

**NORTH WEST HOUSING DEVELOPMENT AMENDMENT ACT,
ACT NO. 1 OF 2003**

[ASSENTED TO]

[DATE OF COMMENCEMENT.....]

(English text signed by the Premier)

ACT

To provide for the amendment of the North West Housing Development Act, 1998; to disestablish the North West Housing Development Board; to establish the North West Housing Development Advisory Panel; and to provide for matters incidental thereto.

BE IT ENACTED by the Premier and the Legislature of the Province of the North West, as follows: -

Amendment of Section 1 of Act 11 of 1998

1 (1) Section 1 of the North West Housing Development Act, 1998 (Act No. 11 of 1998), hereinafter referred to as the Principal Act, is hereby amended –

(a) by the insertion before the definition of “ Constitution” of the following definition:

“**Code**” means the National Housing Code contemplated in section 4 of the Housing Act;

(b) by the deletion of the definition of “Board”;

(c) by the deletion of the definition of “former Board”;

(d) by the insertion after the definition of “national housing programme” of the following definitions:

“**Panel**” means the North West Housing Development Advisory Panel established by and under section 5A;

“**Procurement**” means the process by which organs of state procure goods, services and works from, dispose of movable property, or hire or let anything, or grant rights to the private sector.

(2) The following long title is hereby substituted for the long title of the Principal Act:

“ To provide for the promotion and facilitation of housing development in the Province of the North West; to establish principles of general application in relation thereto; to set out the general powers and duties of the Member of the Executive Council of the Province of the North West responsible for housing in relation to housing programmes, secure tenure, provision of rental and social housing and accreditation of municipalities; to provide for the establishment of the North West Housing Development **[Board]** Advisory Panel and establishment of the North West Housing Development Fund; and to provide for incidental matters.”

Amendment of Section 5 of Act 11 of 1998

2 (1) Section 5 of the principal Act is hereby amended –

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) present the Provincial Legislature with an annual report on the activities of the [**Board**] Panel;”

(b) by the insertion after paragraph (h) of the following paragraphs:

“(i) monitor the implementation of national and provincial housing policy;

(j) promote policy adherence in the execution of national housing programmes in the Province by monitoring delivery in terms of agreed criteria;

(k) promote programme and project performance in the execution of national programmes in the Province including monitoring the implementation of national housing programmes in respect of policy adherence by accredited municipalities;

(l) administer every national housing and provincial housing programme which is consistent with national housing policy and section 3(2)(b) of the Housing Act, and for this purpose may, in accordance with that programme and the prescripts contained in the Code, approve –

(i) any projects in respect thereof; and

(ii) the financing thereof out of money paid into the Fund as contemplated in section 12(2) of the Housing Act;

(m) determine housing development priorities in accordance with national housing policy in the Province;

(n) apply the procurement policy in respect of housing development determined by the Minister in terms of section 3(2)(c) of the Housing Act; and

(o) administer the assets contemplated in section 14 of the Housing Act.”

Insertions of section 5A and 5B in Act of 1998

3(1) The following sections are hereby inserted after section 5 of the Principal Act:

“Establishment of North West Housing Development Advisory Panel

5A (1) There is hereby established a body to be known as the North West Housing Development Advisory Panel to advise the responsible Member on any matter relating to housing development.

(2) The Panel shall consist of not more than 6 members who are fit and proper persons with knowledge, qualifications or experience in the field of housing development.

(3) Members of the Panel shall be appointed in accordance with a procurement policy that is consistent with section 217 of the Constitution, and must be appointed only after the responsible Member has, through the media and by notice in the Provincial Gazette, invited nominations of persons as candidates for the respective position on the Panel.

(4) A member of the Panel is appointed for the period determined by the responsible Member at his or her appointment and may, subject to subsection (3), be reappointed on termination of that period.

(5) The responsible Member may at any time the membership of a member of the Panel for reasons which are just and fair.

(6) A member of the Panel, other than a person who is in the full-time employment of the state, is paid an allowance determined by the responsible Member with the approval of the Member of the Executive Council of the Province responsible for Finance.

(7) A member of the Panel ceases to be a member if -

(a) he resigns;

(b) his or her estate is sequestrated or he or she applies for assistance contemplated in section 10(1)(c) of the Agricultural Credit Act, 1966;

(c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(d) he or she becomes a member of Parliament, a Provincial Legislature, a municipal council, the cabinet or the Executive Council of a Province.

Delegation and assignment of powers and duties by the responsible Member

5B The responsible Member may, subject to any conditions which he or she may deem appropriate in any instance -

(a) delegate any power conferred on him or her by this Act; or

(b) assign any duty imposed upon him or her by this Act,

to an officer or employee of the Department either in his or her personal capacity or by virtue of the rank he or she holds or the post he or she occupies: Provided that the

delegation or assignment does not prevent the responsible Member from exercising that power or performing that duty himself or herself."

Disestablishment of the North West Housing Development Board and transitional provisions incidental thereto

- 4(1) The -
- (a) North West Housing Development Board established by and under section 6 of the Principal Act;
 - (b) the executive committee of that Board established by and under section 13(1) of that Act; and
 - (c) any other committee of that Board appointed in terms of section 14(1) of that Act,
- are hereby disestablished.
- (2) No act, determination, decision, matter or any other thing purported to have been done, made, taken, executed or carried out by the disestablished Board or executive or any other committee of the disestablished Board referred to in subsection (1) shall be invalid by reason only of the disestablished Board or the executive or committee of the disestablished Board, at any time after its establishment, not being constituted in accordance with the provisions of the Principal Act.
- (3) (a) Anything done under or in terms of this Act by the disestablished Board shall be deemed to have been done by the responsible Member.
- (b) As from the date of commencement of this Act, the powers, duties, rights and obligations of the disestablished Board in respect of any national housing programme, vest in the responsible Member.
- (c) Any reference to the disestablished Board in any document, in which the national housing programme is mentioned, shall be construed as a reference to the responsible Member.

Repeal of sections

5. Sections 6,7,8,9,10,11,12,13 and 14 of the Principal Act are hereby repealed.

Short title

6. This Act shall be called the North West Housing Development Amendment Act, 2003.