

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**HOUSING CONSUMER
PROTECTION
BILL**

[B 10—2021]

*(Portfolio Committee on Human Settlements
(National Assembly))*

[B 10A—2021]

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AMENDMENTS AGREED TO

HOUSING CONSUMER PROTECTION BILL [B 10—2021]

CLAUSE 1

1. On page 6, after line 13, to insert the following definition:

“ **‘head of department’** means the head of department responsible for human settlements in a province;”.
2. On page 7, after line 25, to insert the following definition:

“ **‘municipal manager’** means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);”.

CLAUSE 2

1. On page 8, from line 17, to omit subsection (5) and to substitute the following subsection:

“(5) Notwithstanding the provisions of this Act, the Minister may, after consultation with the Council, in exceptional circumstances—
(a) on application in the prescribed manner, exempt a person or home from the provisions of this Act; or
(b) in the public interest, by notice in the *Gazette*, exempt certain persons or homes belonging to a category or class specified in the notice from the provisions of this Act, either generally or subject to such conditions as may be specified.”.

CLAUSE 7

1. On page 9, in line 29, after “office” to insert “, taking into consideration representivity, expertise and previous performance”.
2. On page 9, in line 42, after “expiry”, to insert “, within which period the Minister must appoint the replacement”.

CLAUSE 11

1. On page 11, from line 2, to omit subsection (1) and to substitute the following subsection:

“(1) The Board—
(a) holds meetings at such times and places as may from time to time be determined by the Board; and
(b) must hold a minimum of four meetings annually.”.

CLAUSE 15

1. On page 13, in line 29, after “Council” to insert “as determined in terms of a job evaluation system approved by the Board”.

CLAUSE 16

1. On page 13, in line 34 after “for” to insert “only”.

CLAUSE 32

1. On page 18, from line 2, to omit subsection (1) and to substitute the following subsection:

“(1) A head of department or municipal manager or his or her delegate may not release any funds in relation to any housing project, unless the requirements of this Act have been met in relation to that project.”.

2. On page 18, after line 13, to add the following subsection:

“(4) A MEC or MMC or his or her delegate must ensure, through oversight, compliance with this Act in relation to a subsidy or social housing project.”.

CLAUSE 39

1. Clause rejected.

CLAUSE 40

1. On page 20, in line 29, to omit “enrolment”.

CLAUSE 41

1. On page 20, in line 53, after “must” to insert “, subject to section 39(2),”.

CLAUSE 80

1. On page 33, from line 34, to omit section 80 and to substitute the following section:

“**80.** If an agent of a person is liable in terms of this Act for anything done or omitted in the course of that agent’s activities on behalf of their principal, that principal is jointly and severally liable with that agent.”.

CLAUSE 88

1. On page 36, from line 52, to omit “; and” and to substitute a semi colon.
2. On page 36, after paragraph (*h*) to insert the following paragraph:
“(i) prescribing the manner of service of notices or any documents required to be served in terms of this Act; and”.
3. On page 36, in line 4, to renumber paragraph (*i*) to be (*j*).

4. On page 36, in line 5, to omit “Council” and to substitute “Board”.
5. On page 36, in line 6, to omit “Council” and to substitute “Board”.
6. On page 36, in line 10, to omit “Council” and to substitute “Board”.
7. On page 36, in line 12, to omit “Council” and to substitute “Board”.