

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
NATIONAL HERITAGE
RESOURCES BILL**

[B 24—99]

(As agreed to by the Select Committee on Education (National Council of Provinces))

[B 24A—99]

REPUBLIEK VAN SUID-AFRIKA

**GEKOSE KOMITEE-AMENDEMENTE
OP
WETSONTWERP OP NASIONALE
ERFENISHULPBRONNE**

[W 24—99]

*(Soos goedgekeur deur die Gekose Komitee oor Onderwys (Nasionale Raad van
Provinsies))*

[W 24A—99]

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AMENDMENTS AGREED TO

NATIONAL HERITAGE RESOURCES BILL
[B 24—99]

CLAUSE 2

1. In the Afrikaans text, on page 7, in line 24, after “land” to insert “, in die binnewaters, die territoriale waters”.
2. In the Afrikaans text, on page 9, in line 46, to omit “ook”.
3. In the Afrikaans text, on page 9, in line 49, to omit “ongemagtigde” and to substitute “onwettige”.
4. In the Afrikaans text, on page 11, in line 11, to omit all the words after “befonds” up to and including “regering” in line 12 and to substitute:

of finansieël ondersteun word deur die Staat
5. In the Afrikaans text, on page 11, in line 26, to omit “daarvan” and to substitute “van ’n plek”.

CLAUSE 4

1. In the Afrikaans text, on page 15, in line 54, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 6

1. In the Afrikaans text, on page 19, in line 4, after “tot” to insert “, maar nie teenstrydig nie met,”.

CLAUSE 7

1. In the Afrikaans text, on page 19, in line 43, to omit “3(2)” and to substitute “3(3)”.
2. In the Afrikaans text, on page 19, in line 48, to omit “5” and to substitute “8”.
3. In the Afrikaans text, on page 19, in line 49, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 8

1. In the Afrikaans text, on page 21, in line 2, to omit “val” and to substitute “en erfenishulpbronne”.
2. In the Afrikaans text, on page 21, in line 13, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
3. On page 20, in line 30, to omit “high” and to substitute “higher”.

CLAUSE 9

1. On page 22, in line 1, to omit “at the least” and to substitute “within”.
2. In the Afrikaans text, on page 25, in line 7, to omit “25(2)(g)” and to substitute “25(2)(d)”.
3. On page 24, in line 23, to omit “provincial” and to substitute “provisional”.

CLAUSE 10

1. In the Afrikaans text, on page 25, in line 54, to omit “9” and to substitute “6”.

CLAUSE 13

1. In the Afrikaans text on page 27, in lines 13 en 14, to omit “erfenisowerhede” and to substitute “erfenishulpbronowerhede”.

CLAUSE 16

1. In the Afrikaans text, on page 31, in line 22, to omit “aanspreeklik” and to substitute “verantwoordingspligtig”.

CLAUSE 20

1. In the Afrikaans text, on page 33, in line 2, to omit “uitbetaal” and to substitute “die aanwending daarvan”.

CLAUSE 24

1. In the Afrikaans text, on page 35, in line 39, to omit “6(1)” and to substitute “7(1)”.
2. In the Afrikaans text, on page 35, in line 43, to omit “6(1)” and to substitute “7(1)”.
3. In the Afrikaans text, on page 35, in line 53, to omit “7(6)” and to substitute “8(6)”.
4. In the Afrikaans text, on page 35, in lines 55 and 56, to omit “, as daar is,”.

CLAUSE 25

1. In the Afrikaans text, on page 37, in line 8, to omit “Erfenisowerheid” and to substitute “Erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 37, in line 13, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
3. In the Afrikaans text, on page 37, in lines 16 and 17, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
4. In the Afrikaans text, on page 37, from line 19, to omit all the words after “(d)” up to and including “doel—” in line 21 and to substitute:

poog om enige gemeenskap of liggaam van persone met ’n gevestigde

belang by enige erfenishulpbron by te staan om redelike toegang tot sodanige erfenishulpbron te verkry, indien hulle dit sou versoek, en kan vir hierdie doel—

5. In the Afrikaans text, on page 37, in line 30, to omit “Erfenisowerheid” and to substitute “Erfenishulpbronerheid”.
6. In the Afrikaans text, on page 37, from line 35, to omit “in” up to and including the first “of” in line 36 and to substitute:

publiseer of op enige ander wyse beskikbaar stel of in enige vorm
7. In the Afrikaans text, on page 37, in line 41, after “beskerm” to insert “behoort te”.
8. On page 36, in line 43, to omit “office” and to substitute “offence”.
9. In the Afrikaans text, on page 39, in line 3, to omit “7” and to substitute “59”.
10. In the Afrikaans text, on page 39, in line 10, after “Wet;” to insert “en”.
11. In the Afrikaans text, on page 39, in line 30, to omit “SAEHA-raad” and to substitute “raad van ’n erfenishulpbronerheid”.

CLAUSE 26

1. In the Afrikaans text, on page 39, from line 38, to omit all the words after “(1)” up to and including “volgende:” in line 40 and to substitute:

Behoudens subartikel (3) kan die Minister of LUR, na gelang van die geval, regulasies uitvaardig ten einde ’n erfenishulpbronerheid in staat te stel om enige van sy funksies of bevoegdhede kragtens hierdie Wet skriftelik te delegeer aan enige van of al die volgende:
2. In the Afrikaans text, on page 39, in line 48, to omit “25(b)” and to substitute “25(1)(b)”.
3. In the Afrikaans text, on page 39, in line 50, to omit “bevoeg is” and to substitute “bevoegdheid toon”.
4. In the Afrikaans text, on page 39, in line 57, to omit “erfenisowerheid” and to substitute “erfenishulpbronerheid”.
5. In the Afrikanas text, on page 39, in line 58, to omit “erfenisowerheid aanspreeklik” and to substitute “erfenishulpbronerheid verantwoordingspligtig”.
6. In the Afrikaans text, on page 41, in lines 8 and 9, to omit “erfenisowerheid” and to substitute “erfenishulpbronerheid”.

CLAUSE 27

1. In the Afrikaans text, on page 41, in lines 29 and 30, to omit “erfenisowerheid” and to substitute “erfenishulpbronerheid”.
2. In the Afrikaans text, on page 41, from line 33, to omit subsection (5) and to substitute:

(5) SAEHA kan by kennisgewing in die *Staatskoerant* enige plek in subartikel (1) bedoel tot ’n nasionale erfenisterrein verklaar.

3. In the Afrikaans text, on page 41, in line 39, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
4. In the Afrikaans text, on page 41, in line 50, to omit “belangstelling” and to substitute “belang”.
5. In the Afrikaans text, on page 41, in line 51, to omit “25(b)” and to substitute “25(1)(b)”.
6. In the Afrikaans text, on page 43, in line 3, to omit “verbind” and to substitute “verplig”.
7. In the Afrikaans text, on page 43, in line 9, to omit “12” and to substitute “ses”.
8. In the Afrikaans text, on page 43, in line 14, to omit “erfenisowerheid”, wherever it occurs, and to substitute “erfenishulpbronowerheid”.
9. In the Afrikaans text, on page 43, in line 18, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
10. In the Afrikaans text, on page 43, in line 20, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
11. In the Afrikaans text, on page 43, in line 35, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
12. In the Afrikaans text, on page 43, in line 39, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
13. In the Afrikaans text, on page 43, in line 41, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
14. In the Afrikaans text, on page 43, from line 46, to omit all the words after “tot” up to and including “terrein” in line 48 and to substitute “ ’n erfenisterrein”.
15. In the Afrikaans text, on page 43, from line 50, to omit all the words after “hou” up to and including “erfenisowerheid” in line 51 and to substitute:

ooreenkomstig ’n minimumstandaard en ooreenkomstig ’n prosedure
voorgeskrif deur die verantwoordelike erfenishulpbronowerheid
16. In the Afrikaans text, on page 43, in line 53, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
17. In the Afrikaans text, on page 43, in line 61, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
18. In the Afrikaans text, on page 45, in line 3, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 28

1. In the Afrikaans text, on page 45, in line 19, to omit “verseker.” and to substitute “verseker; of”.
2. In the Afrikaans text, on page 45, after line 19, to add the following paragraph:

(c) die stuk grond wat deur ’n mynhoop bedek is.
3. In the Afrikaans text, on page 45, in line 26, to omit “enige wrak as” and to substitute “ ’n argeologiese of paleontologiese terrein of meteoriet”.

4. In the Afrikaans text, on page 45, in line 30, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
5. In the Afrikaans text, on page 45, in line 38, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
6. In the Afrikaans text, on page 45, in line 41, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 29

1. In the Afrikaans text, on page 45, in line 45, to omit “, met die goedkeuring van die Minister,”.
2. In the Afrikaans text, on page 45, in line 46, to omit “, met die goedkeuring van die LUR,”.
3. In the Afrikaans text, on page 47, in line 11, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
4. On page 46, in line 18, to omit “erfenisowerheid” and to substitute “Erfenishulpbronowerheid”.
5. In the Afrikaans text, on page 47, in line 30, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 30

1. On page 46, in line 34, to omit “6” and to substitute “7”.
2. On page 46, in line 40, to omit “6” and to substitute “7”.
3. In the Afrikaans text, on page 49, in line 3, to omit “toegepas” and to substitute “ingestel”.
4. In the Afrikaans text, on page 49, in line 59, to omit “28 en 29” and to substitute “35 en 36”.

CLAUSE 31

1. In the Afrikaans text, on page 51, in line 1, to omit “sodanige owerheid” and to substitute “die provinsiale erfenishulpbronowerheid”.
2. On page 50, in line 25, to omit “in subsection (2)” and to substitute “referred to in subsection (5)”.
3. In the Afrikaans text, on page 51, in line 44, to omit “die eienaar te gelas” and to substitute “van die eienaar te vereis”.

CLAUSE 32

1. In the Afrikaans text, on page 53, in line 38, to omit “herroep” and to substitute “ingetrek”.
2. In the Afrikaans text, on page 53, in line 61, after “in” to insert “Deel II van”.

3. In the Afrikaans text, on page 55, in line 10, to omit “om die erfenisvoorwerp” and to substitute:

wat in deel II van die register van erfenisvoorwerpe gelys is,
4. In the Afrikaans text, on page 55, in line 11, after “erfenisvoorwerp” to insert:

wat in deel II van die register van erfenisvoorwerpe gelys is,
5. In the Afrikaans text, on page 55, in line 15, to omit “uitvoer nie, uitgesonderd op gesag van” and to substitute:

wat in deel II van die register van erfenisvoorwerpe gelys is, uitvoer nie sonder ’n permit wat deur
6. In the Afrikaans text, on page 55, in line 16, after “SAEHA” to insert “uitgereik is”.
7. In the Afrikaans text, on page 55, in line 19, after “voorwerp” to insert:

wat in deel II van die register van erfenisvoorwerpe gelys is,
8. In the Afrikaans text, on page 55, in line 45, to omit “die bogemelde” and to substitute “hierdie”.
9. In the Afrikaans text, on page 57, in line 33, to omit “seker” and to substitute “tevrede”.

CLAUSE 34

1. In the Afrikaans text, on page 59, in line 3, after “die” to insert “betrokke”.

CLAUSE 35

1. In the Afrikaans text, on page 59, in line 34, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 59, in line 35, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
3. In the Afrikaans text, on page 59, in line 37, to omit all the words after “(4)” and to substitute:

Niemand mag sonder ’n permit deur die verantwoordelike erfenishulpbronowerheid uitgereik—
4. In the Afrikaans text, on page 59, in line 51, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
5. In the Afrikaans text, on page 61, before line 1, to insert the following paragraph:

(c) indien versagting deur die erfenishulpbronowerheid geag word nodig te wees, die persoon aan wie die bevel kragtens paragraaf (a) beteken is, bystaan by die aansoek om ’n permit soos vereis deur subartikel (4); en
6. In the Afrikaans text, on page 61, in line 4, after “onderneem” to insert:

indien daar geen aansoek om ’n permit ontvang is binne twee weke nadat die bevel beteken is nie

7. in the Afrikaans text, on page 61, in line 5, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
8. In the Afrikaans text, on page 61, in lines 14 and 15, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 36

1. In the Afrikaans text, on page 61, in lines 36 and 37, to omit “daarmee gepaard gaan” and to substitute:
met die graf in subartikel (1) bedoel, verbind word
2. In the Afrikaans text, on page 61, in line 57, to omit “oortuig” and to substitute “tevrede”.
3. In the Afrikaans text, on page 63, in line 9, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
4. In the Afrikaans text, on page 63, in line 11, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 38

1. In the Afrikaans text, on page 63, in line 52, after “SAEHA” to insert “of ’n provinsiale erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 63, in line 55, after “SAEHA” to insert “of ’n provinsiale erfenishulpbronowerheid”.
3. In the Afrikaans text, on page 63, in line 56, to omit “SAEHA” and to substitute “die verantwoordelike provinsiale erfenishulpbronowerheid”.
4. In the Afrikaans text, on page 63, in line 59, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
5. In the Afrikaans text, on page 65, in line 6, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
6. In the Afrikaans text, on page 65, in line 11, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
7. On page 64, in line 13, to omit “4(2) or prescribed under section 6” and to substitute “6(2) or prescribed under section 7”.
8. In the Afrikaans text, on page 65, in line 31, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
9. In the Afrikaans text, on page 65, in line 37, after “Wet” to insert “op sodanige erfenishulpbronne”.
10. In the Afrikaans text, on page 67, in line 4, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 40

1. In the Afrikaans text, on page 69, in line 3, to omit “kan wees teen die rentekoers” and to substitute “teen die rentekoers moet wees”.

2. In the Afrikaans text, on page 69, in line 6, to omit “kan wees teen die rentekoers” and to substitute “teen die rentekoers moet wees”.
3. In the Afrikaans text, on page 69, in line 8, to omit “kan” and to substitute “moet”.

CLAUSE 41

1. In the Afrikaans text, on page 69, in line 18, to omit “SAEHA, met die goedkeuring van die Minister,” and to substitute “Die Minister”.

CLAUSE 42

1. In the Afrikaans text, on page 69, in line 33, after “SAEHA” to insert “of ’n provinsiale erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 69, in line 47, to omit “ ’n” and to substitute “die betrokke”.
3. In the Afrikaans text, on page 69, in line 48, to omit “ ’n” and to substitute “die”.
4. In the Afrikaans text, on page 69, in line 50, to omit “behoudens” and to substitute “van”.
5. In the Afrikaans text, on page 69, in line 55, to omit “gaan saam met die grond en” and to substitute “wat vas is aan die grond,”.
6. In the Afrikaans text, on page 69, in line 56, after “plek” to insert “soos by die datum van die sluit van die ooreenkoms”.
7. In the Afrikaans text, on page 69, in line 59, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
8. In the Afrikaans text, on page 71, in line 1, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
9. In the Afrikaans text, on page 71, in line 17, to omit “reg” and to substitute “voorkoopsreg”.
10. In the Afrikaans text, on page 71, in line 18, to omit “die opsie van”.

CLAUSE 44

1. In the Afrikaans text, on page 73, in line 4, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 73, from line 7, to omit subsection (3) and to substitute:

(3) ’n Persoon mag slegs in oorleg met die erfenishulpbronowerheid verantwoordelik vir die beskerming van ’n plek wat ingevolge hierdie Wet beskerm word ’n plaat of ander permanente tentoonstelling of struktuur geassosieer met sodanige aanbieding in die nabyheid van die plek oprig.

CLAUSE 45

1. In the Afrikaans text, on page 73, in lines 12, 20, 21 and 31, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 46

1. In the Afrikaans text, on page 73, in line 41, after “Werke” to insert “in daardie Wet”.

CLAUSE 47

1. In the Afrikaans text, on page 73, in line 56, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 75, in lines 4, 5, 7, 8, 12, 14 and 17, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 48

1. In the Afrikaans text, on page 75, in lines 23, 37, 42, 45 and 49, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
2. In the Afrikaans text, on page 75, in line 54, to omit “in artikel 32(3)(e) bedoel”.
3. In the Afrikaans text, on page 75, in line 56, to omit “nodig is” and to substitute “vereis word”.
4. In the Afrikaans text, on page 75, after line 57, to add the following subsection:

(3) 'n Erfenishulpbronowerheid kan ten opsigte van enige erfenishulpbron wat ingevolge die bepalings van Hoofstuk II deur hom beskerm word by kennisgewing in die *Staatskoerant* of die *Provinsiale Staatskoerant*, na gelang van die geval, na goeddunke vrystelling verleen van die vereiste om 'n permit van hom te verkry vir sodanige bedrywighede of klas bedrywighede deur sodanige persone of klas persone in sodanige omstandighede as wat in die kennisgewing vermeld word.

CLAUSE 49

1. In the Afrikaans text, on page 77, in line 8, after “LUR” to insert “behoorlik”.
2. On page 76, in line 19, to omit “heritage authority” and to substitute “heritage resources authority”.

CLAUSE 50

1. In the Afrikaans text, on page 77, in line 17, after “SAEHA” to insert “of 'n provinsiale erfneishulpbronowerheid”.
2. In the Afrikaans text, on page 77, in lines 24, 31, 40, 43 and 58, “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.
3. In the Afrikaans text, 79, in line 5, to omit “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 51

1. On page 78, in line 45, to omit “the” and to substitute “this”.
2. On page 80, in line 15, to omit “(2)” and to substitute “(3)”.

3. In the Afrikaans text, on page 81, in lines 25, 28 and 37, to omit “gelas” and to substitute “beveel”.
4. In the Afrikaans text, on page 81, in line 41, after “SAEHA” to insert:
 , of die LUR op advies van die provinsiale erfenishulpbronowerheid,
5. On page 80, in line 45, to omit “A development order” and to substitute “An order of no development”.
6. On page 80, in line 48, to omit “a development order” and to substitute “an order of no development”.
7. In the Afrikaans text, on page 81, in line 59, after “SAEHA” to insert:
 of die betrokke provinsiale erfenishulpbronowerheid, na gelang van die geval,

CLAUSE 52

1. On page 82, in line 6, to omit “was” and to substitute “it has”.

CLAUSE 53

1. On page 82, in line 16, to omit “national department responsible for arts and culture” and to substitute “Department”.

CLAUSE 56

1. In the Afrikaans text, on page 83, in lines 41 and 45, “erfenisowerheid” and to substitute “erfenishulpbronowerheid”.

CLAUSE 58

1. In the Afrikaans text, on page 85, in line 14, to omit “was verwys na in subartikel (2)” and to substitute “bedoel in subartikel (2) was”.
2. In the Afrikaans text, on page 85, in line 24, to omit “erfenisbiblioteek ingestel by artikel 13(2)(b)” and to substitute “erfenishulpbronbiblioteek by artikel 13(2)(b) ingestel”.
3. On page 84, in line 42, after “assets,” to insert “rights”.
4. In the Afrikaans text, on page 85, from line 50, to omit paragraph (a) and to substitute:
 (a) Onroerende nasionale gedenkwaardighede ingevolge artikel 10 van die vorige Wet is provinsiale erfenishulpbronterreine: Met die verstande dat die provinsiale erfenishulpbronowerheid binne vyf jaar na die inwerkingtreding van hierdie Wet, in oorleg met SAEHA, die belang van daardie terreine evalueer in ooreenstemming met die erfenisevalueringsmaatstawwe in artikel 3(3) uiteengesit en kragtens artikel 7(1) voorgeskryf en SAEHA enige plek wat aan die maatstawwe vir Graad I-status voldoen tot ’n nasionale erfenisterrein verklaar.

CLAUSE 60

1. In the Afrikaans text, on page 87, in line 33, to omit “39(2)” and to substitute “41(2)”.

SCHEDULE

1. On page 88, in the second line of items 1, 2, 3, 4, 5 and 6, respectively, to omit “or” and to substitute “and”.