3), the developer becomes an insolvent before the provisions of subsection (1) have been complied with, any amount kept in a trust account in terms of paragraph (a) of subsection (3) or the repayment of which was guaranteed in terms of paragraph (b) of that subsection, shall immediately become payable to the purchaser concerned by the practitioner, estate agent, banking institution, mutual building society, building society or insurer concerned.

[Sub-s. (4) substituted by s. 4 (e) of Act No. 70 of 1990.]

7. Limitation of occupation of land to which housing interest relates.—(1) After a housing interest has been transferred to or has otherwise been vested in a person by virtue of a contract, no person other than a retired person or the spouse of a retired person may occupy the land to which that housing interest relates, except with the written consent of all the holders of housing interests in the housing development scheme concerned.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment.

[S. 7 substituted by s. 2 of Act No. 20 of 1989.]

8. Consequences of contracts which are void or are cancelled.—(1) Notwithstanding any other law, but subject to any power that a court may have and subject to subsection (2), any person who has performed partially or in full in terms of a contract which is of no force or effect in terms of section 2 (1) or which has been declared void or has been cancelled under this Act, is entitled to recover from the other party what he has performed in terms of the contract, and, if the seller concerned is a developer—

- (a) the purchaser may in addition recover from the developer—
- (i) interest at the rate prescribed by regulation on any payment that he made in terms of the contract, from the date of the payment to the date of recovery;
 - (ii) a reasonable compensation for—
 - (aa) necessary expenditure he had incurred, with or without the authority of the owner of the land concerned or of the developer, in relation to the preservation of the land; or
 - (bb) any improvement which enhances the market value of the land and was effected by him with the express or implied consent of the said owner or developer; and
- (b) the developer may in addition recover from the purchaser—
- (i) a reasonable compensation for the occupation or utilization the purchaser may have had of the land;

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- (ii) compensation for any damage caused intentionally or negligently to the land by the purchaser or any person for whose actions the purchaser may be liable.

(2) Any alienation which does not comply with section 2 (1), shall in all respects be valid *ab initio* if the purchaser has in terms of the alienation rendered the full compensation and the land concerned has been transferred to the purchaser or the housing interest concerned has otherwise been vested in him.

9. Relief that court may grant in respect of contracts.—(1) Notwithstanding any other law, but subject to any other power that a court may have, if a contract does not substantially comply with sections 3 and 4 (1), or if a seller has failed to meet any obligation under a contract or has contravened or has failed to comply with any provision of a regulation, and a purchaser proves that he has in consequence thereof suffered any prejudice, a court in whose area of jurisdiction the land to which the contract relates is situated, provided appropriate proceedings are instituted by the purchaser within a period of three years from the date upon which the contract was concluded, is competent—

- (a) to reduce the rate of interest payable to the seller in terms of the contract to such rate as it may deem just and equitable in the circumstances;
- (b) to grant an order for rectification of the contract;
- (c) to declare the contract to be void *ab initio*, or
- (d) to grant such alternative relief as it may deem fit.

(2) A magistrate's court shall, notwithstanding the value of the housing interest concerned, have jurisdiction to grant any relief contemplated in subsection (1).

10. Exemption from operation of provisions of Act.—The Minister may, by notice in the *Gazette* or by written notice sent by post or handed over, and subject to such conditions as he may determine, exempt any person, including any company or other juristic person or class of such persons, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act.

[S. 10 repealed by s. 3 of Act No. 20 of 1989 and inserted by s. 5 of Act No. 70 of 1990.]

11. Regulations.—(1) The Minister may make regulations—

- (a) prescribing the information to be contained in any advertisement in connection with the alienation of a housing interest;
- (b) prescribing the information which should be disclosed in writing by a developer to a purchaser before the signature of a contract by the purchaser;
- (c) regarding the alienation of housing interests and the control over and the operation of housing development schemes, including the payment of levies and the establishment of levy funds;
- (d) regulating advertising in connection with any housing development scheme and on such conditions as the Minister may determine, or prohibit such advertising;
[Para. (d) substituted by s. 6 (a) of Act No. 70 of 1990.]
- (e) regarding the establishment and utilization of facilities or services contemplated in section 4 (1) (c);
- (f) prescribing the rate of interest for the purposes of section 8 (1) (a) (i);
- (g) prescribing that the whole or any part of the Alienation of Land Act, 1981 (Act No. 68 of 1981), shall or shall not apply to the alienation of housing interests or to specified categories of housing interests;

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- (h) regarding any matter which is required or permitted to be prescribed by regulation, or is considered necessary or expedient to be so prescribed in order to achieve the objects of this Act;
- (i) prescribing the formalities for an application for an endorsement in terms of section 4C, the persons by whom such application may be prepared and the fees payable in respect of such application.

[Para. (i) added by s. 6 (b) of Act No. 70 of 1990.]

(2) A regulation may prescribe penalties for a contravention thereof or failure to comply therewith, not exceeding a fine of R12 000 or imprisonment for a period of three years.

[Sub-s. (2) amended by s. 6 (c) of Act No. 70 of 1990.]

(3) A regulation under paragraph (c) or (e) of subsection (1) may provide for the application thereof also in respect of housing development schemes erected at any time before the commencement of this Act.

12. Short title and commencement.—This Act shall be called the Housing Development Schemes for Retired Persons Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

**HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS
AMENDMENT ACT
NO. 70 OF 1990**

[ASSENTED TO 21 JUNE, 1990]

[DATE OF COMMENCEMENT: 29 JUNE, 1990]

(English text signed by the State President)

ACT

To amend the Housing Development Schemes for Retired Persons Act, 1988, so as to define right of occupation; to make further provision concerning the contents of a contract in terms of which a housing interest is alienated to a retired person; to provide that land subject to a right of occupation may only in certain circumstances be alienated; to provide that a developer may not alienate a right of occupation in relation to a housing interest which originated after a certain date unless the title deed of the land concerned has been endorsed to the effect that the land forms the subject of a housing development scheme; to provide for exemption from the operation of the provisions of the said Act; to extend the powers of the Minister to make regulations; and to increase certain fines; and to provide for incidental matters.

1. Amends section 1 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, by inserting the definition of "right of occupation".

2. Amends section 4 (1) of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, as follows:—paragraph (a) inserts paragraph (dA); and paragraph (b) inserts paragraph (hA).

3. Inserts sections 4A, 4B and 4C in the Housing Development Schemes for Retired Persons Act, No. 65 of 1988.

4. Amends section 6 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, as follows:—paragraph (a) deletes the word "and" at the end of subsection (1) (a); paragraph (b) substitutes subsection (1) (b); paragraph (c) adds subsection (1) (c); paragraph (d) substitutes in subsection (2) the expression "R20 000" for the expression "R10 000"; and in paragraph (e) substitutes subsections (3) and (4).

5. Inserts section 10 in the Housing Development Schemes for Retired Persons Act, No. 65 of 1988.

6. Amends section 11 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, as follows:—paragraph (a) substitutes subsection (1) (d); paragraph (b) adds subsection (1) (i); and paragraph (c) substitutes in subsection (2) the expression "R12 000" for the expression "R6 000".

7. **Short title.**—This Act shall be called the Housing Development Schemes for Retired Persons Amendment Act, 1990.

**HOUSING DEVELOPMENT SCHEMES FOR RETIRED
PERSONS AMENDMENT ACT
NO. 20 OF 1989**

[ASSENTED TO 14 MARCH, 1989]

[DATE OF COMMENCEMENT: 23 MARCH, 1989]

(Afrikaans text signed by the acting State President)

ACT

To amend the Housing Development Schemes for Retired Persons Act, 1988, so as to amend the definition of "housing development scheme"; to provide that land subject to a housing interest may be occupied only by a retired person or the spouse of a retired person; and to repeal section 10 of the Act; and to provide for incidental matters.

1. Amends section 1 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, by substituting paragraph (a) of the definition of "housing development scheme".

2. Substitutes section 7 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988.

3. Repeals section 10 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988.

4. **Short title.**— This Act shall be called the Housing Development Schemes for Retired Persons Amendment Act, 1989.

**HOUSING DEVELOPMENT SCHEMES FOR RETIRED
PERSONS AMENDMENT ACT
NO. 66 OF 1991**

[ASSENTED TO 14 MAY, 1991]

[DATE OF COMMENCEMENT: 22 MAY, 1991]

(Afrikaans text signed by the State President)

ACT

To amend the Housing Development Schemes for Retired Persons Act, 1988, so as to rectify a certain definition.

- 1.** Amends section 1 of the Housing Development Schemes for Retired Persons Act, No. 65 of 1988, by substituting paragraph *(b)* of the definition of “right of occupation”.
 - 2. Short title.**—This Act shall be called the Housing Development Schemes for Retired Persons Amendment Act, 1991.
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- (2) The restriction contained in subregulation (1) shall not apply to the apparatus used on board ships for establishing communication via any satellite of the INMARSAT organization.

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 1351

30 June 1989

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988

The Minister of Economic Affairs and Technology has, in terms of section 11 of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulations contained in the Schedule.

SCHEDULE

1. In these regulations any word to which a meaning has been assigned in the Act shall have that meaning and unless the context otherwise indicates—

(i) "accommodation" means a section as defined in the Sectional Titles Act, set aside for the exclusive occupation of or use by a purchaser in terms of a housing interest, or otherwise, any building or part of a building or such land set aside for the exclusive occupation of or use by a purchaser in terms of a housing interest;

(ii) "common property" means in relation to a housing development scheme operated pursuant to or in connection with—

(a) a development scheme, common property as defined in the Sectional Titles Act;

(b) otherwise, the land to which the housing development scheme relates, together with all buildings, permanent structures and works erected on or installed upon such land, but excluding any building or part of a building or such land set aside for the exclusive occupation of or use by a purchaser in terms of a housing interest;

(iii) "facilities and services" means the facilities and services referred to in section 4 (1) (o) of the Act including any facility or service or improvement to an existing facility or service provided by virtue of a decision of the management association, or a body corporate as defined in the Sectional Titles Act, or share block company as defined in the Share Blocks Control Act, or a developer, or otherwise, as the case may be;

(iv) "managing agent" means the person appointed by a developer, or in the case of a development scheme by a body corporate as defined in the Sectional Titles Act, or in the case of a share block scheme by a share block company as defined in the Share Blocks Control Act, or a management association, as the case may be, to manage a housing development scheme in terms of a management agreement;

(v) "management agreement" means a signed agreement by which a managing agent is appointed and which prescribes the manner in which a managing agent shall manage the housing development scheme;

(vi) "management association" means an association as provided for in regulation 8;

(vii) "special resolution" means a resolution passed by a majority of not less than three fourths of the votes of all purchasers, at a general meeting of which at least 14 days notice specifying the proposed special resolution has been given; and

- (2) Die beperking vervat in subregulasie (1) is nie van toepassing op die apparaat aan boord van skepe wat gebruik word om kommunikasie via enige satelliet van die INMARSAT-organisasie te bewerkstellig nie.

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 1351

30 Junie 1989

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988

Die Minister van Ekonomiese Sake en Tegnologie het, kragtens artikel 11 van die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

1. In hierdie regulasies het enige woord waaraan 'n betekenis in die Wet geheg is die betekenis aldus daaraan geheg en tensy 'n ander bedoeling blyk, beteken—

(i) "akkommodasie" 'n deel soos omskryf in die Wet op Deeltitels, wat opsy gesit is vir die uitsluitlike okkupasie of gebruik deur 'n koper ingevolge 'n behuisingsbelang, of andersins enige gebou of gedeelte van 'n gebou of sodanige grond wat opsy gesit is vir die uitsluitlike okkupasie of gebruik deur 'n koper ingevolge 'n behuisingsbelang;

(ii) "bestuursagent" die persoon aangestel deur 'n ontwikkelaar, of in die geval van 'n ontwikkelingskema deur die regs persoon soos omskryf in die Wet op Deeltitels, of in die geval van 'n aandeelblokskema deur 'n aandeelbloksmaatskappy soos omskryf in die Wet op die Beheer van Aandeelblokke, of 'n bestuursvereniging, na gelang van die geval, om 'n behuisingsontwikkelingskema ingevolge 'n bestuurs-ooreenkoms te bestuur;

(iii) "bestuurs-ooreenkoms" 'n getekende ooreenkoms waardeur 'n bestuursagent aangestel word en wat die wyse voorskryf, waarvolgens 'n bestuursagent 'n behuisingsontwikkelingskema moet bestuur;

(iv) "bestuursvereniging" 'n vereniging soos waarvoor in regulasie 8 voorsiening gemaak word;

(v) "die Wet" die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988);

(vi) "fasiliteite en dienste" die fasiliteite en dienste na verwys in artikel 4 (1) (o) van die Wet, insluitend enige fasiliteit of diens of verbetering aan 'n bestaande fasiliteit of diens wat kragtens 'n besluit van die bestuursvereniging verskaf word, of 'n regs persoon soos omskryf in die Wet op Deeltitels, of 'n aandeelbloksmaatskappy soos omskryf in die Wet op die Beheer van Aandeelblokke, of 'n ontwikkelaar, of andersins, na gelang van die geval;

(vii) "gemeenskaplike eiendom" met betrekking tot 'n behuisingsontwikkelingskema bedryf uit hoofde van of in verband met—

(a) 'n ontwikkelingskema, gemeenskaplike eiendom soos omskryf in die Wet op Deeltitels;

(b) andersins, die grond waarop die behuisingsontwikkelingskema betrekking het, saam met alle geboue, permanente bouwerk en werke opgerig op of geïnstalleer op sulke grond, uitgesonderd enige gebou of deel van 'n gebou of sodanige grond wat opsy gesit is vir die uitsluitlike okkupasie of gebruik deur 'n koper kragtens 'n behuisingsbelang; en

(viii) "the Act" means the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988).

2. Regulations 7 to 14 shall not apply to a housing development scheme operated pursuant to or in connection with a development scheme or a share block scheme.

3. If a housing interest is to be offered for alienation or alienated for the first time, any advertisement relating to such alienation shall contain—

(a) information describing the type or types of accommodation concerned, such as a detached dwelling, semi-detached dwelling, town-house, self-contained apartment, lodging room or similar description adequate to disclose its true nature;

(b) a statement of the legal basis upon which the housing interest concerned is to be alienated;

(c) a statement whether the housing development scheme concerned has been erected or not, and if not, when it will be erected;

(d) the physical address of the housing development scheme; and

(e) a statement whether the scheme, arrangement or undertaking is a housing development scheme as contemplated by the Act.

4. An advertisement referred to in regulation 3, shall not differ materially from the contents of a contract.

5. A developer of a housing development scheme shall, prior to the signing of a contract by a purchaser, have the following written information or documents, as the case may be, readily available for the benefit of or for inspection by an intended purchaser, at all premises from which housing interests in a particular housing development scheme are being alienated—

(a) information as contemplated in regulation 3;

(b) the site development plan, floor lay-out and in the event of the building relating to the particular housing development scheme not being completed, a copy of the building plans approved by the local authority concerned, if any;

(c) a copy of the complete contract to be signed;

(d) a copy of the then in force management agreement;

(e) the floor area in square metres of the accommodation;

(f) a statement specifically as to whether or not the housing interest will convey ownership rights capable of registration in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937), or the Sectional Titles Act, and if not, then a further statement as to what form of security is provided by the developer to ensure utilisation of the housing interest by the purchaser, and a description of the right in and to the housing interest, and to whom such rights devolve upon the death of a purchaser, who is a natural person, or the dissolution of a purchaser, who is a juristic person, as the case may be;

(g) a statement as to whether the land relating to the housing development scheme is held under ownership or leasehold and if leasehold, the number of years during which the housing interest concerned could be utilised by the purchaser in relation to his particular housing interest;

(viii) "spesiale besluit" 'n besluit geneem deur 'n meerderheid van minstens driekwart van die stemme van alle kopers, op 'n algemene vergadering waarvan minstens veertien dae kennis, waarin die voorgenome spesiale besluit vermeld word, gegee is.

2. Regulasies 7 tot 14 is nie van toepassing op 'n behuisingsontwikkelskema wat bedryf word uit hoofde van of in verband met 'n ontwikkelingskema of 'n aandeelblokskema nie.

3. Indien 'n behuisingsbelang vir die eerste keer vir vervreemding aangebied of vervreem word, moet enige advertensie met betrekking tot sodanige vervreemding die volgende bevat—

(a) inligting wat die tipe of tipes akkommodasie omskryf soos 'n alleenstaande woning, semi-alleenstaande woning, meenthuis, volledig toegeruste woonstel, losieskamer of soortgelyke omskrywing wat voldoende is om die ware aard daarvan bekend te maak;

(b) 'n verklaring met betrekking tot die regsbasis waarvolgens die betrokke behuisingsbelang vervreem staan te word;

(c) 'n verklaring of die betrokke behuisingsontwikkelskema reeds opgerig is en indien nie, die beoogde datum van sodanige oprigting;

(d) die fisiese adres van die behuisingsontwikkelskema; en

(e) 'n verklaring of die skema, reëling of onder-neming 'n behuisingsontwikkelskema is soos deur die Wet beoog.

4. 'n Advertensie na verwys in regulasie 3, mag nie wesenlik afwyk van die inhoud van 'n kontrak nie.

5. 'n Ontwikkelaar van 'n behuisingsontwikkelskema moet, voor die ondertekening van 'n kontrak deur 'n koper, die volgende skriftelike inligting of dokumente, na gelang van die geval, by alle persele vanwaar behuisingsbelange in 'n betrokke behuisingsontwikkelskema vervreem word, geredelik beskikbaar hou tot die voordeel van of vir inspeksie deur 'n voornemende koper—

(a) inligting soos beoog in regulasie 3;

(b) die terreinontwikkelsplan, vloeruitleg en in die geval waar die gebou met betrekking tot 'n spesifieke behuisingsontwikkelskema nog nie voltooi is nie, 'n afskrif van die bouplanne soos deur die betrokke plaaslike owerheid goedgekeur, indien enige;

(c) 'n afskrif van die voltooide kontrak wat geteken moet word;

(d) 'n afskrif van die bestaande bestuursooreenkoms;

(e) die vloerarea in vierkante meter van die akkommodasie;

(f) 'n spesifieke verklaring of die behuisingsbelang eiendomsreg wat vatbaar is vir registrasie ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of die Wet op Deeltitels, oordra of nie en indien nie, 'n verdere verklaring in verband met watter tipe waarborg deur die ontwikkelaar verskaf word ten einde benutting van die behuisingsbelang deur die koper te verseker, en 'n beskrywing van die reg in en verbonde aan die behuisingsbelang, en aan wie sodanige regte toeval na die dood van die koper wat 'n natuurlike persoon is of na die ontbinding van 'n regpersoon, na gelang van die geval;

(g) 'n verklaring of die grond met betrekking tot die behuisingsontwikkelskema ingevolge eiendomsreg of huurpag gehou word en indien ingevolge huurpag, die aantal jare waartydens die betrokke behuisingsbelang deur die koper ten opsigte van sy spesifieke behuisingsbelang, benut mag word;

(h) a description of the land relating to the relevant housing interest;

(i) in the event of the land being held by the seller by virtue of a lease, the name and address of the lessor and a copy of such lease, as well as the duration of the lease and in the event of the land being held by virtue of any right other than a lease, a statement of the right under which the seller holds the land, and the duration of such right;

(j) if the seller is not the owner, the name and address of the registered owner of the land;

(k) a statement as to whether the developer has any direct or indirect interest in the managing agent;

(l) if the land is encumbered by a mortgage bond, the name and address of the person in favour of whom, or, in the case of a participation bond, the name and address of the relevant nominee company referred to in the Participation Bonds Act, 1981 (Act No. 55 of 1981), in favour of which the mortgage bond is registered at the time the contract is concluded as well as the amount or amounts of such bond or bonds, and when the capital and interest due in terms of the mortgage bond is payable;

(m) the amount and nature of the consideration;

(n) the annual rate at which interest, if any, is to be paid on any balance in respect of the relevant consideration;

(o) the amount, or the method of determining the amount, of each instalment which would be payable under the contract in reduction or settlement of the relevant consideration;

(p) the due date, or the method of determining the due date, of each such instalment;

(q) an inventory of the minimum movables, if any, which will be available for use by the purchaser in conjunction with the housing interest concerned;

(r) a detailed projection of the estimated income and expenditure in respect of the operation and maintenance of the housing development scheme for one year in advance including a reasonable provision for future maintenance and repairs, certified as adequate by both the developer and the managing agent;

(s) a statement as to the age of the accommodation;

(t) in the case of a housing development scheme operated pursuant to or in connection with a development scheme, the management and conduct rules in terms of the Sectional Titles Act, or in the case of a housing development scheme operated pursuant to or in connection with a share block scheme, the use agreement as defined in the Share Blocks Control Act or any rules, regulations or otherwise, in accordance with which the housing interest concerned is to be utilised, or otherwise, the rules referred to in regulation 9 (1) (o);

(h) 'n beskrywing van die grond met betrekking tot die betrokke behuisingsbelang;

(i) in die geval van grond wat deur die verkoper ooreenkomstig 'n huurooreenkoms gehou word, die naam en adres van die verhuurder asook 'n afskrif van sodanige huurooreenkoms, sowel as die tydsduur van die huurooreenkoms en indien die grond kragtens enige ander reg as 'n huurooreenkoms gehou word, 'n verklaring met betrekking tot die reg waarkragtens die grond deur die verkoper gehou word, en die tydsduur van sodanige reg;

(j) indien die verkoper nie die eienaar is nie, die naam en adres van die geregistreerde eienaar van die grond;

(k) 'n verklaring of die ontwikkelaar enige regstreekse of onregstreekse belang in die bestuursagent het;

(l) indien die grond deur 'n verband beswaar is, die naam en adres van die persoon, ten gunste van wie of in die geval van 'n deelnemingsverband, die naam en adres van die betrokke genomineerde maatskappy soos bedoel in die Wet op Deelnemingsverbande, 1981 (Wet No. 55 van 1981), ten gunste van wie die verband geregistreer is ten tye van die sluiting van die kontrak, asook die bedrag of bedrae van sodanige verband of verbande en wanneer die kapitaal en rente verskuldig ingevolge die verband, betaalbaar is;

(m) die bedrag en aard van die teenprestasie;

(n) die jaarlikse koers waarteen rente, indien enige, op enige balans ten opsigte van die betrokke teenprestasie, betaalbaar is;

(o) die bedrag of die metode waarvolgens die bedrag bepaal word, van elke paaient wat ingevolge die kontrak ter vermindering of vereffening van die betrokke teenprestasie betaalbaar sal wees;

(p) die vervaldatum of die wyse van bepaling van die vervaldatum, van elke sodanige paaient;

(q) 'n inventaris van die minimum roerende goed, indien enige, wat vir gebruik deur die koper tesame met die betrokke behuisingsbelang beskikbaar sal wees;

(r) 'n gedetailleerde vooruitskatting van die verwagte inkomste en uitgawes ten opsigte van die bedryf en instandhouding van die behuisingsontwikkelingskema vir een jaar vooruit met insluiting van 'n redelike voorsiening vir toekomstige instandhouding en herstelwerk, wat deur beide die ontwikkelaar en die bestuursagent as voldoende gesertifiseer is;

(s) 'n verklaring met betrekking tot die ouderdom van die akkommodasie;

(t) in die geval van 'n behuisingsontwikkelingskema wat uit hoofde van of in verband met 'n ontwikkelingskema bedryf word, die bestuurs- en gedragsreëls ingevolge die Wet op Deeltitels, of in die geval van 'n behuisingsontwikkelingskema wat bedryf word uit hoofde van of in verband met 'n aandeleblokskema, die gebruiksooreenkoms soos omskryf in die Wet op die Beheer van Aandeleblokke of enige reëls, regulasie of andersins, in ooreenstemming waarmee die betrokke behuisingsbelang benut sal word, of andersins, die reëls waarna in regulasie 9 (1) (o) verwys word;

(u) particulars of any other housing development scheme in which the developer was directly or indirectly involved in any capacity, including as an architect, developer, estate agent, practitioner, quantity surveyor, or otherwise; and

(v) a statement as to whether or not all residential accommodation on the land relating to the housing development scheme is being utilised for the purposes of that scheme.

6. (a) Subject to paragraph (b), a developer shall, prior to the alienation of any housing interest, appoint a managing agent in terms of a management agreement, which agreement shall specify the management fee and the manner in which the managing agent shall manage the housing development scheme.

(b) A managing agent shall be appointed for a year at a time, and unless the developer or body corporate in the case of a development scheme, or a share block company in the case of a share block scheme, or the managing agent to the contrary, such appointment will be automatically renewed for a year at a time from year to year.

7. (a) With effect from the date on which a developer first alienates a housing interest to a purchaser, there shall be deemed to be established for that housing development scheme, a management association, of which the developer and such purchaser are members, and every person to whom thereafter a housing interest is alienated shall be a member of that management association.

(b) The management association shall be responsible for the enforcement of the rules, referred to in regulation 9 (1) (o), and for the control and administration and management of the housing development scheme, the accommodation, the land, the common property, facilities and services for the benefit of all members.

(c) The provisions of the Companies Act, 1973 (Act No. 61 of 1973), shall not apply in relation to the management association.

(d) The management association shall have perpetual succession and shall be capable of suing and being sued in its corporate name in respect of—

- (i) any contract made by it;
- (ii) any damage done to the land, the common property or facilities;
- (iii) any matter in connection with the housing development scheme, the land, the common property, facilities or services for which the management association is responsible; and
- (iv) any matter arising out of the exercise of its powers or the performance or non-performance of its functions under this Act or any rules referred to in regulation 9 (1) (o).

8. (1) Subject to any restriction imposed or direction given at a general meeting of members, it shall be the duty of the management association—

(a) to insure the building or buildings relating to the housing development scheme and keep it insured to its replacement value against fire;

(b) to insure against such other risks as the members may by special resolution determine;

(u) besonderhede van enige ander behuisingsontwikkelskema waarby die ontwikkelaar regstreeks of onregstreeks in enige hoedanigheid betrokke was, insluitend as argitek, ontwikkelaar, eiendomsagent, praktisyn, bestekopnemer, of andersins; en

(v) 'n verklaring of alle residensiële akkommodasie op die grond met betrekking tot die behuisingsontwikkelskema benut word vir doeleindes van daardie skema al dan nie.

6. (a) Behoudens die bepalings van paragraaf (b) moet 'n ontwikkelaar, voor die vervreemding van enige behuisingsbelang, 'n bestuursagent kragtens 'n bestuursoreenkoms aanstel, welke ooreenkoms die bestuursfooi en die wyse waarop die bestuursagent die behuisingsontwikkelskema moet bestuur, moet spesifiseer.

(b) 'n Bestuursagent moet vir 'n tydperk van 'n jaar aangestel word, en tensy die ontwikkelaar of die regpersoon in die geval van 'n ontwikkelingskema, of 'n aandeelblokmaatskappy in die geval van 'n aandeelblokskema, of 'n bestuursvereniging, na gelang van die geval, die bestuursagent tot die teendeel verwittig, word sodanige aanstelling outomaties van jaar tot jaar vir 'n tydperk van 'n jaar verleng.

7. (a) Met effek vanaf die datum waarop 'n ontwikkelaar vir die eerste keer 'n behuisingsbelang aan 'n koper vervoer, word dit geag dat daar vir die behuisingsontwikkelskema 'n bestuursvereniging tot stand gekom het, waarvan die ontwikkelaar en die koper lede is en elke persoon aan wie 'n behuisingsbelang daarna vervoer word, word 'n lid van daardie bestuursvereniging.

(b) Die bestuursvereniging is verantwoordelik vir die toepassing van die reëls waarna in regulasie 9 (1) (o) verwys word en vir die beheer, administrasie en bestuur van die behuisingsontwikkelskema, die akkommodasie, die grond, die gemeenskaplike eiendom, fasiliteite en dienste, tot die voordeel van alle lede.

(c) Die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973), is nie op die bestuursvereniging van toepassing nie.

(d) Die bestuursvereniging besit permanente opeenvolging en is bevoeg om in die naam van sy regpersoon te dagvaar en om gedagvaar te word ten opsigte van—

- (i) enige kontrak deur hom gesluit;
- (ii) enige skade veroorsaak aan die grond, gemeenskaplike eiendom of fasiliteite;
- (iii) enige aangeleentheid in verband met die behuisingsontwikkelskema, grond, gemeenskaplike eiendom, fasiliteite of dienste waarvoor die bestuursvereniging verantwoordelik is; en
- (iv) enige aangeleentheid wat voortspruit uit die uitoefening van sy bevoegdhede of die nakoming of nie-nakoming van sy funksies ingevolge hierdie Wet of enige reëls na verwys in regulasie 9 (1) (o).

8. (1) Behoudens enige beperkings ingestel of opdragte gegee by 'n algemene vergadering van lede, is dit die plig van die bestuursvereniging—

(a) om die gebou met betrekking tot die behuisingsontwikkelskema tot die vervangingswaarde daarvan teen brand te verseker en verseker te hou;

(b) om teen sodanige ander risiko's as wat die lede by spesiale besluit bepaal, te verseker;

(c) to maintain the common property and all accommodation and to keep it in a state of good and serviceable repair;

(d) to comply with any notice or order by any competent authority requiring any repairs to or work in respect of the relevant land or buildings;

(e) to ensure compliance with any laws relating to the common property or to any improvement on land comprised in the common property;

(f) control, manage and administer the common property for the benefit of all members;

(g) keep in a state of good and serviceable repair and properly maintain the plant, machinery, fixtures and fittings, including elevators, used in connection with the common property;

(h) subject to the rights of the local authority, maintain and repair, including renewal where reasonably necessary, pipes, wires, cables and ducts existing on the land and capable of being used in connection with the enjoyment of more than one accommodation or of the common property;

(i) on the written request of any member or registered mortgagee, in respect of a housing interest to produce to such member or mortgagee, or any person authorized in writing by such member or mortgagee, the policy or policies of insurance effected by the management association and the receipt or receipts for the last premium or premiums in respect thereof;

(j) to enforce the rules referred to in regulation 9 (1) (o); and

(k) to keep a register of members in such manner as the management association decides.

(2) The management association shall for the purpose of effecting any insurance under subregulation (1) (a), be deemed to have an insurable interest in the replacement value of the building and shall, for the purpose of effecting any other insurance under that subsection, be deemed to have an insurable interest in the subject matter of such insurance.

9. (1) Subject to any restriction imposed or direction given at a general meeting of members, the management association shall have the power—

(a) to establish for administrative expenses a levy fund sufficient in the opinion of the management association for the repair, upkeep, control, management and administration of the housing development scheme, accommodation, land, common property, and the building or buildings relating thereto, including a reasonable provision for future maintenance and repairs, for the payment of rates and taxes, for the supply of electric current, gas, water, fuel and sanitary and other services to the building and land and any premiums of insurance, and for the discharge of any obligation of the management association;

(b) to require from the members whenever necessary, to pay the levy for the purposes of satisfying any claims against the management association;

(c) om die gemeenskaplike eiendom en akkommodasie behoorlik te onderhou en dit in 'n goeie en diensbare toestand in stand te hou;

(d) om aan 'n kennisgewing of bevel van 'n bevoegde gesag te voldoen waarkragtens herstel aan of werk ten opsigte van die betrokke grond of geboue vereis word;

(e) om nakoming van wetsbepalings betreffende die gemeenskaplike eiendom of verbeterings op grond wat deel van die gemeenskaplike eiendom uitmaak, te verseker;

(f) om die gemeenskaplike eiendom tot voordeel van alle lede te beheer, te bestuur en te administreer;

(g) om die aanleg, masjinerie, vaste en ander toebehore met inbegrip van hysers, wat in verband met die gemeenskaplike eiendom gebruik word, in 'n goeie en diensbare toestand te hou en behoorlik in stand te hou;

(h) om, behoudens die regte van die plaaslike owerheid, pype, drade, kables en buise wat op die grond bestaan en in verband met die genot en die gebruik van meer as een akkommodasie of van die gemeenskaplike eiendom gebruik kan word, in stand te hou en te herstel, met inbegrip van hernuwing waar redelikerwys nodig;

(i) om op die skriftelike versoek van 'n lid of geregistreerde verbandhouer ten opsigte van 'n behuisingbelang aan daardie lid of verbandhouer of 'n persoon skriftelik deur daardie lid of verbandhouer gemagtig, die versekeringspolis of -polisse wat deur die bestuursvereniging aangegaan is, en die kwitansie of kwitansies vir die jongste premie of premies ten opsigte daarvan, te voorsien;

(j) om die reëls waarna in regulasie 9 (1) (o) verwys word af te dwing; en

(k) om 'n register van lede op sodanige wyse te hou as waarop die bestuursvereniging mag besluit.

(2) Die bestuursvereniging word, vir die doeleindes van die aangaan van versekering kragtens subregulasie (1) (a), geag 'n versekerbare belang in die vervangingswaarde van die gebou te hê en word vir die doeleindes van die aangaan van enige ander versekering kragtens daardie subregulasie, geag 'n versekerbare belang in die onderwerp van sodanige versekering te hê.

9. (1) Behoudens enige beperkings ingestel of opdragte gegee by 'n algemene vergadering van lede, het die bestuursvereniging die bevoegdheid—

(a) om vir administratiewe uitgawes 'n heffingsfonds in te stel wat na die oordeel van die bestuursvereniging voldoende is vir die herstel, instandhouding, beheer, bestuur en administrasie van die behuisingontwikkelingskema, akkommodasie, grond, gemeenskaplike eiendom en die gebou of geboue met betrekking daartoe, insluitend 'n redelike voorsiening vir toekomstige onderhoud en herstelwerk, vir die betaling van tariewe en belastinge, vir die verskaffing van elektriese krag, gas, water, brandstof en sanitêre- en ander dienste aan die gebou en grond en enige versekeringspremies en vir die voldoening aan enige verpligting van die bestuursvereniging;

(b) om van die lede te vereis om, wanneer nodig, vir die doel om aan eise teen die bestuursvereniging te voldoen, die heffing te betaal;

(c) to determine from time to time the amounts to be raised for the purposes aforesaid;

(d) to raise the amounts so determined by requiring the members to pay the levy in terms of regulation 14;

(e) to open and operate a current account and a savings account with a banking institution or a building society;

(f) to appoint employees as it may deem fit;

(g) to purchase, hire or otherwise acquire movable property for purposes of the operation of the housing development scheme;

(h) to expand the facilities and services;

(i) to borrow money required by it in the performance of its duties or the exercise of its powers;

(j) to secure the repayment of money borrowed by any manner permitted in law, including the cession of any unpaid levies whether due and payable or not, or by suretyship or by encumbering any property vested in the management association;

(k) to invest any money of the fund referred to in paragraph (a);

(l) to enter into an agreement with the local authority or any person or body for the supply to any building and the land of electric current, gas, water, fuel and sanitary and other services;

(m) to enter into an agreement with any member for the provision of amenities or services by him to the accommodation relating to such housing interest or to the member or occupier thereof;

(n) to do all things reasonably necessary for the enforcement of the rules referred to in paragraph (o) and the control, management and administration of the common property;

(o) to make rules for the conduct of members, which rules shall not be in conflict with the Act or a regulation, shall be reasonable, and shall apply equally to all members in respect of accommodation put to substantially the same use;

(p) to appoint a committee of the management association, which, subject to the directions of the management association, shall exercise all the powers and perform all the functions conferred upon it by the management association and which committee shall meet and conduct its affairs as the committee may from time to time decide; and

(q) to prohibit the transfer or any alienation of any housing interest unless any levy or other money due to the management association in respect of the housing interest concerned have been paid or provision has been made to the satisfaction of the said management association for the payment thereof.

(2) Any contribution levied under any provision of subregulation (1) shall be due and payable on the passing of a resolution to that effect by the management association and may be recovered by the management association by action in any court including any magistrate's court of competent jurisdiction, from persons who are members at the time such resolution is passed.

(c) om van tyd tot tyd die bedrae te bepaal wat vir voornoemde doeleindes gehef moet word;

(d) om die aldus bepaalde bedrae te verkry deur van lede te vereis om die heffing ingevolge regulasie 14 te betaal;

(e) om 'n lopende en 'n spaarrekening by 'n bank-instelling of 'n bouvereniging te open en te bedryf;

(f) om werknemers na goëddunke aan te stel;

(g) om roerende goed vir doeleindes van die bedryf van die behuisingsontwikkelingskema te koop, te huur of andersins te verkry;

(h) om die fasiliteite en dienste uit te brei;

(i) om geld te leen wat dit nodig het in die uitvoering van sy pligte of die uitoefening van sy bevoegdhede;

(j) om die terugbetaling van geld wat deur hom op enige wyse deur die reg toegelaat, geleen is te versoek, insluitende deur die sessie van enige onbetaalde heffings hetsy opeisbaar en betaalbaar of nie, of by wyse van borgstelling, of deur die beswaring van enige eiendom wat in die bestuursvereniging gesetel is;

(k) om geld van die in paragraaf (a) bedoelde fonds te belê;

(l) om 'n ooreenkoms met die plaaslike owerheid of enige persoon of liggaam aan te gaan vir die verskaffing van elektriese krag, gas, water, brandstof en sanitêre- en ander dienste, aan enige gebou en aan die grond;

(m) om 'n ooreenkoms met enige lid aan te gaan vir die verskaffing van geriewe of dienste deur hom aan die akkommodasie met betrekking tot sodanige behuisingsbelang of aan die lid of okkupeerder daarvan;

(n) om alle dinge te doen wat redelikerwys nodig is vir die toepassing van die reëls na verwys in paragraaf (o) en die beheer, bestuur en administrasie van die gemeenskaplike eiendom;

(o) om reëls te maak vir die gedrag van lede, welke reëls nie in stryd mag wees met die Wet of 'n regulasie nie, redelik moet wees en gelykvormig op alle lede van toepassing moet wees met betrekking tot akkommodasie wat vir dieselfde gebruik benut word;

(p) om 'n komitee van die bestuursvereniging aan te stel wat, onderhewig aan die opdragte van die bestuursvereniging, alle bevoegdhede moet uitoefen en alle pligte moet uitvoer wat die bestuursvereniging hom opleë, welke komitee moet vergader en sy sake op die wyse hanteer soos wat die komitee van tyd tot tyd besluit; en

(q) om die oordrag of enige vervreemding van enige behuisingsbelang te verbied, tensy enige heffing of ander geld wat aan die bestuursvereniging verskuldig is ten opsigte van die betrokke behuisingsbelang, betaal is, of voorsiening gemaak is vir die betaling daarvan tot bevrediging van die gemelde bestuursvereniging.

(2) Enige bydraes wat ingevolge 'n bepaling van subregulasie (1) gehef word, is opeisbaar en betaalbaar wanneer 'n besluit tot dien effekte deur die bestuursvereniging geneem word en kan deur die bestuursvereniging by wyse van 'n geding in enige hof met inbegrip van 'n landdroshof met bevoegde jurisdiksie, van die persone verhaal word wat lede is op die tydstip wanneer so 'n besluit geneem word.

(3) The management association shall on the application of a member or any person authorised by such member certify in writing—

(a) the amount determined as the contribution of that member;

(b) the manner in which such contribution is payable;

(c) the extent to which such contribution has been paid by that member; and

(d) the amount of any rate paid by the management association and not recovered by it.

(4) The management association shall have the right to assign or cede to the managing agent any of its rights and duties in terms of these regulations.

(5) All general meetings other than the annual general meeting of the management association shall be called special general meetings and annual general meetings shall be held once every year: Provided that not more than 15 (fifteen) months shall elapse between the date of one annual general meeting and that of the next.

(6) At all meetings of the management association matters shall be determined by a simple majority vote of those present in person or by proxy and a member shall, on a show of hands have one vote, or on a poll, one vote for each housing interest alienated to such member.

(7) (a) The management association shall determine the matters relating to meetings of members and proceedings at such meetings, and until such determination the following shall apply—

(i) at least 14 (fourteen) days notice of every general meeting, specifying the place, within the magisterial district where the housing development scheme is situated, the date and hour of the meeting, and in the case of special business the general nature of such business shall be given in that notice to all members, the developer and the managing agent;

(ii) the following business shall be transacted at an annual general meeting—

(aa) the approval with or without amendment of the budget referred to in regulation 12 (1);

(bb) the election of the committee referred to in subregulation (1) (p);

(cc) any special business of which due notice has been given; and

(dd) the determination of the *domicilium citandi et executandi* of the management association.

(b) No business shall be transacted at a general meeting unless a quorum of members is present in person or by proxy at the time when the meeting proceeds to commence business, and a quorum shall be at least one member and one representative of the developer, or two members.

(c) The chairman of the committee envisaged in subregulation (1) (p) shall preside at every general meeting of the management association.

(3) Die bestuursvereniging moet op aansoek van enige lid of 'n persoon deur so 'n lid gemagtig, skriftelik—

(a) die bedrag sertifiseer wat as die bydrae van daardie lid bepaal is;

(b) die wyse sertifiseer waarop sodanige bydrae betaalbaar is;

(c) sertifiseer in watter mate sodanige bydrae deur daardie lid betaal is; en

(d) die bedrag belasting sertifiseer wat deur die bestuursvereniging betaal is en nie deur hom teruggevorder is nie.

(4) Die bestuursvereniging is bevoeg om enige van sy regte en verpligtinge kragtens hierdie regulasies aan die bestuursagent oor te dra of te sedeer.

(5) Alle algemene vergaderings van die bestuursvereniging behalwe die algemene jaarvergadering, word spesiale algemene vergaderings genoem en algemene jaarvergaderings moet eenkeer per jaar gehou word: Met dien verstande dat nie meer as 15 (vyftien) maande mag verloop tussen die datum van een algemene jaarvergadering en die van die volgende nie.

(6) By alle vergaderings van die bestuursvereniging word aangeleenthede deur 'n gewone meerderheidstem van aanwesiges, hetsy persoonlik of by volmag, beslis en 'n lid het met die opsteek van hande een stem, of in die geval van stemming, een stem vir elke behuisingbelang wat aan die lid vervreem is.

(7) (a) Die bestuursvereniging bepaal die aangeleenthede waarop die vergaderings van lede betrekking het asook die verrigtinge op sodanige vergaderings en tot tyd en wyl sodanige bepalinge gemaak is, is die volgende van toepassing—

(i) alle algemene vergaderings word belê by kennisgewing van minstens 14 (veertien) dae en moet die plek aandui binne die landdrostdistrik waar die behuisingontwikkelingskema geleë is, die datum en tyd van die vergadering, en in die geval van 'n spesiale aangeleentheid, moet die algemene aard van sodanige aangeleentheid in daardie kennisgewing aan alle lede, die ontwikkelaar en die bestuursagent verstrekk word;

(ii) die volgende aangeleenthede moet op 'n algemene jaarvergadering hanteer word—

(aa) die goedkeuring met of sonder wysiging van die begroting na verwys in regulasie 12 (1);

(bb) die verkiesing van die komitee na verwys in subregulasie (1) (p);

(cc) enige spesiale aangeleentheid waarvan die nodige kennis gegee is; en

(dd) die bepaling van die *domicilium citandi et executandi* van die bestuursvereniging.

(b) Geen aangeleentheid mag by 'n algemene vergadering hanteer word nie tensy 'n kworum van lede of persoonlik of by wyse van volmag teenwoordig is ten tye van die aanvang van die vergadering en 'n kworum is minstens een lid en een verteenwoordiger van die ontwikkelaar, of twee lede.

(c) Die voorsitter van die komitee in subregulasie (1) (p) beoog moet voorsit tydens alle algemene vergaderings van die bestuursvereniging.

10. A developer shall convene a meeting of the members of the management association, not later than 60 (sixty) days after the establishment of the management association, at which meeting he shall furnish the members with a certificate from the local authority within whose jurisdiction the land is situated, to the effect that all rates and taxes due in respect of the land up to the date of the establishment of the management association have been paid.

11. As from the date of establishment of the management association the rights and obligations of the developer arising from the management agreement shall be deemed to have been assigned to the management association.

12. (1) The management association shall prepare, or cause to be prepared, for each fiscal year of the management association, a detailed budget of expected income and expenditure of the management association, in connection with the proper control and operation of the relevant housing development scheme, for the following year, including a reasonable provision for future maintenance and repairs, and shall have such budget approved at the management association's annual general meeting.

(2) The budget for each fiscal year shall be made available to all members of housing interests at least 14 (fourteen) days prior to the date of the management association's annual general meeting.

13. The rate of interest for the purposes of section 8 (1) (a) (i) of the Act, shall be the rate of interest prescribed from time to time in terms of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975).

14. (a) Subject to paragraphs (b) and (c), the liability of a member to pay the levy for the purposes of regulation 9 (1) (a), shall be a percentage, expressed to 4 decimal places, and arrived at by dividing the floor area, correct to the nearest square metre, of the accommodation, by the floor area, correct to the nearest square metre, of all the accommodation in the housing development scheme.

(b) A developer shall be entitled to make rules in terms of which the liability of a member to pay the levy, as envisaged in paragraph (a), is changed: Provided that—

(i) such change shall be a percentage expressed to 4 decimal places;

(ii) such change is made by the developer before alienating any housing interest in the housing development scheme for the first time;

(iii) the developer shall disclose the change in the contract; and

(iv) where the developer fails to make such disclosure, levies for the purposes of regulation 9 (1) (a) shall be paid in accordance with paragraph (a).

(c) The developer shall on the basis set out in paragraphs (a) or (b), as the case may be, pay levies from the date of establishment of the management association on all housing interests which are owned by the developer and have not yet been alienated by him.

10. 'n Ontwikkelaar moet 'n vergadering met die lede van die bestuursvereniging belê binne 60 (sestig) dae na die stigting van die bestuursvereniging, by welke vergadering hy 'n sertifikaat van die plaaslike owerheid in wie se jurisdiksie die grond geleë is, dat alle heffings en belasting betaalbaar ten opsigte van die grond, tot op datum van die stigting van die bestuursvereniging, betaal is aan die lede moet verskaf.

11. Dit sal geag word dat die regte en verpligtinge van die ontwikkelaar wat voortspruit uit die bestuurs-ooreenkoms, vanaf datum van die stigting van die bestuursvereniging aan die betrokke vereniging oorge-dra is.

12. (1) Die bestuursvereniging stel vir elke belastingjaar van die bestuursvereniging 'n gedetailleerde begroting op van verwagte inkomste en uitgawe van die bestuursvereniging, of laat vir elke belastingjaar van die bestuursvereniging so 'n begroting opstel, in verband met die behoorlike beheer en bedryf van die betrokke behuisingsontwikkelingskema vir die volgende jaar, met insluiting van 'n redelike voorsiening vir toekomstige onderhoud en herstelwerk, en laat sodanige begroting by die bestuursvereniging se algemene jaarvergadering goedkeur.

(2) Die begroting vir elke belastingjaar word aan alle lede van behuisingsbelange beskikbaar gestel ten minste 14 (veertien) dae voor die datum van die bestuursvereniging se algemene jaarvergadering.

13. Die rentekoers vir doeleindes van artikel 8 (1) (a) (i) van die Wet is die rentekoers wat van tyd tot tyd ingevolge die Wet op Voorgeskrewe Rentekoers, 1975 (Wet No. 55 van 1975), voorgeskryf word.

14. (a) Behoudens die bepalings van paragrawe (b) en (c), word die verpligting van 'n lid om die heffing te betaal vir doeleindes van regulasie (9) (1) (a), bepaal as 'n persentasie, uitgedruk tot 4 desimale punte, en bereken deur die vloerarea van die akkommodasie, korrek tot die naaste vierkante meter, deur die vloerarea, korrek tot die naaste vierkante meter, van al die akkommodasie in die behuisingsontwikkelingskema, te deel.

(b) 'n Ontwikkelaar is by magte om reëls neer te lê ingevolge waarvan die verpligting van 'n lid om die heffing te betaal soos beoog in paragraaf (a), verander word: Met dien verstande dat—

(i) sodanige verandering as 'n persentasie tot 4 desimale plekke uitgedruk moet word;

(ii) sodanige verandering deur die ontwikkelaar gemaak moet word voordat enige behuisingsbelang in die behuisingsontwikkelingskema vir die eerste maal vervreem word;

(iii) die ontwikkelaar die verandering in die kontrak openbaar moet maak; en

(iv) in die geval waar die ontwikkelaar versuim om sodanige openbaarmaking te doen, heffings vir doeleindes van regulasie 9 (1) (a) ingevolge paragraaf (a) betaal moet word.

(c) Die ontwikkelaar moet op die basis soos uiteengesit in paragrawe (a) of (b), na gelang van geval, heffings vanaf datum van die oprigting van die bestuursvereniging betaal op alle behuisingsbelange wat deur die ontwikkelaar besit word en wat nog nie deur hom vervreem is nie.

15. Where a housing development scheme is operated pursuant to or in connection with membership of or participation in any club, association, organisation or other voluntary association, then in such case the constitution or contract or other agreement governing or regulating such club, association, organisation or other voluntary association, shall be drafted in terms of these regulations, as if such club, association, organisation or other voluntary association were the management association.

16. Any person who contravenes any provision of these regulations is liable on conviction to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years.

17. This notice shall come into operation on 1 July 1989.

No. R. 1392

30 June 1989

CORRECTION NOTICE**CLOSE CORPORATIONS ACT, 1984****AMENDMENT OF THE CLOSE CORPORATIONS ADMINISTRATIVE REGULATIONS**

The Schedule to Government Notice No. R. 602 published in *Government Gazette* No. 11792 of 31 March 1989 is hereby corrected by the addition of the following paragraph after paragraph (f):

“(g) by the substitution for the words ‘R20,00 payable in respect of changes in particulars in Part A only’ where they appear on form CK2 of the words ‘R30,00 payable in respect of changes in particulars in Part A only.’”.

DEPARTMENT OF MANPOWER

No. R. 1431

30 June 1989

LABOUR RELATIONS ACT, 1956**IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY****CORRECTION NOTICE**

Government Notice No. R. 1327 appearing in *Government Gazette* No. 11965 of 23 June 1989, is corrected by the substitution therefor of the following:

“No. R. 1327

23 June 1989

LABOUR RELATIONS ACT, 1956**IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY.—AMENDMENT OF MAIN AGREEMENT**

I, Eli van der Merwe Louw, Acting Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the date of publication of this notice and for the period ending 30 June 1989, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; and

15. Waar 'n behuisingsontwikkelingskema bedryf word uit hoofde van of in verband met lidmaatskap van of deelneming aan enige klub, vereniging, organisasie of ander vrywillige vereniging, moet in sodanige geval, die grondwet of kontrak of ander ooreenkoms wat die betrokke klub, vereniging, organisasie of ander vrywillige vereniging beheer of reguleer, ingevolge hierdie regulasies opgestel word asof die betrokke klub, vereniging, organisasie of ander vrywillige vereniging die bestuursvereniging is.

16. Enige persoon wat enige bepaling van hierdie regulasies oortree, is strafbaar by skuldigbevinding met 'n boete van hoogstens R6 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

17. Hierdie kennisgewing tree in werking op 1 Julie 1989.

No. R. 1392

30 Junie 1989

VERBETERINGSKENNISGEWING**WET OP BESLOTE KORPORASIES, 1984****WYSIGING VAN DIE ADMINISTRATIEWE REGULASIES VIR BESLOTE KORPORASIES**

Die Bylae tot Goewermentskennisgewing No. R. 602 gepubliseer in *Staatskoerant* No. 11792 van 31 Maart 1989 word hiermee verbeter deur die volgende paragraaf na paragraaf (f) in te voeg:

“(g) deur die woorde ‘R20,00 slegs betaalbaar ten opsigte van veranderinge van besonderhede in Deel A’ waar dit op Vorm CK2 voorkom, deur die woorde ‘R30,00 slegs betaalbaar ten opsigte van veranderinge van besonderhede in Deel A’ te vervang.’”.

DEPARTEMENT VAN MANNEKRAG

No. R. 1431

30 Junie 1989

WET OP ARBEIDSVERHOUDINGE, 1956**YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID****VERBETERINGSKENNISGEWING**

Goewermentskennisgewing No. R. 1327 wat in *Staatskoerant* No. 11965 23 Junie 1989 verskyn, word verbeter deur dit deur die volgende te vervang:

“No. R. 1327

23 Junie 1989

WET OP ARBEIDSVERHOUDINGE, 1956**YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID.—WYSIGING VAN HOOFOOREENKOMS**

Ek, Eli van der Merwe Louw, Waarnemende Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1989 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en

No. R. 2087

29 September 1989

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988

The Deputy Minister of Economic Affairs and Technology acting on behalf of the Minister of Economic Affairs and Technology has, in terms of section 11 (1) (d) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulation contained in the Schedule.

SCHEDULE

The South African National Life Assurance Company Limited (SANLAM) and any associate or sub-associate of SANLAM is hereby exempted from the regulations contained in *Government Notice* No. R. 1351 of 30 June 1989, in respect of housing development schemes developed by SANLAM or an associate or sub-associate of SANLAM provided that any housing development scheme meets with the following requirements:

(a) that the housing interests under the development schemes are offered to retired persons by way of lease;

(b) that all amounts payable by a retired person in accordance with the contract of lease or other contractual document for an accommodation unit, including levies for maintenance and management of the housing development scheme, from the start and for the full duration of the contract, are specified as fixed amounts;

(c) that in the event of the development being done by an associate or sub-associate of SANLAM, SANLAM shall enter into a contract with the retired person whereby SANLAM undertakes to ensure that the relevant associate or sub-associate will have, at all times, sufficient funds to comply with its obligations in terms of the contract of lease; and

(d) that the contract of lease and any other contractual documents are so drawn up that a retired person can cancel the contract at any stage during the period of its validity by giving three months written notice of cancellation in advance.

No. R. 2090

29 September 1989

COMPANIES ACT, 1973

AMENDMENT OF THE COMPANIES ADMINISTRATIVE REGULATIONS, 1973

I, Theodorus Gerhardus Alant, Deputy Minister of Economic Affairs and Technology, hereby, on behalf of the Minister of Economic Affairs and Technology, under section 15 of the Companies Act, 1973 (Act No. 61 of 1973), amend, with effect from 1 October 1989, the Companies Administrative Regulations, 1973, published under *Government Notice* No. R. 1948 of 1973, in accordance with the Schedule hereto.

T. G. ALANT,

Deputy Minister of Economic Affairs and Technology.

SCHEDULE

1. Substitute the following subregulation for subregulation (2) of regulation 19 of the said Regulations:

“(2) Proof of payment of the prescribed and additional fee in terms of section 63 (1) and (2) of the Act shall be affixed to the original Form CM2.”.

No. R. 2087

29 September 1989

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988

Die Adjunk-minister van Ekonomiese Sake en Tegnologie, handelende namens die Minister van Ekonomiese Sake en Tegnologie het, kragtens artikel 11 (1) (d) van die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasie in die Bylae uitgevaardig.

BYLAE

Hiermee word die Suid-Afrikaanse Nasionale Lewensassuransie maatskappy Beperk (SANLAM) en elke filiaal of subfiliaal van SANLAM vrygestel van die regulasies vervat in *Goewermentskennisgewing* No. R. 1351 van 30 Junie 1989, vir behuisingsontwikkelingskemas wat deur SANLAM of 'n filiaal of subfiliaal van SANLAM ontwikkel word, mits elke behuisingsontwikkelingskema aan die volgende vereistes voldoen:

(a) dat die behuisingsbelange kragtens die ontwikkelingskema by wyse van huurkontrak aan afgetrede persone beskikbaar gestel word;

(b) dat alle bedrae wat 'n afgetrede persoon kragtens die betrokke huurkontrak of enige ander kontrakdokument vir 'n wooneenheid moet betaal, met inbegrip van heffings vir instandhouding en bedryf van die behuisingsontwikkelingskema, van die begin af en vir die volle duur van die huurkontrak, as vaste bedrae bepaal word;

(c) dat in die geval waar die ontwikkeling deur 'n filiaal of subfiliaal van SANLAM gedoen word, SANLAM met die afgetrede persoon 'n kontrak sluit waarvolgens SANLAM onderneem om toe te sien dat die betrokke filiaal of subfiliaal te alle tye voldoende fondse sal hê om sy verpligtinge kragtens die huurkontrak na te kom; en

(d) dat die huurkontrak en enige ander kontrakdokumente so gestruktureer word dat 'n afgetrede persoon oor die loop van die huurkontrak met drie kalendermaande skriftelike kennisgewing uit die transaksie kan terugtree.

No. R. 2090

29 September 1989

MAATSKAPPYWET, 1973

WYSIGING VAN DIE ADMINISTRATIEWE REGULASIES VIR MAATSKAPPYE, 1973

Ek, Theodorus Gerhardus Alant, Adjunk-minister van Ekonomiese Sake en Tegnologie, wysig hierby namens die Minister van Ekonomiese Sake en Tegnologie, kragtens artikel 15 van die Maatskappyywet, 1973 (Wet No. 61 van 1973), die Administratiewe Regulasies vir Maatskappye, 1973, gepubliseer by *Goewermentskennisgewing* No. 1948 van 1973, met ingang van 1 Oktober 1989 ooreenkomstig die Bylae hiervan.

T. G. ALANT,

Adjunk-minister van Ekonomiese Sake en Tegnologie.

BYLAE

1. Vervang subregulasie (2) van regulasie 19 van genoemde Regulasies deur die volgende subregulasie:

“(2) Bewys van betaling van die voorgeskrewe geld en bykomende geld kragtens artikel 63 (1) en (2) van die Wet moet aan die oorspronklike Vorm CM2 geheg word.”.

No. R. 1858

10 Augustus 1990

DEVIесеBEHEERREGULASIES. — HERROEP VAN AANSTELLING VAN 'N GEMAGTIGDE HANDELAAR IN BUITELANDSE VALUTA

Paragraaf 3 (a) van Goewermentskennisgewing No. R. 1112 van 1 Desember 1961, soos gewysig, word verder gewysig deur die skraping met onmiddellike effek van **Corporate Merchant Bank Limited** van die lys van gemagtigde handelaars vir die doeleindes van die Deviesebeheerregulasies gepubliseer by Goewermentskennisgewing No. R. 1111 van 1 Desember 1961.

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 1845

10 Augustus 1990

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988

Die Adjunk-minister van Handel en Nywerheid en van Nasionale Opvoeding, handelende namens die Minister van Handel en Nywerheid en Toerisme het, kragtens artikel 11 (1) (d) van die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

1. Hiermee word die projek bekend as die Ramsgate Retirement Centre, geleë binne die munisipale gebied van die Ramsgate Dorpsraad, vrygestel van die bepalings van artikel 6 van die bogenoemde Wet, sowel as van die bepalings van regulasies 7 tot 14 van die regulasies vervat in Goewermentskennisgewing No. R. 1351 van 30 Junie 1989, onderhewig aan die volgende voorwaardes:

(a) Dat die titelakte van die betrokke grond ooreenkomstig die bepalings van artikel 4 (C) van die gemelde Wet geëndosseer word ten effekte dat daardie grond die onderwerp van 'n behuisingsontwikkelingskema uitmaak;

(b) dat die finansiële- en boubeheer oor die Ramsgate Retirement Centre deur die Ramsgate Dorpsraad, deur middel van meerderheidsverteenvoordinging op die Bestuursvereniging van die Ramsgate Retirement Centre, behou word; en

(c) dat betalings deur kopers in die bogemelde projek op 'n progressiewe basis in verhouding tot die vordering in konstruksie van hulle betrokke eenhede gemaak word

2. Goewermentskennisgewing No. 118 van 23 Februarie 1990 word hierby herroep.

No. R. 1865

10 Augustus 1990

INVOERBEHEER

Ek, Kent Diederich Skelton Durr, in my hoedanigheid as Minister van Handel en Nywerheid en Toerisme, en handelende kragtens die bevoegdheid my verleen by artikel 2 van die Wet op In- en Uitvoerbeheer, 1963 (Wet No. 45 van 1963), wysig hierby Bylae 1A van Goewermentskennisgewing No. R. 2582 van 23 Desember 1988 deur in kolom (2) die tariefpos 6908.10 teenoor die beskrywing —

“Teëls, blokkies en dergelike artikels, hetsy reghoekig al dan nie, waarvan die grootste oppervlak-area in 'n vierkant waarvan die sy minder as 7 cm is, inpas” — in kolom (3) in te voeg.

No. R. 1858

10 August 1990

EXCHANGE CONTROL REGULATIONS. — CANCELLATION OF APPOINTMENT OF AN AUTHORISED DEALER IN FOREIGN EXCHANGE

Paragraph 3 (a) of Government Notice No. R. 1112 of 1 December 1961, as amended, is hereby further amended by the deletion with immediate effect of **Corporate Merchant Bank Limited** from the list of authorised dealers for the purpose of the Exchange Control Regulations published under Government Notice No. R. 1111 of 1 December 1961.

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 1845

10 August 1990

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988

The Deputy Minister of Trade and Industry and of National Education acting on behalf of the Minister of Trade and Industry and Tourism has, in terms of section 11 (1) (d) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulations contained in the Schedule.

SCHEDULE

1. The project known as Ramsgate Retirement Centre, situated within the municipal boundaries of the Ramsgate Town Board, is hereby exempted from the provisions of section 6 of the above Act, as well as from the provisions of regulations 7 to 14 of the regulations contained in Government Notice No. R. 1351 of 30 June 1989, subject to the following conditions:

(a) That the title deed of the land concerned be endorsed in accordance with the provisions of section 4 (C) of the said Act, to the effect that such land is subject to a housing development scheme;

(b) that the financial and structural control over the Ramsgate Retirement Centre be retained by the Ramsgate Town Board by majority representation on the Management Committee of the Ramsgate Retirement Centre; and

(c) that payments by purchasers in the above-mentioned project be made on a progressive basis directly relating to the progress of the construction of their particular units.

2. Government Notice No. 118 of 23 February 1990 is hereby withdrawn.

No. R. 1865

10 August 1990

IMPORT CONTROL

1. Kent Diederich Skelton Durr, in my capacity as Minister of Trade and Industry and Tourism, and acting under the power vested in me by section 2 of the import and Export control Act, 1963 (Act No. 45 of 1963), hereby amend Schedule 1A of Government Notice No. R. 2582 of 23 December 1988 by inserting in column (2) of the tariff heading 6908.10 opposite the description —

“Tiles, cubes and similar articles, whether or not rectangular, the largest surface area of which is capable of being enclosed in a square the side of which is less than 7 cm” — in column (1).

**DEPARTEMENT VAN HANDEL EN
NYWERHEID**

No. R. 1154

1 Junie 1990

**WET OP BEHUISINGSONTWIKKELINGSKEMAS
VIR AFGETREDE PERSONE, 1988**

Die Adjunk-minister van Handel en Nywerheid, handelende namens die Minister van Handel en Nywerheid en Toerisme het, kragtens artikel 11 (1) (d) van die Wet op Behuisingontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasie in die Bylae uitgevaardig.

BYLAE

Hiermee word die Suidkus Vereniging van die Barmhartige Samaritaan vrygestel van die bepalings van die Wet op Behuisingontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), sowel as die van die bepalings van Goewermentskennisgewing No. R. 1351 van 30 Junie 1989, met betrekking tot die behuisingontwikkelingskema bekend as die Umdoni Afree-oord, geleë binne die munisipale gebied van die Dorpsraad van Pennington.

DEPARTEMENT VAN LANDBOU

No. R. 1179

1 Junie 1990

**WET OP BEHEER OOR WYN EN SPIRITUS, 1970
(WET No. 47 VAN 1970)****PRYS- EN BETALINGSREËLINGS MET BE-
TREKKING TOT DISTILLEERWYN—1990.—
GOEDKEURING**

Ek, Jacob de Villiers, Minister van Landbou, handelende ingevolge artikel 5 (1) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), maak hierby bekend dat die prys- en betalingsreëlings met betrekking tot distilleerwyn ten opsigte van die jaar wat op 1 Januarie 1990 begin, soos kragtens genoemde artikel deur die "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt" vasgestel en in Goewermentskennisgewing No. R. 844 van 20 April 1990 bekendgemaak, deur my goedgekeur is.

J. DE VILLIERS,
Minister van Landbou.

No. R. 1180

1 Junie 1990

**WET OP BEHEER OOR WYN EN SPIRITUS, 1970
(WET No. 47 VAN 1970)****PRYS- EN BETALINGSREËLINGS MET BE-
TREKKING TOT GOEIEWYN—1990/1991.—
GOEDKEURING**

Ek, Jacob de Villiers, Minister van Landbou, handelende ingevolge artikel 18 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), maak hierby bekend dat die prys- en betalingsreëlings met betrekking tot goeiewyn ten opsigte van die jaar wat op 1 Februarie 1990 begin, soos kragtens genoemde artikel deur die "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt" vasgestel en in Goewermentskennisgewing No. R. 847 van 20 April 1990 bekendgemaak, deur my goedgekeur is.

J. DE VILLIERS,
Minister van Landbou.

**DEPARTMENT OF TRADE AND
INDUSTRY**

No. R. 1154

1 June 1990

**HOUSING DEVELOPMENT SCHEMES FOR
RETIRED PERSONS ACT, 1988**

The Deputy Minister of Trade and Industry, acting on behalf of the Minister of Trade and Industry and Tourism has, in terms of section 11 (1) (d) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulation contained in the Schedule.

SCHEDULE

The South Coast Good Samaritan Society is hereby exempted from the provisions of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), as well as from the provisions of Government Notice No. R. 1351 of 30 June 1989, in respect of the housing development scheme known as Umdoni Retirement Village, situated within the municipal boundaries of the Pennington Town Board.

DEPARTMENT OF AGRICULTURE

No. R. 1179

1 June 1990

**WINE AND SPIRIT CONTROL ACT, 1970
(ACT No. 47 OF 1970)****PRICE AND PAYMENT ARRANGEMENTS
WITH REGARD TO DISTILLING WINE—1990.—
APPROVAL**

I, Jacob de Villiers, Minister of Agriculture, acting in terms of section 5 (1) of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), hereby make known that the price and payment arrangements with regard to distilling wine in respect of the year commencing on 1 January 1990, as fixed by the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt" under the said section and made known in Government Notice No. R. 844 of 20 April 1990, were approved by me.

J. DE VILLIERS,
Minister of Agriculture.

No. R. 1180

1 June 1990

**WINE AND SPIRIT CONTROL ACT, 1970
(ACT No. 47 OF 1970)****PRICE AND PAYMENT ARRANGEMENTS
WITH REGARD TO GOOD WINE—1990/1991.—
APPROVAL**

I, Jacob de Villiers, Minister of Agriculture, acting in terms of section 18 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), hereby make known that the price and payment arrangements with regard to good wine in respect of the year commencing on 1 February 1990, as fixed by the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt" under the said section and made known in Government Notice No. R. 847 of 20 April 1990, were approved by me.

J. DE VILLIERS,
Minister of Agriculture.

(ii) 'n verklaring met betrekking tot die regsbasis waarvolgens die betrokke behuisingsbelang vervreem staan te word;

(iii) 'n verklaring of die betrokke behuisingsontwikkelingskema reeds opgerig is en indien nie, die beoogde datum van sodanige oprigting;

(iv) die fisiese adres van die behuisingsontwikkelingskema; en

(v) 'n verklaring of die skema, reëling of onderneming 'n behuisingsontwikkelingskema is soos deur die Wet beoog.

(b) Enige verwysing in enige advertensie na lewensreg of enige ander begrip wat die okkupasie beperk tot die lewensduur van die koper of iemand anders vermeld in die kontrak sal geag 'n reg van okkupasie te wees en moet voldoen aan die veristes soos in die Wet omskryf."

2. Deur die invoeging van die volgende subregulasies na regulasie 5 (t):

"(u) besonderhede van enige ander behuisingsontwikkelingskema waarby die ontwikkelaar regstreeks of onregstreeks in enige hoedanigheid betrokke was, insluitende as argitek, ontwikkelaar, eiendomsagent, praktisyn, bestekopnemer, of andersins;

(v) 'n verklaring of alle residensiële akkommodasie op die grond met betrekking tot die behuisingsontwikkelingskema benut word vir doeleindes van daardie skema al dan nie; en

(w) in die geval waar 'n behuisingsbelang vervreem word kragtens 'n reg van okkupasie soos omskryf in die Wet—

(i) 'n verklaring van die voorwaardes waarvolgens die koper die behuisingsbelang mag okkupeer en die tydperk van sodanige okkupasie; en

(ii) 'n verklaring met betrekking tot die persentasie van die koopprys indien enige, wat aan die koper of iemand anders of aan die boedel van die koper of so 'n ander persoon terugbetaal word by verstryking van die reg van okkupasie."

No. R. 2092

31 Augustus 1990

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988

Die Adjunk-minister van Handel en Nywerheid en van Nasionale Opvoeding, handelende namens die Minister van Handel en Nywerheid en Toerisme het, kragtens artikel 11 (1) (i) van die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

1. (i) Enige aansoek met betrekking tot die endossering van 'n titelbewys ingevolge artikel 4C (3) van die Wet moet opgestel word deur 'n praktiserende prokureur (wat nie noodwendig in die provinsie waarin die grond geleë is, hoef te praktiseer nie), notaris of transportbesorger, wesenlik in die vorm van Vorm A aangeheg by hierdie regulasies.

(ii) Enige wesenlike verandering of tussenskrif in sodanige aansoek moet deur die prokureur, notaris of transportbesorger wat sodanige aansoek opgestel het, geparafeer word.

(ii) a statement of the legal basis upon which the housing interest concerned is to be alienated;

(iii) a statement whether the housing development scheme concerned has been erected or not, and if not, when it will be erected;

(iv) the physical address of the housing development scheme; and

(v) a statement whether the scheme, arrangement or undertaking is a housing development scheme as contemplated by the Act.

(b) Any reference in any advertisement to a life-right or any other concept that limits the occupation to the duration of the life of the purchaser or any other person mentioned in the contract shall be considered to be a right of occupation and shall comply with the provisions as defined in the Act."

2. By the insertion of the following subregulations after regulation 5 (t):

"(u) particulars of any other housing development scheme in which the developer was directly or indirectly involved in any capacity, including as an architect, developer, estate agent, practitioner, quantity surveyor, or otherwise;

(v) a statement as to whether or not all residential accommodation on the land relating to the housing development scheme is being utilised for the purposes of that scheme; and

(w) in the case where a housing interest is being alienated under a right of occupation as defined in the Act—

(i) a statement of the *proviso* according to which the purchaser may occupy the housing interest and the period of such occupation; and

(ii) a statement concerning the percentage of the purchase price if any, which will be repaid to the purchaser or any other person or to the estate of a purchaser or any such other person when the right of occupation expires."

No. R. 2092

31 August 1990

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988

The Deputy Minister of Trade and Industry and of National Education, acting on behalf of the Minister of Trade and Industry and Tourism has, in terms of section 11 (1) (i) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulations contained in the Schedule.

SCHEDULE

1. (i) Any application in regard to the endorsement of a title deed in terms of section 4C (3) of the Act shall be prepared by a practising attorney (who does not necessarily have to practise in the province where the land is situated), notary public or conveyancer, essentially in the form of Form A annexed to these regulations.

(ii) Any essential change or interlineation in such application shall be initialled by the attorney, notary public or conveyancer who prepared such application.

(iii) Die bepalings van subregulasie (i) belet nie 'n prokureur, notaris of transportbesorger in diens van die Staat om in die loop van sy diens enige dokument wat daarin genoem word, op te stel wat nodig is vir die verrigting van enige funksie wat uitgevoer moet word in die departement waarin hy werksaam is nie.

(iv) Wanneer 'n sertifikaat bedoel in subregulasie (i) deur 'n prokureur of notaris onderteken word, moet die feit dat die ondertekenaar 'n praktiserende prokureur of notaris is, bevestig word deur 'n praktiserende transportbesorger, wat die sertifikaat moet mede-onderteken deur die volgende sertifikaat daarop aan te bring en te onderteken:

Mede-onderteken deur my

TRANSPORTBESORGER

(Vermeld van en voorletters in blokletters.)

2 Die persoon wat die opstellingsertifikaat voorgeskryf by regulasie 1 onderteken, aanvaar verantwoordelikheid vir die korrektheid van ondergenoemde feite wat in die betrokke aansoek vermeld word of wat relevant is met betrekking tot die aansoek, naamlik—

(a) dat, in die geval van 'n aansoek bedoel in regulasie 1 (i) wat onderteken is deur 'n persoon in sy hoedanigheid van eksekuteur, trustee, voog, kurator, likwidateur of geregtelike bestuurder uit ondersoek van dokumente wat aan hom getoon is ter staving van sodanige aanstelling, hy tevrede is dat sodanige persoon inderdaad in daardie hoedanigheid aangestel is;

(b) dat, na sy beste wete en oortuiging en nadat behoorlik navraag gedoen is—

(i) (aa) die name, identiteitsnommer of geboortedatum en huwelikstaat van 'n natuurlike persoon wat die aansoek rig, en in die geval van enige ander persoon of 'n trust wat aansoek doen, die naam en registrasienommer (indien daar so 'n nommer is) van so 'n persoon of trust, korrek weergegee is in daardie aansoek;

(bb) In die geval waar 'n vrou getroud buite gemeenskap van goedere is, of 'n vrou wie se huwelik deur die reg van 'n ander land bepaal word, nie deur haar eggenoot bygestaan is by die ondertekening van 'n aansoek nie, die maritale mag uitgesluit is;

(cc) die nodige magtiging verkry is vir die ondertekening van sodanige aansoek in 'n verteenwoordigende hoedanigheid ten behoeve van 'n maatskappy, kerk, vereniging, genootskap of ander liggaam van persone of 'n instelling wat aansoek doen;

(dd) die aansoek gemagtig en in ooreenstemming is met die konstitusie, regulasie, of stigtingsverklaring, na gelang van die geval, van enige kerk, vereniging, beslote korporasie, genootskap, of ander liggaam van persone, of 'n ander instelling uitsluitend 'n maatskappy, behalwe 'n aandeelblokkemaatskappy soos omskryf in die Wet op die Beheer van Aandeelblokke, 1980 (Wet No. 59 van 1980), of die akte van 'n trust soos wat die geval mag wees; en

(ee) dat 'n trustee wat 'n aansoek onderteken, handel in ooreenstemming met die magte aan hom verleen in die betrokke trustakte of testament, en dat enige vereiste sekerheidstelling by die Meester van die Hooggeregshof gemaak is.

(iii) The provisions of subregulation (i) shall not prohibit an attorney, notary public or conveyancer, who is employed by the State, from preparing, in the course of his duties, any document mentioned therein, which is necessary for the performance of any function which has to be executed by the department wherein he is employed.

(iv) If a certificate mentioned in subregulation (i) is signed by an attorney or notary public, the fact that the signatory is a practising attorney or notary public, shall be confirmed by a practising conveyancer, who shall co-sign the certificate by the affixing of the following certificate thereto:

Co-signed by me

CONVEYANCER

(Surname and initials to be provided in capital letters)

2. The person who signs the drafting certificate as prescribed by regulation 1, shall assume responsibility for the correctness of the under-mentioned facts as mentioned in the said application or which are relevant in regard to the application, namely:

(a) in the case of an application as mentioned in regulation 1 (i) which is signed by a person in his capacity as an executor, trustee, guardian, curator, liquidator or judicial manager, that, from investigation of documents which have been presented to him as confirmation of such appointment, he is satisfied that such person has indeed been appointed in that capacity;

(b) that, to the best of his knowledge and belief and after having duly made enquiries—

(i) (aa) the names, identity number or date of birth and marital status of a natural person who makes the application, and in the case of any other person or a trust making application, the name and registration number (if such number exists), of such a person or trust, are correctly stated in that application,

(bb) in the case where a woman who is married out of community of property, or a woman whose marriage is determined by the law of another country, is not assisted by her husband in the signing of an application, the marital power is excluded;

(cc) the necessary authority has been obtained for the signing of such application in a representative capacity on behalf of a company, church, society, association or other body of persons or a institution making application;

(dd) the application is authorised and in accordance with the constitution, regulation or charter, as the case may be, of any church, society, close corporation, association, or other body of persons, or other institution excluding a company, except a shareblocks company as defined in the Share Blocks Control Act, 1980 (Act No. 59 of 1980), or the deed of a trust as the case may be; and

(ee) that a trustee who signs an application, is acting in accordance with the powers granted to him by the relevant deed of trust or will, and that any required security has been lodged with the Master of the Supreme Court.

3. (i) Die fooie betaalbaar vir die voorbereiding van 'n aansoek om endossering ingevolge artikel 4C (3) van die Wet asook die registrasie van sodanige endossering, sal 'n bedrag van R145 beloop, wat alle dienste met betrekking tot dokumente en ander bewyse, vereis ingevolge regulasie 2, insluit: Met dien verstande dat indien meer as een eiendom met betrekking tot dieselfde skema geëndosseer word, 'n addisionele fooi van R40 vir elke addisionele eiendom betaalbaar sal wees.

(ii) Die fooie betaalbaar vir die voorbereiding van enige toestemming deur 'n verbandhouer of eienaar ingevolge artikel 4C (1) van die Wet sal R100 wees: Met dien verstande dat, indien daar meer as een verband is, 'n addisionele fooi van R40 vir 'n tweede en elke daaropvolgende verband gevra kan word, indien hierdie dokument deur dieselfde aktebesorger wat die toestemming vereis met betrekking tot die eerste verband, tussen dieselfde partye oor dieselfde eiendom, opgestel is.

3. (i) The fees payable for the preparation of an application for an endorsement in terms of section 4C (3) of the Act including the registration of such endorsement, shall be the sum of R145 which shall include all attendances with regard to documents and other proof required in terms of regulation 2: Provided that if more than one property is to be endorsed in respect of the same scheme, an additional fee of R40 for each additional property shall be allowed.

(ii) The fees payable for the preparation of any consent by any bondholder or owner in terms of section 4C (1) of the Act shall be R100: Provided that, if there is more than one bond, an additional fee of R40 for the second and each subsequent bond may be charged where this document is drawn by the same conveyancer who drew the consent required in connection with the first bond between the same parties over the same property.

VORM A

Opgestel deur my

PROKUREUR/TRANSPORTBESORGER/
NOTARIS

(Vermeld van en voorletters in blokletters)

**AANSOEK INGEVOLGE ARTIKEL 4C (3) (VAN DIE WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR
AFGETREDE PERSONE, 1988 (WET No. 65 VAN 1988))**

Ek, die ontwikkelaar van 'n behuisingsontwikkingskema op..... (gee die volle beskrywing van die grond wat die onderwerp van die ontwikkelingskema uitmaak) doen hiermee aansoek om die endossement van.....

(dui aan of dit 'n grondbrief, transportakte of sertifikaat van titel is).....

(verstrek die volgende volgnummer deur 'n skuinsstreep en die jaarnommer), kragtens bogemelde artikel.

GETEKEN TE OP.....

GETUIES:

1. ONTWIKKELAAR
2.

FORM A

Prepared by me

ATTORNEY/CONVEYANCER/NOTARY PUBLIC
(Surname and initials to be provided in capital letters)

**APPLICATION IN ERMS OF SECTION 4C (3) OF THE HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS
ACT, 1988 (ACT No. 65 OF 1988)**

I....., the developer of a housing development scheme at

(give full details of the land which is the subject of the development scheme) hereby apply for the endorsement of

(indicate whether it is a deed of grant, deed of transfer or certificate of title)

(furnish the sequence number followed by a slash mark and the year number), in terms of the above-mentioned section.

SIGNED AT ON

WITNESSES:

1. DEVELOPER
2.

No. R. 1349

14 June 1991

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988

The Minister of Trade and Industry and Tourism has, in terms of section 11 of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgated the regulations contained in the Schedule.

SCHEDULE

1. Regulations 7 to 14 of Government Notice R. 1351 of 30 June 1989, shall be applicable to any housing development scheme irrespective of the date of completion of such scheme, excluding a housing development scheme conducted in pursuance of a development scheme or a share block scheme.

2. This notice shall come into operation on 1 July 1991.

No. R. 1349

14 Junie 1991

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988

Die Minister van Handel en Nywerheid en Toerisme het, kragtens artikel 11 van die Wet op Behuisingsontwikkingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasie wat in die Bylae vervat is, uitgevaardig.

BYLAE

1. Regulasies 7 tot 14 van Goewermentskennisgewing 1351 van 30 Junie 1989, is van toepassing op enige behuisingsontwikkingskema ongeag die datum van voltooiing van sodanige skema, uitgesonderd enige behuisingsontwikkingskema wat bedryf word uit hoofde van of in verband met 'n ontwikkelingskema of 'n aandeelblokskema.

2. Hierdie kennisgewing tree in werking op 1 Julie 1991.

Are you missing out on the biggest, most widespread, most popular hobby in the world - PHILATELY - (Stamp collecting)?

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DEPARTMENT OF TRADE AND INDUSTRY

No. R. 224 17 February 1995

HOUSING DEVELOPMENT SCHEMES FOR
RETIRED PERSONS ACT, 1988 (ACT No. 65 OF
1988)

I, Trevor Andrew Manuel, Minister of Trade and Industry, do hereby, under the powers vested in me by section 10 of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), promulgate the regulations in the Schedule.

SCHEDULE

1. The project known as Ramsgate Retirement Centre, situated within the municipal boundaries of the Ramsgate Town Board, is hereby exempted from the provisions of section 6 of the above Act, as well as from the provisions of regulation 7 to 14 of the regulations contained in Government Notice No. R. 1351 of 30 June 1989, subject to the following conditions:

- (a) That the title deed of the land concerned be endorsed in accordance with the provisions of section 4C of the said Act, to the effect that such land is subject to a housing development scheme;
- (b) that the management of phase 1 of Ramsgate Retirement Centre be placed in the hands of the Management Committee which shall consist of two ordinary members, two resident members of Ramsgate Retirement Centre, one representative nominated by the Town Board and the Directorate of the South Coast Good Samaritan Society;
- (c) that the financial and structural control of phase 2 of Ramsgate Retirement Centre be conducted by the Ramsgate Town Board through majority representation on the Steering Committee of the Ramsgate Retirement Centre which shall after completion of phase 2 be transferred to the South Coast Good Samaritan Society; and
- (d) that the payments by purchasers in the above-mentioned project be made on a progressive basis directly relating to the progress of the construction of their particular units.

2. Government Notice No. R. 1845 dated 10 August 1990 is hereby withdrawn.

T. A. MANUEL,
Minister of Trade and Industry.

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. R. 214 17 February 1995

POSSIBLE AMENDMENT TO REGULATIONS
UNDER SECTION 73 OF THE FOREST ACT, 1984
(ACT No. 122 OF 1984): COMBATTING OF PESTS
AFFECTING ANY KIND OF TIMBER

The Minister of Water Affairs and Forestry has been requested to amend the regulations under section 73 of the Forest Act, 1984 (Act No. 122 of 1984), as set out in the Schedule hereto. The amendment will bring about the compulsory treatment of all sawn *Eucalyptus* timber.

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 224 17 Februarie 1995

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR
AFGETREDE PERSONE, 1988 (WET No. 65 VAN
1988)

Ek, Trevor Andrew Manuel, Minister van Handel en Nywerheid, vaardig hierby, kragtens die bevoegdheid my verleen by artikel 10 van die Wet op Behuisingsontwikkingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), die regulasies in die Bylae uit.

BYLAE

1. Hiermee word die projek bekend as die Ramsgate Retirement Centre, geleë binne die munisipale gebied van Ramsgate Dorpsraad, vrygestel van die bepalinge van artikel 6 van die bogenoemde Wet, sowel as van die bepalinge van regulasie 7 tot 14 van die regulasies vervat in Goewermentskennisgewing No. R. 1351 van 30 Junie 1989, onderhewig aan die volgende voorwaardes:

- (a) Dat die titelakte van die betrokke grond ooreenkomstig die bepalinge van artikel 4C van die gemelde Wet geëndoseer word ten effekte dat daardie grond die onderwerp van 'n behuisingsontwikkingskema uitmaak;
- (b) dat die bestuur van fase 1 van Ramsgate Retirement Centre geplaas word in die hande van die Bestuurskomitee van die South Coast Good Samaritan Society wat sal bestaan uit twee gewone lede, twee inwonende lede van Ramsgate Retirement Centre, een verteenwoordiger deur die Stadsraad genomineer asook die Direksie van South Coast Good Samaritan Society;
- (c) dat die finansiële- en bouboubeheer van fase 2 van Ramsgate Retirement Centre behartig word deur die Ramsgate Dorpsraad, deur meerderheidsverteenvoording op die Reëlingskomitee waarna die bestuur, by voltooiing van fase 2, oorgeneem sal word deur die South Coast Good Samaritan Society; en
- (d) dat die betalings deur kopers in die bogemelde projek op 'n progressiewe basis in verhouding tot die vordering in konstruksie van hulle betrokke eenheid gemaak word.

2. Goewermentskennisgewing No. R. 1845 gedateer 10 Augustus 1990 word hierby herroep.

T. A. MANUEL,
Minister van Handel en Nywerheid.

DEPARTEMENT VAN WATERWESE EN BOSBOU

No. R. 214 17 Februarie 1995

MOONTLIKE WYSIGING AAN REGULASIES KRAG-
TENS ARTIKEL 73 VAN DIE BOSWET, 1984 (WET
No. 122 VAN 1984): BESTRYDING VAN INSEKTE
WAT ENIGE SOORT TIMMERHOUT AANVAL

Die Minister van Waterwese en Bosbou is versoek om die regulasies kragtens artikel 73 van die Boswet, 1984 (Wet No. 122 van 1984), te wysig soos uiteengesit in die Bylae hierby. Die wysiging sal beteken die verpligte behandeling van alle gesaagde *Eucalyptus* timmerhout.