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Regulation No: 0

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OFFICE OF THE PRESIDENT

No. 506.

28 April 1999

*SECTION 9 (Extract) This is the **Trump Card** that SAHRA & HWC Have in their arsenal but do not apply it to organs of state eg TMNP, Municipalities and Gov departments)*

9. (1) All branches of the State and supported bodies must give heritage resources authorities such assistance in the performance of their functions as is reasonably practicable.

(2) All branches of the State and supported bodies must, on the request of a heritage resources authority, make available for its use and incorporation into its data base any information which it has on record on heritage resources under its control: Provided that the body supplying such information may set out conditions regarding the disclosure and distribution of such information by the heritage resources authority.

(3) Each State department and supported body must-

(a) maintain and conserve the heritage resources under its control in accordance with standards and procedures set out in regulations by SAHRA in consultation with the Department of Public Works;

(b) submit annually to SAHRA a report on the maintenance and development of such resources;

(c) in accordance with regulations, on the request of the Minister, or within 10 years from the commencement of this Act, compile and submit to SAHRA, information on and an inventory of such heritage resources;

(d) on the request of the Minister and in accordance with regulations, prepare management plans for specified heritage resources;

(e) not take any action that adversely affects such a resource unless the authority concerned is satisfied that there is no feasible and

prudent alternative to the taking of that action and that all measures that can reasonably be taken to minimise the adverse effect will be taken;

(f) at the initiation of the planning process of the project, or at least 90 days before taking any action that could adversely affect such heritage resource, whichever is the greater, inform SAHRA of the proposed action and give them a reasonable opportunity to consider and comment on it; and

(g) where the destruction of such heritage resources is permitted in terms of this Act, record such resources in accordance with standards set by SAHRA and undertake any other mitigating actions which may be required by SAHRA.

(4) Where SAHRA has been informed of a proposed action by a State Department or supported body, it must, as soon as practicable, submit its comments to the Department or supported body.

(5) An action for the purpose of this section shall be deemed to include the making of a recommendation which, if adopted, would affect a heritage resource, the making of a decision, the approval of a programme, the issue of a licence or the granting of a permission.

(6) Compliance with subsection (3) does not exempt a State Department or supported body from complying with requirements in terms of this Act, regarding any heritage resource in its ownership which is protected in terms of this Act or equivalent provincial legislation.

(7) The head of a government body at the national level of government must-

(a) inform SAHRA of his or her intention to destroy or delete any architectural or technical drawings in whatever medium, as may be defined in the regulations published by SAHRA in consultation with the National Archivist; and

(b) make such drawings available to SAHRA free of charge if requested by SAHRA.

(8) The head of a government body at the provincial or local level of government must-

(a) inform the provincial heritage resources authority of his or her intention to destroy or delete any architectural or technical drawings in whatever medium; and

(b) make such drawings available to a heritage resources authority free of charge.

(9) The Registrar of Deeds must inform SAHRA or the relevant heritage resources authority, in a notice as prescribed, of the particulars of the

registration of transfer or subdivision of any place which is formally protected by such heritage resources authority in terms of Part 1 of Chapter 2 of this Act, within 14 days of such registration.