
REPUBLIC OF SOUTH AFRICA

**HOUSING CONSUMERS
PROTECTION MEASURES
AMENDMENT ACT**

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWET OP
BESKERMINGSMAATREËLS VIR
BEHUISINGSVERBRUIKERS**

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Housing Consumers Protection Measures Act, 1998, so as to rectify certain cross-references; to remove ambiguity in the wording of certain sections; to make further provision for regulating measures; to make better provision for the necessary phased implementation of the Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 7 of Act 95 of 1998

1. Section 7 of the Housing Consumers Protection Measures Act, 1998 (hereinafter referred to as the principal Act), is hereby amended— 5

- (a) by the insertion in subsection (2)(d) after the expression “serviceability,” of the expression “materials,”; and
- (b) by the addition of the following subsection:

“(4) (a) The disciplinary committee may, whenever a fine has been imposed on a home builder in terms of subsection (2)(c), order that any portion of the fine, but not exceeding 80 per cent of such fine, be applied towards the payment of compensation to a housing consumer who suffered a pecuniary loss as a result of the conduct of the home builder concerned. 10

(b) The Council shall on receipt of the fine imposed on the home builder concerned, make the payment to the housing consumer concerned: Provided that such payment shall not be made until all appeals in respect of the imposition of the fine have lapsed or have been finalised or have been abandoned. 15

(c) This subsection shall not preclude any person from pursuing any civil remedy against a home builder: Provided that if an award is made by a court in favour of a person who has received payment from the Council as contemplated in this subsection, the court shall take the payment into account.”. 20

Amendment of section 14 of Act 95 of 1998 25

2. Section 14 of the principal Act is hereby amended by the substitution in subsection (7) for the expression “subsection (1)” of the expression “subsections (1) and (2)”.

Amendment of section 16 of Act 95 of 1998

3. Section 16 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“(2) The Council shall [**subject to section 6**] appoint—” 5

(b) by the substitution for subsection (6) of the following subsection:

“(6) [**Subject to section 17(3), (4) and (5)**] If at any time the funds of the Council appear insufficient to meet anticipated demands, the Council may, on the recommendation of the funds advisory committee and after the procedures referred to in section 17(3), (4) and (5), with the necessary changes required by the context, have been followed, increase the fees payable by home builders and provincial housing development boards in respect of the enrolment of homes contemplated in section 14.” 10

Amendment of section 17 of Act 95 of 1998

4. Section 17 of the principal Act is hereby amended— 15

(a) by the substitution in subsection (6) for the expression “13(2)” of the expression “17(1)”; and

(b) by the substitution in subsection (8)—

(i) for the expression “10(6)(a)” of the expression “10(6)(b)”; and 20

(ii) for the expression “10(6)(b)” of the expression “10(7)”.

Amendment of section 18 of Act 95 of 1998

5. Section 18(3) of the principal Act is hereby amended by the substitution in the words following upon paragraph (c) for the word “home”, where it appears for the second time, of the word “project”.

Amendment of section 23 of Act 95 of 1998 25

6. Section 23 of the principal Act is hereby amended by the substitution in subsection (10) for the expression “(5)” of the expression “(9)”.

Amendment of section 31 of Act 95 of 1998

7. Section 31 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): 30

“(2) Different dates may be fixed in respect of different sections of this Act.”.

Short title

8. This Act shall be called the Housing Consumers Protection Measures Amendment Act, 1999.