

MINUTES OF THE THIRD MEETING OF SUB-COMMITTEE NO. 2 - LEGISLATION  
HELD IN ROOM 263, NATIONAL BUILDING RESEARCH INSTITUTE, ON FRIDAY  
16TH APRIL, 1948, AT 9 A.M.

---

Present:

Mr. Nicolson - Chairman.  
Mr. Mehl.  
Mr. Mullan.  
Mr. Connell. - Organising Secretary, Research Committee  
on Minimum Standards of Accommodation.

In Attendance:

Mrs. Glen.

1. Confirmation of Minutes.

The Minutes were confirmed.

2. Dr. Meaker's Report - Legislation in the Union regarding  
Ventilation:

Mr. Nicolson pointed out that the Committee would have to go through this report if it were going to be of use from a general point of view. Besides dealing with ventilation the report covers Back to Back Erection, Nuisances Contrary to Health and Erection of Buildings on Ground where rubbish has been dumped. The report was more negative than positive, that is it stated what should not be done rather than what should be done.

The Committee was not quite clear whether it should concern itself with legislation dealing with estate planning and ventilation. Mr. Connell thought that the Committee should not deal with details but should point out inadequacies in existing legislation where such occurred. The Committee agreed that it was necessary to point out the inconsistencies and vagueness in legislation but that it was not for them to say in what way clarity should be arrived at.

Mr. Connell undertook to schedule the legislation contained in Dr. Meaker's Report, condensing it and adding comments before the next meeting.

3. Main Headings of Legislation.

Mr. Nicolson asked if the Committee should amplify these headings or merely mention them in the report, saying that these are matters which will have to be looked into. Mr. Connell replied that this would have to be done eventually and should be regarded as the long-term policy of the Committee. For the present the Committee should point out the lines on which proper study should be made, and should call notice to the obvious shortcomings in Union Legislation, quoting examples to give point to their statements. This would be sufficient for the Interim Report.

4. References/.....

4. References from the Library of the South African Bureau of Standards regarding Building Regulations and Legislation.

Mr. Nicolson said the above account should make it clear that there is also information in the library regarding South African Building Regulations and Legislation. Reference should be made to all South Africa Acts, Provincial Laws and Municipal Bye-Laws. Mr. Mullan suggested that a complete schedule should be drawn up showing the inconsistencies in Municipal Bye-Laws.

5. Lack of Clarity and information in Legislation referring to Minimum Standards of Accommodation.

Mr. Mullan felt that, from a legislative point of view no minimum or maximum standard could be fixed. In fixing a minimum harm might be done because there would be tendency for those local authorities who have provided houses above the minimum standard to drop to the minimum standard. Mr. Connell pointed out that the proposed minimum standards are more or less similar to existing practices, and, in some cases, better. It was felt that the minimum standards might be too expensive; on the other hand the likely possibility that temporary rehabilitation standards might have to be proposed was realised at a time like the present when, due to the great demand for houses, convertible dwellings might have to be built.

Mr. Mullan felt that minimum standards as opposed to special "rehabilitation" standards could be adopted if building were State-financed but this would not be workable if the tenants had to pay rents in proportion to the cost of the house. Mr. Connell pointed out that the State intends to take over native sub-economic housing in urban areas.

The Committee agreed to Mr. Mehl's suggestion that the legislation as laid down by the Research Committee on Minimum Standards of Accommodation, should be applicable throughout the Union and not only in the Urban areas. If the rural districts were provided with suitable housing, the exodus from the country to the towns could be diminished.

In the towns the cost of maintaining minimum standards should be borne by the Government, but a different financial basis would have to be adopted in the rural areas, especially in the Provinces where the Divisional Council System does not apply. A possible method would be a system of direct grants to employers of rural labour to enable suitable dwellings to be erected.

There would have to be some sort of sanction giving precise details of the supervision to be carried out by some authoritative body to see that housing in rural areas does in fact comply with the minimum standards. After discussing the possibilities of vesting these powers in the National Housing and Planning Commission or in Municipalities, the Committee agreed that the whole country should be split into small units with a town or village as the administrative nucleus of each unit. A Rural Development Branch or Department or some such form of local control should be attached to the Municipality of each such nucleus,

in order to safeguard the standards throughout the country.

6. Schedule dealing with certain Bye-Laws of different South African cities and towns.

This schedule which had previously been sent to the members of this Committee was discussed. Mr. Mehl pointed out that the Johannesburg column should be deleted as the bye-laws quoted therein were no longer applicable; Johannesburg now followed to all intents and purposes the same code as the P.W.D. model Bye-Laws. It was agreed that the schedule should be extended to cover a wider range of towns. A selection on Provincial lines should be made - e.g. Bloemfontein should be included for the Orange Free State. The towns to which the P.W.D. model Bye-Laws are applicable should be listed. Vereeniging should be omitted because it incorporates the same Bye-Laws as Johannesburg. Mr. Connell said that the schedule would be modified according to the Committee's recommendations if time permitted as it would be useful to every Committee.

It was recommended that the whole field of Municipal Bye-Laws should be investigated before the whole study was wound up. The Committee could probably put out a treatise in 2 to 3 years time.

7. Reframing of Certain phrases in Municipal Regulations.

The Committee agreed that these regulations in very many instances were vague and indefinite. For instance some regulations often state that a particular thing may be permissible "subject to the approval of the City Engineer". City Engineers differ in their standards so that such a regulation can mean many different things. It was agreed that regulations should give definite instructions which would be obligatory and should furthermore, point out what constitutes a contravention of the various Bye-Laws.

Mr. Mehl pointed out that certain regulations refer to British Standard Specifications, quoting the relevant number. This would be meaningless in law unless the full specification had been Gazetted. The difficulty had been straightened out by the use of the waiver clause framed by the Bureau of Standards and the National Building Research Institute, which stated that a certain structure could be built with the approval of both these bodies. Eventually South African Standards would be framed, which would be properly Gazetted and thus legalised, but this would take a very long time.

Phrases which need clarification.

"Back-to-Back Dwelling". This term is so vague that no one knows its real meaning. Is it to be taken as a term related to the concepts of ventilation, or of responsibility (i.e. Common boundary for which no one household is responsible)?

"Dwelling" in some Acts includes ships, trains, motor-cars. It follows then that the cyanide fumigation of ships and flats should follow the regulations referring to houses. This is im-

possible so that the Public Health Act as it now stands is being contravened every time ships or flats are fumigated.

"Building" is defined as "Any structure for whatsoever purpose used". This is far too vague.

"Cross Ventilation" is defined as "movement of air through a room". It is not clear whether this means a cross or diagonal movement.

8. General.

Mr. Connell said that he had written to London and Washington for information regarding building regulations and codes.

Mr. Nicolson said that it should be made clear that although there had not been many meetings of this Committee members had been busy collecting information and material.

The next meeting is to be held on Friday 14th May, 1948 at 9.30 a.m. in Room A220, First Floor, Central Government Buildings, Church Street, Pretoria.

The meeting ended at 11 a.m.

Confirmed,

C H A I R M A N.

**Collection Number: AD1715**

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974**

**PUBLISHER:**

*Collection Funder:- Atlantic Philanthropies Foundation*

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

©2013

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.