

# Provincial Gazette Extraordinary

5433

Friday, 3 March 2000

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P.N. 71 3 March 2000

The following Amendment Bill is hereby published for general information:—

Municipal Ordinance, 1974, Amendment Bill [B4—2000]

Any person or organisation wishing to comment on the said Amendment Bill is requested to lodge such comment in writing before or on 14 March 2000:

- (a) by posting it to:  
The Secretary:  
Western Cape  
Provincial Parliament  
P.O. Box 648  
Cape Town  
8000  
or
- (b) by handing it in at:  
Room 4-92  
Provincial Building  
7 Wale Street  
Cape Town

P. J. C. Pretorius  
*Secretary to Parliament*

# Buitengewone Provinsiale Koerant

5433

Vrydag, 3 Maart 2000

*As 'n Nuusblad by die Poskantoor Geregistreer*

## INHOUD

P.K. 71 3 Maart 2000

Die volgende Wysigingswetsontwerp word hierby vir algemene inligting gepubliseer:—

Wysigingswetsontwerp op die Munisipale Ordonnansie, 1974 [W4—2000]

Enige persoon of organisasie wat kommentaar oor die genoemde Wysigingswetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 14 Maart 2000:

- (a) deur dit te pos aan:  
Die Sekretaris:  
Wes-Kaapse  
Provinsiale Parlement  
Posbus 648  
Kaapstad  
8000  
of
- (b) deur dit in te handig by:  
Kamer 4-92  
Provinsiale-gebou  
Waalstraat 7  
Kaapstad

P. J. C. Pretorius  
*Sekretaris van die Parlement*

# AMENDMENT BILL

**To amend the Municipal Ordinance, 1974 (Ordinance 20 of 1974), to provide for a beneficiary under the discount benefit scheme to obtain the registration of transfer of immovable property by novating such beneficiary's debt to the municipality concerned, and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Provincial Parliament of the Province of Western Cape, as follows:—

**Amendment of section 96 of Ordinance 20 of 1974 as amended by section 11 of Ordinance 17 of 1980, section 4 of Ordinance 4 of 1983 and Proclamation No. 147/1993**

1. Section 96 of the Municipal Ordinance, 1974 is hereby amended—
- (a) in subsection (2), by the substitution for “The treasurer” of the following:  
“Subject to subsection (2A), the treasurer”, and
  - (b) by the addition after subsection (2) of the following subsection:  
10 (2A) The treasurer may issue an authority referred to in subsection (1) in respect of any immovable property if—
    - 15 (a) the property concerned has been purchased by a person who for the first time has purchased a property from the Provincial Housing Development Board of the Western Cape referred to in section 8(1)(a)(i) of the Housing Act, 1997 (Act 107 of 1997) or a predecessor in law of that Board or the municipality, and
    - (b) the purchase contemplated by paragraph (a) is in accordance with the discount benefit scheme referred to in section 3(5)(b) of the Housing Act, 1997, and
    - 20 (c) the purchaser has concluded a justiciable agreement with the council thereby acknowledging any indebtedness to the council in respect of arrear rates, fees or charges and undertaking to liquidate the indebtedness in the manner agreed upon with the council.

## Short title

- 25 2. This Act is called the Municipal Ordinance, 1974, Amendment Act, 2000.

**EXPLANATORY MEMORANDUM  
MUNICIPAL ORDINANCE, 1974, AMENDMENT BILL**

Section 96 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), provides that no transfer of any immovable property shall be registered in a deeds register unless a written authority for such registration is issued by the treasurer of the municipality concerned. The issuing of such authority (clearance certificate) is subject to, amongst others, the payment of rates, fees and charges. This section in fact protects the interests of municipalities.

The problem that gave rise to the proposed amendment is that clearance certificates required for land transfers to beneficiaries under the Housing Discount Benefit Scheme are being refused until outstanding debts have been settled. In social terms, this means that many thousands of potential homeowners from the previously disadvantaged communities cannot obtain transfer of land.

The proposed amendment provides a mechanism which will enable purchasers under the Housing Discount Benefit Scheme to obtain transfer of property. At the same time the interests of municipalities are protected by requiring such purchasers to enter into a justiciable agreement for the repayment of any outstanding rates, fees or charges. The proposed amendment is furthermore in line with the principle of promoting homeownership.

