

<b>LEGISLATION</b>	<b>DATE OF AMENDMENT</b>	<b>IMPLICATIONS FOR THE DEPARTMENT</b>
HOUSING ACT 107 OF 1997	<p>Housing Amendment Act, 2006</p> <p>White Paper</p> <p>A New Housing Policy and Strategy for South Africa</p>	<p>Provision of a policy framework for the accreditation of municipalities. Provide for the assignment of powers to accredited municipalities. Provision of restriction on sale of state-subsidized housing. To provide for the allocation of money in Fund to provincial governments.</p>
SOCIAL HOUSING ACT 16 OF 2008	SOCIAL HOUSING ACT , 2008	<p>To establish and promote a sustainable social housing environment; to define the functions of national, provincial and local governments in respect of social housing; to provide for the establishment of the Social Housing Regulatory Authority in order to regulate all social housing institutions obtaining or having obtained public funds; to allow for the undertaking of approved projects by other delivery agents with the benefit of public money; to give statutory recognition to social housing institutions.</p>
RENTAL HOUSING ACT 50 OF 1999	RENTAL HOUSING AMENDMENT BILL, 2006	<p>Provision for rulings by Rental Housing Tribunals; to expand the provisions pertaining to leases; to make further provision for the filling of vacancies in Rental Housing.</p>
HOUSING CONSUMERS PROTECTION Act, 1998	HOUSING CONSUMER'S PROTECTION MEASURES AMENDMENT ACT, 2006	<p>To make provision for late enrolment and non-declared late enrolment. To make provision for the position of owner builders, to extend the warranty scheme to include roof leaks. To make provision for the use of money or moneys in the fund. To extend the offences created in the Act and to amend provisions pertaining to the granting of exemption by the Council and lodging of appeals with the Minister.</p>
	KZN AMAFA AND RESEARCH	<p>The Bill seeks to amalgamate Amafa aKwaZulu- Natali with the Chief Directorate: Heritage within the Office of the Premier "OTP" so as to</p>

INSTITUTE BILL,  
2016

establish a statutory Institute to conduct both basic and applied research to generate relevant knowledge and contribute solutions to challenges within the field of heritage within the Province and to manage and conserve heritage resources in KZN.

Tax Administration  
Laws Amendment  
Act, 2015

The amendments are as follows:

- If the seller does not submit a return in respect of that year of assessment within 12 months after the end of that year of assessment, the payment of that amount is deemed to be a self-assessment in terms of section 95(3) of the Tax Administration Act.
- provisional tax' means any payment in respect of liability for normal tax required to be made in terms of paragraph 17
- [a person exempt from payment of provisional tax in terms of paragraph 18] person in respect of whose liability for normal tax for the relevant year of assessment payments are required to be made under section 33; natural person who does not derive any income from the carrying on of any business, if— he taxable income of that person for the relevant year of assessment does not exceed the tax threshold; or the taxable income of that person for the relevant year of assessment which is derived from interest, dividends, foreign dividends and rental from the letting of fixed property does not exceed R30 000 and a small business funding entity

Revenue Laws  
Amendment Act,  
2016

The definition of pension fund is as follows: the fund is a permanent fund bona fide established for the purpose of providing annuities for employees on retirement from employment or for

the dependants or nominees of deceased employees, or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid or for the purpose of providing any benefit contemplated in paragraph 2C of the Second Schedule or section 15A or 15E of the Pension Funds Act. The rules of the fund provide—

- that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales;
- that membership of the fund throughout the period of employment shall be a condition of the employment by the employer of all persons of the class or classes specified therein who enter his or her employment on or after the date upon which—
  1. the fund comes into operation; or (bb) the employer becomes a participant in that fund;
- that persons who immediately prior to the said date were employed by the employer and who on the said date fall within the said class or classes may, on application made within a period of not more than 12 months as from the said date, be permitted to become members of the fund on such conditions as may be specified in the rules;
- that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R165 000 or where the employee is deceased: Provided that in

determining the value of the retirement interest an amount calculated as follows must not be taken into account;

1. in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018—
  1. any amount contributed to a provident fund of which that person is a member on 1 March 2018;
  2. with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and
  3. any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or (bb) in any other case of a person who is a member of a provident fund—
  4. (i) any amount contributed to a provident fund prior to 1 March 2018; (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and
  5. any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited

		contemplated in subparagraph (ii)
	CRITICAL INFRASTRUCTURE BILL, 2016	The intention of the legislature in introducing the Bill (the Act) is to ensure that Critical Infrastructure is protected from destruction or vandalism so that service delivery may not be compromised or hampered. Destruction or vandalism of critical infrastructure may be prevented or avoided or deterred only if stiff sentences are imposed against people who contravene the Bill (the Act). The Bill in its current form only prescribes maximum sentences that may be imposed by the Courts, i.e., the Bill does not prescribe minimum sentences which the Courts must impose against individual who contravene the Bill /the Act. In order for the legislature to realise its objectives it would have been prudent for the Bill to prescribe minimum sentences which the Courts should not depart from in absence of any compelling and exceptional circumstances. In the absence of minimum sentences, the Courts will have discretion to sentence any person who contravenes the Act to any sentence [up to the maximum sentence] which may be a suspended prison sentence, a fine or prison sentence or combination of the above sentences.
	Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2015	To fix the rates of normal tax; to amend the Transfer Duty Act, 1949, so as to amend rates of transfer duty and monetary thresholds; to amend the Income Tax Act, 1962, so as to amend rates of tax and monetary amounts; to amend the Customs and Excise Act, 1964, so as to amend rates of duty in Schedule 1 to that Act
Home Loan and Mortgage Disclosure Act, 2000	Amended by National Credit Act 34 of 2005 from 1 June 2006: Section 13	The amendment omits the reference to the repealed Agricultural Credit Act, 1966 (Act No. 28 of 1966) in section 8(2)(c) of the Act

Amended by  
Prevention and  
Combating of  
Corrupt Activities  
Act 12 of 2004  
from 28 Apr 2004:  
Section 8

Disestablishment of  
South African Trust  
Limited Act, 2002

All rights and assets of the Company, including the administrative, financial and other records of the Company, vest in the National Housing Finance Corporation (as per the Housing Act), all obligations and liabilities of the Company now vest in the Government as part of the national debt. Thus the Government must meet these obligations and liabilities. Repeal the Africa Institute of South Africa Act, 2001

KwaZulu-Natal Housing  
Act, 1998 (12 of 1998 as  
Amended)

No recent  
amendment

Chapter 4 provides that: The Department shall be responsible for the administration of the bank account of the Fund and manage and co-ordinate housing development in the Province. The department shall, subject to national and provincial housing policy and after consultation with the Minister, on behalf of the Provincial Government: (a) undertake projects; (b) maintain, sell, or lease dwellings and other immovable property; (c) notwithstanding anything to the contrary in any law and either with the prior consent of the owner or following the expropriation of such land, perform such work and undertake such projects on privately owned land as the Minister may, subject to such terms and conditions as he or she may determine, approve; (d) determine provincial policy in respect of housing development; (e) promote the adoption of provincial legislation to ensure effective housing delivery; and (f) prepare and maintain a multi-year plan in respect of the execution in the province of every national and provincial housing programme, which is consistent with a national and provincial housing policy

<p>Sectorial Titles Act, 1986(95 of 1986, as amended by Act 24 &amp; 29 of 2003)</p>	<p>Sectional Titles Amendment Act, 2013</p>	<p>Amended the Sectional Titles Act, 1986, to further regulate notification of the intended establishment of schemes and the sale of units to lessees; to provide for the cancellation of registered sectional plans in a prescribed manner; to regulate the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section; to provide for the deletion of an obsolete reference; to provide for the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights; to provide for the endorsing of title deeds to reflect amended participation quota schedules; to regulate the alienation of a portion of land over which a real right of extension or part thereof is registered; to provide for the consent of holders of registered real rights over exclusive use areas to the alienation of common property; to provide for the cession of a mortgage real right of extension and a mortgage real right of exclusive use area; to provide for the cancellation of part of a section pursuant to an expropriation; to further provide for the consent of bondholders with the registration of a sectional plan of extension; to provide for the issuing of more than one certificate of real right of extension and more than one certificate of real right of exclusive use area.</p>
<p>Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 1998</p>	<p>No recent amendments</p>	
<p>Housing Development Schemes for Retired Persons Act, 1998( 65 of 1988) as amended by 20 of 1998</p>	<p>No recent amendments</p>	
<p>National Building Regulations and Building</p>	<p>National Building Regulations and Building Standards</p>	<p>Amended the National Building Regulations and Building Standards Act, 1977, by empowering a local authority to accept the appointment of certain persons registered in terms</p>

Standards Act 103 of 1977	Amendment Act, 1995	of the Engineering Profession of South Africa Act, 1990
Construction Industry Development Board Act, 2000	No recent amendments	
Preferential Procurement Policy Framework Act, 2000	No recent amendments	
Housing Development Agency Act 2008	No recent amendments	
National Environmental Management Act, 1998	National Environmental Management Amendment Act, 2008	Amends the National Environmental Management Act, 1998, to further regulate environmental authorisations; to empower the Minister of Minerals and Energy to implement environmental matters in terms of the National Environmental Management Act, 1998, in so far as it relates to prospecting, mining, exploration, production or related activities on a prospecting, mining, exploration or production area; to align environmental requirements in the Mineral and Petroleum Resources Development Act, 2002, with the National Environmental Management Act, 1998, by providing for the use of one environmental system and by providing for environmental management programmes, consultation with State departments, exemptions from certain provisions of the National Environmental Management Act, 1998, financial provision for the remediation of environmental damage, the management of residue stockpiles and residue deposits, the recovering of cost in the event of urgent remedial measures and the issuing of closing certificates as it relates to the conditions of the environmental authorisation.
Communal Land Rights Act 2004	No recent amendments	

<p>Communal Property Associations Act 1996</p>	<p>Communal property Associations</p> <p>Amendment Bill, 2016</p>	<p>Amends the Communal Property Associations Act, 1996, so as to extend the application of the Act to labour tenants who acquired land; to provide for the establishment of a Communal Property Associations Office and the appointment of a Registrar of Communal Property Associations; to provide for general plans for land administered by an association; to repeal the provisions relating to provisional associations; to provide improved protection of the rights of communities in respect of movable and immovable property administered by an association; to provide for name changes of associations; to improve the provisions relating to the management of an association that has been placed under administration; to provide clarity on the content of an annual report in respect of associations; to make provision for transitional arrangements.</p>
<p>Deeds Registries Act 47 of 1937</p>	<p>Deeds Registries Amendment Act 34 of 2013</p>	<p>Amends the Deeds Registries Act, 1937, so as to provide discretion in respect of the rectification of errors in the name of a person or the description of property mentioned in deeds and other documents; to provide for the issuing of certificates of registered title taking the place of deeds that have become incomplete or unserviceable; to substitute an obsolete reference; to substitute an outdated heading; to delete reference to the repealed Agricultural Credit Act, 1966; to further regulate the updating of deeds in respect of the change of names of companies, close corporations and the surnames of women</p>
<p>Extension of Security of Tenure Act 62 of 1997</p>	<p>Security of Tenure Amendment Act, 2015</p>	<p>Amends the Extension of Security of Tenure Act, 1997, so as to substitute the provision of subsidies with tenure grants; to further regulate the rights of occupiers; to provide for legal representation for occupiers; to further regulate the eviction of occupiers by enforcing alternative resolution mechanisms</p>

		provided for in the Act; to provide for the establishment and operation of a Land Rights Management Board; to provide for the establishment and operation of Land Rights Management Committees to identify, monitor and settle land rights disputes
Land Administration Act 2 of 1995	Land Administration Amendment Act, 1996	Amends the Land Administration Act, 1995, so as to delete the definition of "proclaimed area"; to insert a definition of "Director-General" and to insert a definition of "Minister" in the Afrikaans text; to make further provision for the delegation of powers; to repeal the section which confers upon the President certain powers with regard to laws in a proclaimed area.
Expropriation Act, 1951 as repealed by Act 63 of 1975	Expropriation Amendment Act, 1992	Amends the Expropriation Act, 1975 so as to extend the power to expropriate to any minister responsible for the administration of works and land affairs. To restrict expropriation by Transnet to expropriation under the Legal Succession to the South African Transnet Services Act, 1989. To extend payment of compensation in respect of unregistered rights. To extend penal provisions. To regulate offers and claims relating to compensation, payment of interest, payment of legal costs and withdrawal of expropriation.
State Land Disposal Act 48 of 1961	No recent amendments	
Government Immovable Asset Management Act 19 of 2007	No recent amendments	Provides for a uniform framework for the management of an immovable asset that is held or used by a national or provincial department; to ensure the coordination of the use of an immovable asset with the service delivery objectives of a national or provincial department; to provide for issuing of guidelines and minimum standards in respect of immovable asset management by a national or provincial department