



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.35

WINDHOEK - 27 December 2000

No.2459

CONTENTS

Page

GOVERNMENT NOTICE

No. 293	Promulgation of National Housing Development Act, 2000 (Act 28 of 2000), of the Parliament	1
---------	---	---

Government Notice

OFFICE OF THE PRIME MINISTER

No. 293 2000

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 28 of 2000: National Housing Development Act, 2000.

ACT

To establish a National Housing Advisory Committee and to define the powers, duties and functions of that Committee; to provide for the establishment of Housing Revolving Funds by local authority councils and regional councils; to regulate the allocation of moneys to, and the administration of, Housing Revolving Funds; to provide for the establishment of Decentralised Build Together Committees and to define the powers, duties and functions thereof; and to provide for matters incidental thereto.

(Signed by the President on 21 December 2000)

BE IT ENACTED by the Parliament of the Republic of Namibia as follows :-

ARRANGEMENT OF SECTIONS**PART I
PRELIMINARY PROVISIONS**

1. Definitions

**PART II
NATIONAL HOUSING ADVISORY COMMITTEE**

2. Establishment of National Housing Advisory Committee
3. Constitution of Advisory Committee
4. Disqualification and terms of office of, and vacation of office by, members of the Advisory Committee
5. Functions of Advisory Committee
6. Meetings of Advisory Committee
7. Remuneration of members of Advisory Committee

**PART III
REGIONAL AND LOCAL HOUSING REVOLVING FUNDS**

8. Establishment of Housing Revolving Funds
9. Objects and purposes of a Housing Revolving Fund

**PART IV
ALLOCATION OF MONEYS FROM TRUST FUND TO HOUSING
REVOLVING FUNDS AND UTILISATION OF SUCH MONEYS.**

10. Allocation of moneys from Trust Fund to Housing Revolving Funds
11. Utilisation of moneys allocated from Trust Fund

PART V

12. Control and management of Housing Revolving Funds and appointment of accounting officer
13. Powers and duties of accounting officer
14. Audit
15. Application for a loan
16. Security for repayment of loan

17. Acquisition or alienation of land
18. Sale of property
19. Sale of Land on Instalments Act, 1971
20. Exemption from payment of transfer duty and stamp duties
21. Construction of buildings
22. Attachment of property in which Housing Revolving Fund has an interest
23. Preferent right of Housing Revolving Fund to purchase property
24. Additional loans
25. Remedies against persons in default of repayment of loans

PART VI DECENTRALISED BUILD TOGETHER COMMITTEES

26. Establishment of Decentralised Build Together Committees
27. Constitution of Decentralised Build Together Committees
28. Disqualification and terms of office, and vacation of office by, members of Decentralised Build Together Committees
29. Functions of Decentralised Build Together Committees
30. Meetings of Decentralised Build Together Committees

PART VII GENERAL

31. Appeals
32. Regulations
33. Offences
34. Delegation of powers and assignment of duties or functions
35. Limitation of liability
36. Winding up and judicial management
37. Repeal of laws and savings
38. Short title and commencement

PART I PRELIMINARY

Definitions

1. In this Act, unless the context otherwise indicates -

“accounting officer” means an accounting officer appointed in terms of section 26(2)(a);

“Advisory Committee” means the National Housing Advisory Committee established by section 2;

“Board of Trustees” means the Board of Trustees of the Trust Fund established by section 4 of the Trust Fund for Regional Development and Equity Provisions Act, 2000;

“Decentralised Build Together Committee” means a Decentralised Build Together Committee established under section 26;

“dwelling” means any building which after its construction contains or will contain not more than five living rooms, in addition to a kitchen and the usual appurtenances, outbuildings, fences and permanent provision of light, water supply, drainage and sewerage;

Act No. 28, 2000

NATIONAL HOUSING DEVELOPMENT ACT, 2000

“dwelling house” means a single dwelling unit and any garage and other usual outbuildings thereto, situated on its own site or, if applicable, as otherwise defined in the town planning scheme of the local authority concerned;

“dwelling unit” means a unit containing one or more living rooms and provided with adequate sanitary and cooking facilities or, if applicable, as otherwise defined in the town planning scheme of the local authority concerned;

“geographical area” means -

- (a) a village declared as such under section 3 of the Local Authorities Act, or deemed to be so declared; or
- (b) a settlement area declared under section 31 of the Regional Councils Act,

as the case may be;

“inhabitant” means, in respect of an area, a person who is permanently resident in that area and who qualifies for a loan in terms of this Act;

“loan” means a loan granted under section 15(5), or an additional loan granted under section 24 ;

“Local Authorities Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“local authority” means -

- (a) a municipality declared as such under section 3 of the Local Authorities Act or deemed to be so declared;
- (b) a town declared as such under section 3 of the Local Authorities Act, or deemed to be so declared,

as the case may be;

“low cost residential accommodation” means the provision of residential accommodation to such low income groups of people as prescribed, and includes -

- (a) a building or part of a building which is designed and intended to be used as a dwelling for a single family;
- (b) a dwelling of an initially temporary nature which, for reasons of affordability, is to be constructed in stages in such a manner that it can be occupied by the owner in its intermediate stages, provided that the owner shall have a maximum period of three years within which to complete the dwelling and that when completed, the dwelling shall have a total area of not more than 300 square metres; or
- (c) a dwelling erected or to be erected under a self-help scheme, with a total area of not more than 100 square metres,

as the case may be;

“Minister” means the Minister responsible for Housing;

“Ministry” means the Ministry of Regional and Local Government and Housing;

“Permanent Secretary” means the Permanent Secretary : Regional and Local Government and Housing;

“prescribe” means prescribe by regulation;

“region” means a region as defined in section 1 of the Regional Councils Act;

“regional council” means a regional council established by section 2 of the Regional Councils Act;

“Regional Councils Act” means the Regional Councils Act, 1992 (Act No. 22 of 1992);

“regional officer” means the regional officer of a regional council appointed under section 23 of the Regional Councils Act;

“regulations” means the regulations made under this Act, or deemed to be so made;

“staff member” means -

(a) in the case of a staff member of the Ministry, a staff member as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);

(b) in the case of a staff member of a regional council or local authority council, a staff member as defined in section 1 of the Regional Councils Act or section 1 of the Local Authorities Act, as the case may be;

“this Act” includes the regulations; and

“Trust Fund” means the Trust Fund for Regional Development and Equity Provisions established by the Trust Fund for Regional Development and Equity Provisions Act, 2000.

PART II NATIONAL HOUSING ADVISORY COMMITTEE

Establishment of National Housing Advisory Committee

2. There is established an Advisory Committee to be known as the National Housing Advisory Committee.

Constitution of Advisory Committee

3. (1) The Advisory Committee shall consist of not less than three and not more than five members, appointed by the Minister by notice in the Gazette from persons nominated by organisations, associations or groups of persons who have an interest in any matter referred to in subsection (2)(b).

(2) The Minister shall -

- (a) invite, in such form as he or she may determine, by notice in the Gazette and in two newspapers circulating throughout Namibia, the organisations, associations or groups of persons referred to in paragraph (b), to in writing nominate, subject to the conditions the Minister may specify in the notice, persons for appointment by the Minister in terms of subsection (1) as members of the Advisory Committee; and
- (b) take into account, when appointing any person as a member of the Advisory Committee in terms of subsection (1); the knowledge and experience of such person in respect of matters relating to -
 - (i) public sector housing;
 - (ii) private sector housing;
 - (iii) regional and local authority housing;
 - (iv) low cost residential accommodation;
 - (v) financial issues relating to housing development; or
 - (vi) the housing policy of the Government.
- (3) The Minister may specify, in a notice in terms of subsection (2)(a), the organisations, associations or groups of persons contemplated in that subsection.
- (4) The Minister shall appoint, *mutatis mutandis* in accordance with subsections (1) and (2), and for such period of time as the Minister may determine and specify in the notice, an alternate member to every member of the Advisory Committee appointed in terms of subsection (1).
- (5) An alternate member appointed in terms of subsection (4) -
 - (a) shall act in the place and perform the functions of, and shall attend meetings and vote at such meetings on behalf of, a member of the Advisory Committee during such member's temporary absence or temporary incapacity to act as a member or to attend meetings; and
 - (b) who acts or who attends any meeting on behalf of a member of the Advisory Committee in terms of paragraph (b), may be deemed, for the period during which he or she so acts or so attends any meeting and for the purposes of section 7 to be a member of the Advisory Committee.
- (6) Any vacancy on the Advisory Committee caused by the death of, or the vacation of office by, any member of the Advisory Committee, shall be filled by appointment by the Minister, *mutatis mutandis* in accordance with subsection (1), of a person as a member for the unexpired portion of the terms of office of the deceased member or the member who so vacated his or her office, as the case may be.

Disqualification and terms of office of, and vacation of office by, members of the Advisory Committee

- 4. (1) No person -

- (a) who is not a Namibian citizen or not lawfully admitted to Namibia for permanent residence therein, and resident in Namibia; or
- (b) who does not in terms of Article 47 of the Namibian Constitution qualify to become a member of the National Assembly,

shall be appointed as a member of the Advisory Committee.

- (2) A member of the Advisory Committee shall -

- (a) hold office for such period of time as the Minister may determine and specify in the notice contemplated in section 3(1), which period shall not exceed three years; and
- (b) be eligible for re-appointment as a member of the Advisory Committee at the expiration of his or her terms of office determined in terms of paragraph (a).

- (3) A member of the Advisory Committee shall vacate his or her office if he or she -

- (a) becomes subject to any disqualification referred to in subsection (1);
- (b) in writing under his or her hand, addressed and delivered to the chairperson of the Advisory Committee, resigns as a member of the Advisory Committee;
- (c) has been absent from more than three consecutive meetings of the Advisory Committee without the written permission of the chairperson of the Advisory Committee; or
- (d) is, at any time before the expiry date of such member's terms of office, upon the recommendation of the Advisory Committee on reasonable grounds, removed from office by the Minister by notice in the *Gazette*.

- (4) Any member of the Advisory Committee -

- (a) who has in any way, whether directly or indirectly, any financial interest in any transaction or matter which has to be considered, monitored or evaluated by the Advisory Committee, or in respect of which the Advisory Committee has to make any recommendation, or who intends to acquire such an interest; or

- ~~(b)~~ who at any time after the Advisory Committee has considered, monitored or evaluated, or has made a recommendation in respect of, any transaction or matter referred to in paragraph (a), obtains any financial interest in such transaction or matter,

shall declare the nature, extent and full particulars of his or her interest in such transaction or matter to the meeting of the Advisory Committee at which such transaction or matter is discussed, or at the first meeting of the Advisory Committee at which it is possible for him or her to declare such interest.

- (5) Full particulars of a declaration made by a member of the Advisory Committee in terms of subsection (4) shall be recorded in the minutes of the meeting of the Advisory Committee at which such declaration was made.

(6) If any transaction or matter referred to in subsection (4), or any part or aspect relating to such transaction or matter, is discussed by the Advisory Committee during any meeting thereof, the member referred to in that subsection shall withdraw from the meeting during such discussion, and he or she shall not participate in any discussion or voting in connection with such transaction or matter.

(7) A member of the Advisory Committee shall not approach or in any way lobby any other member of the Advisory Committee in respect of any transaction or matter in which he or she has any financial interest, or, subject to subsection (4), discuss such transaction or matter with any such other member.

(8) Any member of the Advisory Committee who contravenes or fails to comply with any provision of subsection (4), (6) or (7), shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years or to both such fine or such imprisonment.

(9) For the purposes of this section -

- (a) a financial interest of a member of the Advisory Committee in any transaction or matter includes a financial interest of such member's spouse, parent, child or business partner, as the case may be, in such transaction or matter; and
- (b) any reference to a member in this section, excluding any such reference in subsection (3)(c), includes a reference to an alternate member.

Functions of Advisory Committee

5. (1) The Advisory Committee may -

- (a) advise the Minister on any aspect of national housing, including the formulation and implementation of specific policies and programmes relating to low cost residential accommodation;
 - (b) monitor and evaluate, and make reports to the Minister on, housing programmes in Namibia;
 - (c) consider and determine an appeal under section 31(1)(b);
 - (d) review, in the prescribed manner and subject to subsection (2), any decision of a regional council or local authority council on any matter relating to housing;
 - (e) make recommendations to the Minister on regulations made or to be made under this Act;
 - (f) co-opt, subject to subsection (6), not more than five additional members to assist the Advisory Committee in the performance of its functions; and
 - (g) perform such other functions as the Minister may designate to it in writing.
- (2) The Advisory Committee -

NATIONAL HOUSING DEVELOPMENT ACT, 2000

- (a) when reviewing any decision of a Decentralised Build Together Committee under subsection (1)(d), may confirm, set aside, amend or substitute such decision, or in writing refer such decision back to such regional council or local authority council, as the case may be, for further investigation or consideration, subject to such conditions as the Advisory Committee may determine; and
- (b) shall inform in writing, within a period of 14 days after a review under paragraph (a), the Minister and the regional council or local authority council concerned, as the case may be, of any decision of such Decentralised Build Together Committee confirmed, set aside, amended or substituted, as the case may be, under that paragraph.
- (3) A regional council or local authority council, as the case may be, shall advise, within a period of 30 days after receipt of a decision referred back to it under subsection (2)(a) for further consideration, or within such other period of time as the Advisory Committee may determine and in writing advise such regional council or local authority council, as the case may be, furnish the Advisory Committee with a written recommendation concerning such decision.
- (4) The Advisory Committee shall review, under subsection (1)(d), the recommendations furnished to it by a regional council or local authority council, as the case may be, in terms of subsection (3).
- (5) The Advisory Committee shall promote and encourage, when performing its functions in terms of this Act, the use of materials manufactured and the labour available, in the region concerned.
- (6) An additional member co-opted by the Advisory Committee under subsection (1)(f) -
- (a) shall be deemed, for the purposes of section 7, to be a member of the Advisory Committee;
- (b) may attend, but shall not vote at, any meeting of the Advisory Committee;
- (c) shall be subject to subsections (3) and (4) of section 4; and
- (d) shall not be, for the purposes subsections (6), (8) or (9), as the case may be, of section 6, a member of the Advisory Committee.

Meetings of Advisory Committee

6. (1) The Advisory Committee shall hold, subject to subsection (2), three meetings during every year.
- (2) Notwithstanding subsection (1), the chairperson of the Advisory Committee may convene additional meetings of the Advisory Committee as he or she may consider necessary.
- (3) The Minister shall determine the date and time of, and the venue and agenda for, the first meeting of the Advisory Committee, and the chairperson of the Advisory Committee shall determine the date and time of, and the venue and agenda for, subsequent meetings of the Advisory Committee.

- (4) At the first meeting of the Advisory Committee -
- (a) the secretary designated in terms of subsection (7) shall act as chairperson; and
- (b) the Advisory Committee shall elect from amongst its members a chairperson, a vice-chairperson and one additional member.
- (5) The chairperson of the Advisory Committee or, in his or her absence, the vice-chairperson, shall preside, subject to subsection (4)(a), at any meeting thereof.
- (6) If both the chairperson and the vice-chairperson of the Advisory Committee are absent from, or for any reason unable to preside at, any meeting of the Advisory Committee, the members present at such meeting shall elect from amongst themselves a member to act as chairperson at that meeting.
- (7) The Minister shall designate a staff member in the Ministry to act as the secretary of the Advisory Committee, which staff member shall not be a member of such Committee.
- (8) The majority of the members of the Advisory Committee present at any meeting thereof shall constitute a quorum.
- (9) A decision of the Advisory Committee shall be taken, subject to subsection (10), by a majority vote of the members present at a meeting thereof.
- (10) The chairperson at a meeting of the Advisory Committee shall have, in the event of an equality of votes and in addition to his or her deliberative vote, a casting vote.
- (11) No decision taken by, or act performed under the authority of, the Advisory Committee shall be invalid by reason of -
- (a) a vacancy on the Advisory Committee; or
- (b) the fact that a person who was not entitled to sit as a member of the Advisory Committee sat as a member at a duly constituted meeting when the decision was taken or the act was authorised,
- if the decision was taken or the act was authorised by the majority of the members of the Committee who were present and entitled to vote at such meeting.
- (12) The members of the Advisory Committee elected in terms of subsection (4)(b) shall constitute the executive committee of the Advisory Committee, and shall perform such functions as the Advisory Committee may delegate to it.
- (13) Every decision of the Advisory Committee shall be submitted, within a period of seven days after it had been taken, to the Minister in writing.
- (14) The Minister -
- (a) may review any decision of the Advisory Committee referred to him or her in terms of subsection (13); and
- (b) after having reviewed any decision under paragraph (a), may confirm, set aside, amend or substitute such decision, or may refer such decision back to the Advisory Committee for further consideration.

NATIONAL HOUSING DEVELOPMENT ACT, 2000

(15) The Advisory Committee shall furnish, within a period of 30 days after receipt of a decision referred to it under subsection (14)(b) for further consideration, or within such other period of time as the Minister may determine and in writing advise the Advisory Committee, the Minister with written recommendations concerning such decision.

(16) The Minister may review, under subsection (14), the recommendations furnished to him or her by the Advisory Committee in terms of subsection (15).

(17) The secretary of the Advisory Committee designated in terms of subsection (7) shall keep minutes of the proceedings at every meeting of the Advisory Committee and shall perform such other functions as the Minister may determine and advise the Advisory Committee in writing.

Remuneration of members of Advisory Committee

7. (1) A member of the Advisory Committee, if he or she attends a meeting of the Advisory Committee, or if he or she on the instructions of the Advisory Committee attends to any other business thereof as provided for in this Act, may be paid from the Trust Fund such allowances as the Minister, in consultation with the Minister of Finance, may determine from time to time.

(2) The Minister shall inform the chairperson of the Advisory Committee in writing of the particulars of the allowances payable as determined by the Minister under subsection (1).

**PART III
REGIONAL AND LOCAL HOUSING REVOLVING FUNDS****Establishment of Regional and Local Housing Revolving Funds**

8. (1) Every regional council and every local authority council shall establish, in the prescribed form and manner, in respect of its region or its local authority area, as the case may be, a fund to be known as the Housing Revolving Fund for that region.

(2) A fund established under subsection (1) shall be controlled and managed by the regional council or local authority council concerned, as the case may be, in terms of section 12.

(3) Into a fund shall be deposited -

(a) all moneys as determined by the Board of Trustees and allocated from the Trust Fund to the region concerned;

(b) donations or contributions made to the Fund for the purpose of the achievement of its objects; and

(c) any -

(i) rentals paid to;

(ii) repayments made on the capital and interest in respect of loans granted by;

(iii) interest and dividends derived from the investment of the moneys standing to the credit of; and

(iv) all other moneys which are due and payable to, and received by, such Fund.

(4) The regional council or local authority council concerned, as the case maybe, may wind up, after consultation with the Minister and subject to subsections (5) and (6), the Housing Revolving Fund established by it in terms of subsection (1).

(5) The Auditor-General shall comply, in respect of a Housing Revolving Fund wound up under subsection (4), with section 14 within a period of three months after completion of such winding up.

(6) The Minister may prescribe the procedures relating to, and the conditions subject whereto, a Housing Revolving Fund may be wound under subsection (4).

Objects and purposes of a Housing Revolving Fund

9. The objects and purposes of a Housing Revolving Fund shall be -

- (a) to grant loans to persons for the purpose of constructing or acquiring low cost residential accommodation, or for the purpose of acquiring land, in geographical areas;
- (b) to acquire land or materials for the purpose of constructing low cost residential accommodation in geographical areas, to construct such accommodation and to let or sell such accommodation to any person;
- (c) to grant loans to persons for the purpose of constructing low cost residential accommodation in geographical areas on behalf of other persons; and
- (d) to do anything which is necessary in order to attain the objects and purposes of this Act.

PART IV

ALLOCATION OF MONEYS FROM TRUST FUND TO HOUSING REVOLVING FUNDS AND UTILISATION OF SUCH MONEYS

Allocation of moneys from Trust Fund to Housing Revolving Funds

10. A regional council or local authority council concerned, as the case may be, shall pay into the Housing Revolving Fund concerned the moneys allocated to it in terms of section 6(1)(f) of the Trust Fund for Regional Development and Equity Provisions Act, 2000.

Utilisation of moneys allocated from Trust Fund

11. A -

- (a) regional council; or
- (b) a local authority council, subject to Part XII of the Local Authorities Act,

as the case may be, may provide low cost residential accommodation within the region or local authority area concerned, as the case may be, and may for such purpose utilise the moneys referred to in section 10.

PART V
ADMINISTRATION OF HOUSING REVOLVING FUNDS

Control and management of Housing Revolving Funds

12. (1) Every regional council and local authority council shall control and manage, subject to the other provisions of this Act, the Housing Revolving Fund established by it in the region or local authority area concerned, as the case may be.

(2) The regional council or local authority council concerned shall, for the purpose of performing the functions conferred by or in terms of this Act -

- (a) appoint a staff member of the regional council or local authority council, as the case may be, as accounting officer of the Housing Revolving Fund concerned; and
- (b) designate such staff members as may be necessary to assist the accounting officer in the exercising or performance of his or her powers and duties in terms of this Act.

(3) The Minister may make, in consultation with the Minister responsible for Finance, regulations relating to the control and management of a Housing Revolving Fund by regional councils or local authority councils, as the case may be.

Powers and duties of accounting officer

13. (1) An accounting officer -

- (a) shall be accountable to the regional council or local authority council, as the case may be, which appointed him or her, in respect of any matter relating to the Housing Revolving Fund controlled and managed by the regional council or local authority council concerned, as the case may be;
- (b) on the instructions of the regional council or local authority council concerned, as the case may be -
 - (i) make the payments from the Housing Revolving Fund concerned which are required to be made in terms of this Act;
 - (ii) enter into agreements on behalf of, or sign any document relating to the control and management of, the Housing Revolving fund concerned; or
 - (iii) institute or defend, in the name and on behalf of the regional council or local authority council concerned, as the case may be, legal proceedings by or against the Housing Revolving Fund concerned;
- (c) shall -
 - (i) keep proper records of all financial transactions and of all the assets and liabilities of the Housing Revolving Fund concerned;
 - (ii) prepare, as soon as practicable after the end of each financial year, but subject to subsection (2), revenue and expenditure accounts in respect of such financial year, and a balance sheet reflecting the assets and liabilities of the Housing Revolving Fund concerned at the end of such financial year; and

- (iii) perform such functions as the regional council or local authority council concerned, as the case may be, may assign to him or her from time to time.

(2) The accounts referred to in subsection (1)(d)(ii) shall be submitted to the regional council or local authority council concerned, as the case may be, within a period of six months after the end of the financial year concerned.

Audit

14. (1) Within a period of six months after the end of each financial year of a Fund, the Auditor-General shall -

- (a) audit the books of such Fund in respect of the financial year concerned;
- (b) compile a report on an audit conducted in terms of paragraph (a); and
- (c) submit, as soon as practicable, the report compiled in terms of paragraph (b) to the Minister.

(2) The Minister shall table, within a period of 30 days after receipt of the auditor's report referred to in subsection (1)(c), such report in the National Assembly, if the National Assembly is then in ordinary session, or, if the National Assembly is not then in ordinary session, within a period of 30 days after the commencement of its next ordinary session.

Application for a loan

15. (1) An application for a loan for any of the purposes set out in section 9, shall be made, in the prescribed form and manner and subject to the other provisions of this section, to the accounting officer of the Housing Revolving Fund concerned.

(2) An application in terms of subsection (1) shall be duly completed and submitted -

- (a) if a Decentralised Build Together Committee has been established for the geographical area concerned, to any office-bearer or member of such Decentralised Build Together Committee; or
- (b) if a Decentralised Build Together Committee has not been established for the geographical area concerned, to any prescribed staff member of the regional council or local authority council concerned, as the case may be, or to the accounting officer of the region concerned; or
- (c) to such other person as may be prescribed.

(3) A Decentralised Build Together Committee shall submit, on receipt of an application in terms of subsection (2)(a), the application, together with the Committee's written recommendations, to the accounting officer of the regional council or local authority council concerned, as the case may be;

(4) On receipt of an application by an accounting officer in terms of subsection (3), the accounting officer shall submit such application, together with his or her written recommendations, to the regional council or local authority council concerned, as the case may be, for consideration.

(5) The regional council or local authority council concerned, as the case may be, shall consider an application for a loan referred to it in terms of subsection (4), and shall -

- (a) grant the loan; or
- (b) refuse the loan; or
- (c) grant the loan subject to such conditions as it may consider reasonable,

on behalf of the Housing Revolving Fund concerned.

(6) The accounting officer concerned shall inform, within a period of 14 days after the decision by the regional council under subsection (5), the applicant of such decision in writing, including -

- (a) if the loan had been granted, the conditions subject whereunto it had been granted and the securities to be furnished by the applicant in respect of such loan; or
- (b) if the loan had been refused, the reasons for such refusal.

(7) An accounting officer shall keep a record, in writing and in such form as the Minister may determine -

- (a) of all the applications received by the accounting officer in terms of this section; and
- (b) containing particulars of all the loans granted on behalf of the Housing Revolving Fund concerned.

Security for repayment of loan

16. (1) If a regional council or local authority council under section 15(5) grants a loan to any person, the accounting officer concerned shall -

- (a) cause, if any immovable property is registered or is to be registered in the name of such person, a mortgage bond to be registered against such property; or
- (b) require, if no immovable property is registered in the name of such person, such person to furnish the Fund with any other form of security as may be prescribed,

as security for the repayment by such person of the capital, interest and costs in respect of the loan granted.

(2) The Minister, when prescribing the kind of securities referred to in subsection (1)(b), may further prescribe the manner or circumstances in which such securities shall -

- (a) be obtained by;
- (b) be delivered to; or

- (c) be retained, kept or safeguarded by,

a regional officer, and the manner in which the regional officer shall cancel, or release or return such securities to the person who furnished such securities to the Fund.

Acquisition or alienation of land

17. (1) If a Housing Revolving Fund acquires any immovable property, such property so acquired shall be registered in the name of such Housing Revolving Fund by the regional council or local authority council concerned, as the case may be.

(2) A regional council or local authority council concerned, as the case may be, may alienate, subject to the other provisions of this Act, immovable property registered in the name of the Housing Revolving Fund concerned.

(3) The accounting officer of a Housing Revolving Fund, on the written instructions of the regional council or local authority council concerned, as the case may be, shall execute, in the name and on behalf of the Housing Revolving Fund, any document required for the purposes of the registration of the transfer of immovable property to or from the Housing Revolving Fund in terms of subsection (1) or (2), as the case may be.

Sale of property

18. (1) The accounting officer concerned shall cause, if the Housing Revolving Fund concerned sells immovable property to any person -

- (a) such property to be transferred, subject to section 17, in the name of; and
- (b) a mortgage bond to be registered against the property in favour of the Housing Revolving Fund concerned as security for the payment of any moneys owing to the Housing Revolving Fund by,

the purchaser of the property.

(2) If a mortgage bond has been registered against any property in favour of a Housing Revolving Fund, no further mortgage bond shall be registered against such property without the prior written approval of the regional council or local authority council concerned, as the case may be.

(3) When determining the purchase price at which any property of a Housing Revolving Fund shall be sold to any purchaser, the regional council or local authority council concerned, as the case may be, shall take into consideration—

- (a) the financial position of the purchaser; and
- (b) such other factors or circumstances as may be prescribed.

(4) The transfer of property in the name of or from a Housing Revolving Fund in contravention of this section or of section 17 shall be void.

Sale of Land on Instalments Act, 1971

19. The Sale of Land on Instalments Act, 1971 (Act No. 72 of 1971) shall not apply to any agreement relating to the sale of immovable property entered into in terms of or pursuant to any provision of this Act.

Exemption from payment of transfer duty and stamp duties

20. (1) The acquisition, sale or transfer of any immovable property in terms of or pursuant to any provision of this Act shall be exempt from the payment of transfer duty payable in terms of the Transfer Duty Act, 1993 (Act No. 14 of 1993).

(2) Any agreement, including an agreement of lease, or any mortgage bond, power of attorney, surety, promissory note or form entered into or registered, granted, given or made in terms of or pursuant to any provision of this Act shall be exempt from the payment of stamp duties payable in terms of the Stamp Duties Act, 1993 (Act No. 15 of 1993).

(3) The Minister may exempt, in consultation with the Minister of Finance and notwithstanding subsection (2), by notice in the *Gazette* from stamp duties payable in terms of the Stamp Duties Act, 1993 (Act No. 15 of 1993), any document or category of documents required for any purpose of this Act, subject to such conditions as the Minister may determine and specify in such notice.

Construction of buildings

21. (1) For the purpose of attaining the objects of a Housing Revolving Fund under this Act, a regional council or local authority council may -

- (a) employ any person to assist it in the construction of low cost residential accommodation; or
- (b) enter into a written agreement with any person in terms of which agreement such person shall construct, subject to the terms and conditions of such agreement and to the other provisions of this Act, low cost residential accommodation for or on behalf of the Fund.

(2) The Minister may prescribe the conditions relating to warranties to be provided by any person who constructs, in terms of an agreement entered into in terms of or pursuant to any provision of this Act, any building for or on behalf of a Fund, or for or on behalf of any prescribed person, and the periods of time such warranties shall be valid.

(3) An agreement referred to in subsection (2) may provide, notwithstanding anything in that subsection, for a warranty period in excess of the prescribed period.

(4) The Minister may make regulations relating to the construction of temporary buildings on any property, including the purpose of and the period for which such buildings may be so constructed, the maximum or minimum area thereof, the materials to be used in the construction thereof and the removal of such buildings.

(5) When making regulations under subsection (2) or (4), as the case may be, the Minister may differentiate between buildings or temporary buildings constructed or to be constructed in different areas.

(6) For the purpose of this section -

- (a) "construct" includes assemble, build, erect or mould, and "construction" has a corresponding meaning; and

- (b) "building" includes any structure, shed, mould or frame, irrespective of the materials used for the construction thereof.

Attachment of property in which Fund has an interest

22. Any person who intends to attach or to lay claim to any property referred to in section 23(1) shall notify, in the prescribed form and manner, the Housing Revolving Fund concerned of his or her intentions; not less than 14 days before instituting any proceedings to so attach such property or to lay such claim.

Preferent right of Fund to purchase property

23. (1) A Housing Revolving Fund shall have a preferent right, subject to the other provisions of this section, to purchase property -

- (a) acquired by any person by means of the proceeds of a loan granted by such Housing Revolving Fund to such person pursuant to any provision of this Act; or
- (b) sold by such Housing Revolving Fund to such person under section 21,

if such person intends to alienate such property.

(2) The preferent right referred to in subsection (1) shall lapse at the end of a period of time equal to one quarter of the period of time within which the loan referred to in that subsection has to be repaid by the person to whom the loan was granted in terms of the loan agreement entered into between the Housing Revolving Fund and such person, both periods of time to be calculated from the date upon which such loan agreement was entered into.

(3) No agreement relating to the alienation of property referred to in subsection (1) entered into by the owner of such property with any person other than with the Housing Revolving Fund, shall be of any force and effect until such time as -

- (a) such owner has offered such property for sale to the Housing Revolving Fund concerned; and
- (b) the Housing Revolving Fund has waived, in the prescribed form and manner, its preferent right referred to in subsection (1).

(4) An offer referred to in subsection (3)(a) shall -

- (a) be in the prescribed form and be delivered in the prescribed manner to the accounting officer of the Housing Revolving Fund concerned; and
- (b) be accepted or rejected by the Housing Revolving Fund referred to in paragraph (a) within a period of 60 days after receipt thereof.

(5) If a Housing Revolving Fund fails to accept or to reject, as the case may be, an offer in terms of subsection (3) within the period of time specified in subsection (4)(b), such Housing Revolving Fund shall be deemed to have waived, in terms of subsection (3)(b), its preferent right in terms of subsection (1) in respect of the property concerned.

(6) If an offer made in terms of subsection (3)(a) is accepted by a Housing Revolving Fund, the purchase price payable by the Housing Revolving Fund in respect of the sale of the property concerned shall be equal to -

- (a) the purchase price paid by the owner of the immovable property concerned in respect of the purchase of the property by such owner; and
- (b) an amount, subject to subsection (7), determined by mutual agreement between the Housing Revolving Fund concerned and the owner of the property in respect of the immovable improvements, if any, erected on the property after the purchase of the property by the owner, or, in the absence of any such agreement, an amount determined by two evaluators, one of whom shall be appointed by the Fund and the other one by the owner; and
- (c) such other or further additions to, or deductions from, the purchase price as may be prescribed.

(7) If the evaluators appointed in terms of subsection (6)(b) fail to reach an agreement on the value of the immovable improvements referred to in that subsection, the Minister, in consultation with the Minister of Finance, shall appoint an evaluator to determine the fair value of such immovable improvements.

(8) The Registrar of Deeds shall at the request of the accounting officer concerned, acting for and on behalf of a Housing Revolving Fund -

- (a) make such endorsements on the title deed relating to any property, and make such entries in his or her registers as may be necessary to indicate that the provisions of subsection (1) apply in respect of that property; or
- (b) cancel any endorsements and entries referred to in paragraph (a) if the accounting officer has submitted to the Registrar a waiver referred to in subsection (3)(b).

(9) The Registrar of Deeds shall not register the transfer of any property referred to in subsection (1) in the name of any person other than the Fund, unless a waiver referred to in subsection (3)(b) in respect of such property is furnished to the Registrar.

(10) For the purposes of -

- (a) subsection (6)(b), "evaluator" means the prescribed person or persons who may perform the functions in terms of that subsection and subsection (7); and
- (b) subsections (8) and (9), "Registrar of Deeds" means the person appointed as such in terms of section 2 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other person in charge of any other office where a register or record of the ownership or the entitlement to any immovable property, or any other right to such property, is kept.

Additional loans

24. (1) A regional council or local authority council, as the case may be, may grant, on behalf of the Housing Revolving Fund concerned and on such conditions as it may determine, to the owner of any property referred to in section 23(1) an additional loan for the purpose of the improvement of, or for effecting repairs to, such property.

(2) An application for an additional loan in terms of subsection (1) shall be lodged with the accounting officer concerned in the prescribed form and manner.

(3) An additional loan referred to in subsection (1) shall be subject to the provisions of this Act applicable to loans.

Remedies against persons in default of repayment of loans

25. (1) If any person to whom a loan has been granted by a Fund in terms of this Act fails to comply with any term or condition subject where to such loan has been so granted, the balance outstanding on such loan shall become due and payable immediately, subject to the other provisions of this section.

(2) In the circumstances referred to in subsection (1), the accounting officer of the Housing Revolving Fund concerned may -

- (a) claim, by notice in writing of not less than three months, from the person so in arrear with his or her payments, the capital amount and any interest owing in respect of the loan concerned, including any additional loan; and
- (b) institute, after the expiry of the period of time specified in paragraph (a), such legal proceedings as he or she may consider appropriate in order to recover the capital and interest referred to in that paragraph, and the costs pertaining to the recovery of the capital and interest.

(3) The Minister may prescribe procedures for the repossession by a Housing Revolving Fund of any property sold by such Housing Revolving Fund to any person, or any building constructed by any person with money borrowed from such Housing Revolving Fund, if such person falls in arrear with any payments he or she is obliged to make to such Housing Revolving Fund, or is unable to fulfil his or her obligations in terms of an agreement relating to such property entered into between such Housing Revolving Fund and such person.

(4) The regulations made under subsection (3) may provide for -

- (a) the evaluation of property referred to in that subsection;
- (b) an evaluation of improvements made after the sale or construction of such property;
- (c) the extent where to and the conditions subject where to payments made by a person referred to in that subsection may be refunded by a Housing Revolving Fund; and
- (d) the procedures for the registration of the transfer of such property in the name of such Housing Revolving Fund if a person referred to in that subsection fails to sign the documents required for such registration.

(5) The Minister may sign, notwithstanding any regulations made under subsection (3), any document for or on behalf of any person referred to in that subsection for the purpose of the registration of the transfer in the name of the Fund concerned of any property referred to in that subsection.

Establishment of Decentralised Build Together Committees

26. There is established a Decentralised Build Together Committee for each region.

Constitution of Decentralised Build Together Committees

27. (1) A Decentralised Build Together Committee shall consist of not more than ten and not less than five members, which members shall be elected, subject to this section, by the inhabitants of the geographical area for which the Decentralised Build Together Committee is established, and which members shall be appointed by the Minister in writing.

(2) An election in terms of subsection (1) shall take place, subject to subsection (6), at a meeting of the inhabitants of the geographical area concerned, under the chairpersonship of a staff member of the regional council concerned designated for such purpose by the regional officer concerned.

(3) The Minister may appoint in writing and subject to subsections (4) and (5), if it is in his or her opinion necessary or expedient for the purpose of fair representation on a Decentralised Build Together Committee, in addition to and irrespective of the number of the members of a Decentralised Build Together Committee elected in terms of subsection (1), one or more persons as a member or as members of a Decentralised Build Together Committee from amongst -

- (a) the inhabitants of a geographical area; or
- (b) persons who possess expert knowledge in the field of housing, irrespective of whether such persons are inhabitants of the geographical area concerned.

(4) An appointment made by the Minister under subsection (3) shall be for such period and subject to such conditions as the Minister may determine and specify in such appointment.

(5) Any vacancy on a Decentralised Build Together Committee caused by the death of, or the vacation of office by, any member of such Committee, shall be filled by the election of a member in accordance with subsection (1), or the appointment by the Minister *mutatis mutandis* under subsection (3), of a person as a member for the unexpired portion of the term of office of the deceased member or the member who so vacated his or her office, as the case may be.

(6) The Minister may determine in writing the procedures relating to the convening and conducting of the meeting to be held in terms of subsection (2), including the procedures relating to voting and the submission of the minutes of the meeting to the Minister.

Disqualification and terms of office of, and vacation of office by, members of Decentralised Build Together Committees

28. (1) No person -

- (a) who is not a Namibian citizen or not lawfully admitted to Namibia for permanent residence therein;

- (b) who does not in terms of Article 47 of the Namibian Constitution qualify to become a member of the National Assembly;
- (c) who is not permanently resident in the geographical area for which the Decentralised Build Together Committee concerned is established, or will become permanently resident in such geographical area within a period of three months from the date on which he or she is elected as a member of the Committee in terms of this section; or
- (d) who is a member of a Decentralised Build Together Committee established for another geographical area,

shall be elected or appointed as a member of a Decentralised Build Together Committee.

(2) A member of a Decentralised Build Together Committee shall hold office for a period not exceeding three years, and shall at the expiration of his or her period of office be eligible for re-election or re-appointment, as the case may be, as a member of such Committee.

(3) A member of a Decentralised Build Together Committee shall vacate his or her office if he or she -

- (a) becomes subject to any disqualification referred to in subsection (1);
- (b) resigns as a member of the Committee, in writing under his or her hand, delivered to the chairperson of the Committee;
- (c) has been absent from more than three consecutive meetings of the Committee without the written permission of the chairperson; or
- (d) is removed from office by the Committee at any time before the expiry of such member's term of office, in the manner, subject to the conditions and for the reasons the Minister may determine in writing.

(4) Any member of a Decentralised Build Together Committee -

- (a) who has in any way, whether directly or indirectly, any financial interest in any transaction or matter which has to be considered, monitored or evaluated by the Committee, or in respect of which the Committee has to make any recommendation, or who intends to acquire such an interest; or
- (b) who at any time after a Committee has considered, monitored or evaluated, or has made a recommendation in respect of, any transaction or matter, obtains any financial interest in such transaction or matter,

shall declare the nature, extent and full particulars of his or her interest in such transaction or matter to the meeting of the Committee at which such transaction or matter is discussed, or at the first meeting thereof at which it is possible for him or her to declare such interest.

(5) Full particulars of a declaration made by a member of a Decentralised Build Together Committee in terms of subsection (4) shall be recorded in the minutes of the meeting of the Committee at which such declaration is made.

(6) If any transaction or matter referred to in subsection (4), or any part or aspect of such transaction or matter, is discussed by a Decentralised Build Together Committee during any meeting thereof, the member referred to in that subsection shall withdraw from the meeting during such discussion, and he or she shall not participate in any discussion or voting in connection with such transaction or matter.

(7) A member of a Decentralised Build Together Committee shall not approach or in any way lobby any other member of that Committee in respect of any transaction or matter in which he or she has any financial interest, or subject to subsection (4), discuss such transaction or matter with any such other member.

(8) Any member of a Decentralised Build Together Committee who contravenes or fails to comply with any provision of subsection (4), (6) or (7), shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$ 2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) For the purposes of this section a financial interest of a member of a Decentralised Build Together Committee in any transaction or matter includes a financial interest of such member's spouse, parent, child or business partner, as the case may be, in such transaction or matter.

Functions of Decentralised Build Together Committee

29. (1) A Decentralised Build Together Committee shall -

- (a) inform the inhabitants of a geographical area about the existence, objectives and purposes of a Housing Revolving Fund;
- (b) receive applications from person who apply for assistance by a Housing Revolving Fund;
- (c) determine whether applicants for assistance are eligible, by virtue of their being inhabitants of a geographical area, for assistance by a Housing Revolving Fund;
- (d) submit applications referred to in paragraph (b), together with written recommendations made by the Committee, to the regional council or local authority council concerned;
- (e) submit quarterly reports to the regional council or local authority council concerned, as the case may be, relating to -

(i) the activities of a Housing Revolving Fund within; and

(ii) the housing needs of the inhabitants of,

the geographical area concerned; and

(f) perform such other functions as the Minister may designate to it in writing.

Meetings of Decentralised Build Together Committees

30. (1) The regional officer concerned shall determine the date and time of, and the venue and agenda for, the first meeting of the Decentralised Build Together Committee established for such region, and the chairperson of such Committee shall determine the date and time of, and the venue and agenda for, subsequent meetings of such Committee.

22

Act

(2) At the first meeting of the Decentralised Build Together Committee convened in terms of subsection (1) -

- (a) a staff member of the regional council concerned, designated by the regional officer concerned, shall act as chairperson; and
- (b) the Committee shall elect from amongst its members present at such meeting a chairperson, a vice-chairperson, a secretary and two additional members.

(3) The chairperson of a Decentralised Build Together Committee or, in his or her absence, the vice-chairperson, shall preside at the meetings of such Committee.

(4) If both the chairperson and the vice-chairperson of a Decentralised Build Together Committee are absent from, or for any other reason unable to preside at, any meeting of such Committee, the members present at such meeting shall elect from amongst themselves a member to act as chairperson at that meeting.

(5) The majority of the members of a Decentralised Build Together Committee present at any meeting of the Committee shall constitute a quorum.

(6) A decision of the Decentralised Build Together Committee shall be taken, subject to subsection (7), by a majority vote of the members present at a meeting thereof.

(7) The chairperson at a meeting of a Decentralised Build Together Committee shall have, in the event of an equality of votes and in addition to his or her deliberative vote, a casting vote.

(8) No decision taken by, or act performed under the authority of, a Decentralised Build Together Committee shall be invalid only by reason of -

- (a) a vacancy on such Committee; or
- (b) the fact that a person who was not entitled to sit as a member of such Committee sat as a member at a duly constituted meeting when the decision was taken or the act was authorised,

if the decision was taken or the act was authorised by the majority of the members who were present and entitled to vote at such meeting.

(9) The members of a Decentralised Build Together Committee elected in terms of subsection (2)(b) shall constitute the executive committee of such Committee, and shall perform such functions as such Committee may delegate to it in writing.

(10) The Minister, the Board of Trustees or a regional council or local authority council, as the case may be, shall not be bound by any decision or recommendation taken or made by a Decentralised Build Together Committee, but shall, when considering matters relating to housing or to a Housing Revolving Fund, give due consideration to such decisions or recommendations.

(11) The secretary of a Decentralised Build Together Committee shall -

- (a) keep minutes of the proceedings at every meeting of; and

(b) in writing inform the Advisory Committee of every decision taken by, such Decentralised Build Together Committee, and shall perform such other functions as may be prescribed.

(12) The Minister may determine in writing the procedures relating to the convening and conducting of meetings of a Decentralised Build Together Committee, including the procedures in respect of voting and the furnishing of minutes of meetings to him or her.

PART VII GENERAL

Appeals.

31. (1) Any person aggrieved by a decision taken by, or act performed by -

- (a) a Decentralised Build Together Committee, may appeal to the regional council or local authority council concerned, as the case may be, against such decision or act, as the case may be;
- (b) a regional council or local authority council, as the case may be, may appeal to the Advisory Committee against such decision or act, as the case may be; or
- (c) the Advisory Committee, may appeal to the Minister against such decision or act, as the case may be.

(2) An appeal in terms of subsection (1) shall -

- (a) be in the prescribed form and be directed to the body of appeal concerned;
- (b) set out the grounds of appeal; and
- (c) be lodged, within a period of 14 days after the date of the decision or act appealed against and in the prescribed manner, with the body of appeal concerned.

(3) The body of appeal concerned -

- (a) may condone, notwithstanding subsection (2)(c) and on good cause shown, the late noting of an appeal in terms of this section; and
- (b) after considering an appeal noted in terms of this section -
 - (i) may confirm, set aside, amend or substitute the decision or act appealed against in terms of this section; or
 - (ii) refer the matter to the body whose decision or act was appealed against for further investigation or consideration; and
 - (iii) shall in the prescribed form and manner convey its decision taken in terms of subparagraph (i) to the appellant and to the body whose decision or act was appealed against.

Regulations

32. The Minister may make, on the recommendation of the Advisory Committee, regulations relating to -

- (a) the conditions and requirements which a person shall comply with in order to become eligible for the granting of a loan in terms of this Act;
- (b) the form of and the procedures relating to an application for a loan, the manner in which a loan granted shall be paid out and the conditions relating to the repayment of a loan;
- (c) the maximum loan amount which may be granted, the maximum or minimum repayment period and the rate of interest payable in respect of a loan, and different repayment periods or different rates of interest may be prescribed in respect of different loan amounts;
- (d) the conditions subject where to a Fund may let property to any person, including the period, or the maximum or minimum period, of such lease and the rental payable in respect thereof, or the manner in which such rental shall be calculated, and the intervals of such rental payments;
- (e) the allowances payable to members of the Advisory Committee and of any committee established by or in terms of this Act, except members of the Decentralized Build Together Committee;
- (f) the conduct of the business of the Advisory Committee, a regional council or a local authority council relating to the attainment of the objects and purposes of a Housing Revolving Fund;
- (g) if a mortgage bond cannot be registered as security in respect of -
 - (i) a loan granted; or
 - (ii) any property sold,to any person by a Fund, any other form or kind of security to be furnished by such person or by any other person for the purpose of safeguarding the interests of a Housing Revolving Fund, and different forms or kinds of security may be prescribed in respect of different kinds of loans or different loan amounts;
- (h) the inspection and the maintenance of property serving as security for loans granted by a Housing Revolving Fund, including the recovery of the costs of repairs and maintenance done by or on the instructions of such Fund;
- (i) insurance in respect of property serving as security in respect of loans granted by a Housing Revolving Fund;
- (j) the establishment by regional councils and local authorities of construction units for the purpose of constructing and providing low cost residential accommodation, and the conditions subject where to such construction units may be so established; and
- (k) generally, any matter which is required or permitted to be prescribed in terms of, or are necessary or expedient in the opinion of the Minister to be prescribed in order to attain the objects of, this Act.

NATIONAL HOUSING DEVELOPMENT ACT, 2000

Offences

33. (1) Any person who -
- (a) in any application, statement or other document made or issued in terms of, or referred to in, this Act, furnishes information or makes a statement which is false or misleading in any material respect, knowing such information or statement to be false or misleading, or not believing it to be true; or
 - (b) forges, or knowing it to be forged, utters any document purporting to be a document authorised or issued under this Act; or
 - (c) in any manner attempts to induce any person referred to in section 35 to grant or give to him or her, in return for any monetary or other benefit, a loan or any other benefit to which he or she is not entitled under this Act; or
 - (d) any person referred to in section 35 who, in connection with the performance or non-performance of any of his or her powers, duties or functions under this Act, accepts any commission, remuneration or reward, other than any remuneration provided for in this Act, from any other person,

shall be guilty of an offence.

- (2) Any person convicted of an offence under any provision of subsection (1) shall be liable -

- (a) in the case of an offence under subsection (1)(a) or (b), to a fine not exceeding N\$4000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; or
- (b) in the case of an offence under subsection (1)(c) or (d), to a fine not exceeding N\$20000 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

Delegation of powers and assignment of duties or functions

34. (1) The Minister -

- (a) may delegate in writing, any power conferred upon him or her by this Act, except any power under sections 31 or 32; or
- (b) may assign the performance of any function or duty entrusted to him or her by or under this Act,

to the Permanent Secretary or to any other staff member in the Ministry.

- (2) A delegation or assignment under subsection (1) may be made subject to such conditions as the Minister may deem appropriate.

(3) The Minister shall not be divested of any power, duty or function delegated or assigned by him or her under subsection (1), and may at any time amend or withdraw any decision made under any such delegated powers or performance of such assigned functions or duties, as the case may be.

(4) If a power or function is delegated or assigned under subsection (1) not to a particular person but to the holder of a particular office, such delegation or assignment shall be deemed to have been made to the holder for the time being of such office, or to any person lawfully acting in the capacity of such holder at any time.

Limitation of liability

35. the Minister, the Permanent Secretary, a regional officer or member of a regional council, a staff member, an accounting officer, a member of the Advisory Committee, a member of a Decentralised Build Together Committee, or any other person, shall not be liable in respect of anything done or omitted in good faith and not attributable to negligence in the lawful performance of any function under or by virtue of this Act, or in respect of anything that may result from such act or omission.

Winding up and judicial management

36. A Fund shall not be wound up or placed under judicial management except by or under the authority of an Act of Parliament.

Repeal of laws and savings

37. (1) Subject to the other provisions of this section, the laws set out in the Schedule are hereby repealed.

(2) Any notice, regulation, authorisation, order, approval or certificate issued, made or granted, or any other thing done in terms of a provision of any law repealed by subsection (1) shall be deemed to have been issued, made, granted or done under the corresponding or allied provision of this Act, except in so far as may be otherwise required by this Act.

(3) The balance outstanding on any loan granted by the Ministry before the commencement of this Act to any person for the purpose of the purchasing of any immovable property to be used as low cost residential accommodation, or for the purpose of the erection or construction of any low cost residential accommodation, shall be transferred to the appropriate Housing Revolving Fund as soon as such Fund has been established in respect of the region concerned, or to such other institution as the Minister may determine in writing.

(4) The Minister may determine, in the notice contemplated in subsection (3), the procedures to be followed, including the forms to be completed and the particulars to be furnished by the debtor, relating to the transfer of a loan referred to in that subsection.

(5) The provisions of section 30(1)(i) and sections 57 to 62, both inclusive, of the Local Authorities Act, in so far as those provisions relate to housing schemes, shall be deemed not to apply to village councils and villages as defined in that Act.

Short title and commencement

38. (1) This Act shall be called the National Housing Development Act, 2000, and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

(3) A reference in this Act to the date of commencement thereof shall be construed as a reference to the date determined under subsection (2).

SCHEDULE
LAWS REPEALED
(Section 37(1))

No. and year of law	Short title	Extent of repeal
Ordinance No. 33 of 1961	Native Housing Levy and Contributions Ordinance, 1961	The whole
Ordinance No. 10 of 1966	Native Housing Levy Amendment Ordinance, 1966	The whole
Ordinance No. 24 of 1967	Native Housing Levy Amendment Ordinance, 1967	The whole
Ordinance No. 42 of 1967	Native Housing Levy Further Amendment Ordinance, 1967	The whole
Ordinance No. 17 of 1971	Native Housing Levies and Contributions Amendment Ordinance, 1971	The whole
Ordinance No. 10 of 1975	Native Housing Levy and Contributions Amendment Ordinance, 1975	The whole
Ordinance No. 7 of 1976	Native Housing Levy and Contributions Amendment Ordinance, 1976	The whole
Ordinance No. 4 of 1983	Housing Ordinance of the Administration of Coloureds, 1983	The whole

