

(17 March 2017 – to date)

NATIONAL HERITAGE RESOURCES ACT 25 OF 1999

(Government Notice 506 in Government Gazette 19974, dated 28 April 1999. Commencement date: 1 April 2000 [Proc. R18, Gazette No. 21050, dated 31 March 2000])

REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9 OF THE NATIONAL HERITAGE RESOURCES ACT NO 25 OF 1999

General Notice 218 in Government Gazette 40691 dated 17 March 2017. Commencement date: 17 March 2017.

The South African Heritage Resources Agency has, in terms of section 9(3)(a) of the National Heritage Resources Act No 25 1999, made the Regulations in the Schedule.

The main objective of these Regulations is to provide standards for conservation and maintenance of heritage resources that are in control of State Departments and Supported Bodies.

SCHEDULE

Arrangement of the Regulations

CHAPTER I

1. Definition.
2. Purpose.
3. Application.

CHAPTER II

4. Standards and Procedures for maintenance of heritage Resources.
5. Reporting.
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CHAPTER I

1. DEFINITIONS

- 1.1 In these Regulations any word or expression which has been defined in the National Heritage Resources Act No 25 of 1999 (“the Act”) and used in these Regulations shall have the meaning assigned to it in that Act.

Prepared by:



1.2 In these Regulations, unless the context requires otherwise:—

1.2.1 “**Annual financial year**” shall mean a financial period for any State Department or Supported Body, as it may be prescribed by legislation;

1.2.2 “**Conservation**” shall mean protection, maintenance, preservation and sustainable use^[sic] of places or objects so as to safeguard their cultural significance;

1.2.3 “**Competent Authority**” shall mean the South African Heritage Resources Authority or a Provincial Heritage Resources Authority competent in line with section 8 of the Act;

1.2.4 “**Maintenance**” shall mean any action intended to preserve the *status quo* of a heritage resource for future generations;

1.2.5 “**Supported Body**” shall mean a body funded or financially supported by the State, and includes State-owned enterprises; and

1.2.6 “**Under control**” shall mean or refer to heritage resources owned, managed, leased or used by the State Departments and Supported Bodies.

2. PURPOSE

2.1 Noting that SAHRA is entrusted with such a responsibility as set out in the NHRA in relation to heritage resources, these regulations are intended to clarify how best State Departments and Supported Bodies may support SAHRA in mainly maintenance and conservation of heritage resources under their control.

2.2 It flows from the above that these Regulations set out standards and procedures for the maintenance and conservation of heritage resources under the control of State Departments and Supported bodies.

2.3 These Regulations are in consideration of what is reasonably and practicably within the powers of the State Departments and Supported Bodies.

2.4 All State Departments and Supported Bodies must, on the request of a heritage resources authority, make available for its use and incorporation into its database 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. APPLICATION

These regulations apply to each and every State Department and Supported Body that has heritage resources in its control.

CHAPTER II

4. STANDARDS FOR MAINTENANCE AND CONSERVATION PROCEDURES OF HERITAGE RESOURCES IN CONTROL OF SUPPORTED BODIES AND STATE DEPARTMENTS

4.1 State Departments and Supported Bodies shall:

4.1.1 Ensure that heritage resources in their control are properly conserved and well maintained and any action required to be taken in respect of those resources is not taken in contravention of the Act.

4.1.2 Conduct maintenance for the purposes of mainly providing care to the heritage resources and this shall include:

4.1.2.1 regular inspection and cleaning of a heritage resource, for instance mowing and pruning in a garden;

4.1.2.2 repair involving restoration, returning of dislodged or relocated fabric to its original location, for instance, loose roof gutters on a building or displaced rocks in a stone wall; and

4.1.2.3 repair involving reconstruction, replacing of decayed fabric with new fabric.

4.1.3 Restore heritage resources as appropriate. Should there be a need to restore a heritage resource by using new material; this may include recycled material salvaged from other places. The restoration should not be to the detriment of a heritage resource and if a permit would ordinarily be required in terms of the Act, the State Department or a Supported Body shall apply for same before commencing with any such restoration.

4.1.4 Adapt heritage resources for re-use:

4.1.4.1 That will enhance life span of resources generate additional income to assist in conservation of the resources but steps should be taken to ensure that that adaptive re-use does not negatively impact on the significance of the heritage resource.

4.1.5 Prepare and submit maintenance plans for maintenance of a heritage resource.

4.1.6 Where it is permitted in the Act, dispose of or alienate heritage resources, such as heritage objects (firearms and the other objects) and record such disposal or alienation and thereafter report to SAHRA as set out in these Regulations.

4.2 In the event of re development and / or refurbishments:

4.2.1 The State Departments and Supported Bodies shall do as much as necessary to care for heritage resources under their control and in order to make them useable, but otherwise change them as little as possible so that their cultural significance is retained.

4.2.2 Any action taken shall be under the direction, permission, supervision and implementation of a Competent Authority. Supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

4.2.3 The notification required in section 9 of the Act before any development shall be preceded with informal consultation between the respective State Departments and Supported Bodies.

4.3 Regarding Conservation Management Plans ("CMP"):

4.3.1 The State Department and Supported Bodies must commission and prepare Conservation Management Plans for heritage resources in their control.

4.3.2 Should any State Department or a Supported Body commission one CMP for a number of heritage resources in its control then and in that event that the State Department or Supported Body shall prepare specific plans for each of its heritage resources.

5. MANNER OF REPORTING ON MAINTANCE[*sic*] AND DEVELOPMENT

5.1 State Department and Supported Bodies shall report to SAHRA on development and maintenance of heritage resources in writing and annually.

5.2 The reports referred to in 5.1 shall be filed with the office of the Chief Executive Officer of SAHRA and shall also be uploaded on the South Africa Heritage Resources Information System and the reports shall include the following:

5.2.1 A discussion on the conditions which necessitated the need for maintenance including, but not limited to: wall collapse, vegetation growth, graffiti, vandalism, fire, accidental damage, general wear-and-tear);

5.2.2 What the proposed maintenance entailed in terms of equipment and methods used;

5.2.3 A confirmation that a permit, if required by the Act, was issued;

5.2.4 Details of the person(s) that conducted the maintenance work was, this shall include their previous experience (if any), the number of people present on site and who was monitoring the maintenance work;

5.2.5 Period during which the maintenance was conducted (date initiated and date completed);

5.2.6 Discuss the measures in place (if any) to ensure future protection of the heritage resource.

5.2.7 A report on the number of objects or any other heritage resources disposed of as well as heritage resources that were saved from disposal, the report shall include their location and status.

6. NON – COMPLIANCE

Failure to comply with these Regulations shall have the same results and consequences as set out in the Act on contraventions.