

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
WORLD HERITAGE CONVENTION
BILL**

[B 42B—99]

*(As agreed to by the Select Committee on Land and Environmental Affairs
(National Council of Provinces))*

[B 42C—99]

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AMENDMENTS AGREED TO

WORLD HERITAGE CONVENTION BILL
[B 42B—99]

CLAUSE 1

1. On page 4, in line 5, to omit the first and second “Advisory”.
2. On page 4, in line 37, to omit the definition of “private land”.
3. On page 4, from line 56, to omit paragraph (b) and to substitute:
 - (b) has been proclaimed by the Minister by notice in the *Gazette* to be a special heritage site for management in accordance with this Act as if that site qualified under paragraph (a)—
 - (i) after consultation with the Minister affected by such a proclamation;
 - (ii) if applicable, after consultation with the relevant MEC; and
 - (iii) subject to a resolution of Parliament, but such a special heritage site cannot be referred to as a World Heritage Site.

CLAUSE 7

1. On page 7, in line 41, to omit “must be, in the case of interested parties,” and to substitute:

, in the case of interested parties, may be

CLAUSE 8

1. On page 8, in line 12, after “applicable” to insert “, by notice in the *Gazette*”.
2. On page 8, in line 13, to omit all the words after “Act” up to and including “be” in line 15 and to substitute:

which is a juristic person with the capacity to sue and be sued in its own name
3. On page 8, in line 16, to omit “, by notice in the *Gazette*”.

CLAUSE 10

1. On page 8, in line 23, after “of” to insert “new”.
2. On page 8, in line 24, to omit “declared in terms of section 8 or”.
3. On page 8, in line 25, to omit “consist of an Advisory” and to substitute:

exercise its powers and duties through a
4. On page 8, in lines 25 and 26, to omit “with such powers and duties referred to in sections 13 and 15(1)”.

5. On page 8, in line 26, after “determine” to insert “by notice in the *Gazette*”.

CLAUSE 13

1. On page 10, in line 32, after “(1)” to insert:
to an Authority established in terms of section 9
2. On page 10, in line 33, to omit “Advisory”.

CLAUSE 14

1. On page 10, in line 38, to omit “Advisory”.
2. On page 10, in line 39, to omit “Advisory Board” and to substitute “Board for new Authority”.
3. On page 10, in line 40, to omit “an Advisory” and to substitute “a”.
4. On page 10, in line 41, after “Authority” to insert “established in terms of section 9”.
5. On page 10, in line 41, to omit “and section 8”.
6. On page 10, in line 42, to omit “an Advisory” and to substitute “a”.
7. On page 10, in line 48, to omit “An Advisory” and to substitute “A”.
8. On page 10, in line 49, to omit “Advisory”.

CLAUSE 15

1. On page 11, in line 8, to omit “Advisory Board” and to substitute “Board of new Authority”.
2. On page 11, in line 9, to omit “an Advisory” and to substitute “a”.
3. On page 11, in line 10, to omit “Advisory”.
4. On page 11, in line 15, to omit “Advisory”.
5. On page 11, in line 16, to omit “an Advisory” and to substitute “a”.
6. On page 11, in line 18, to omit “Advisory”.

CLAUSE 16

1. On page 11, in line 19, to omit “Advisory Board” and to substitute “Board of new Authority”.
2. On page 11, in line 21, to omit “Advisory”.
3. On page 11, in line 22, to omit “Advisory”.
4. On page 11, in line 24, to omit “Advisory”.
5. On page 11, in line 25, to omit “Advisory”.
6. On page 11, in line 26, to omit “Advisory”.

7. On page 11, from line 28, to omit subsection (2) and to substitute:
- (2) The Board may, subject to the approval of the Minister, delegate and assign its powers and duties, excluding the power with regard to policy.

CLAUSE 17

1. On page 11, in line 30, after “Component” to add “of new Authority”.
2. On page 11, in line 31, to omit “Advisory”.
3. On page 11, in line 32, after “Authority” to insert “established in terms of section 9”.
4. On page 11, in line 33, after “Component” to insert:

of an Authority established in terms of section 9
5. On page 11, in line 34, to omit “Advisory”.
6. On page 11, in line 36, to omit “Advisory”.
7. On page 11, in line 50, after “Authority” to insert “established in terms of section 9”.
8. On page 11, in line 55, after “Authority” to insert “established in terms of section 9”.

NEW CLAUSE

1. That the following be a new Clause:

Transfer of staff members where existing organ of state is declared as Authority

18. Subject to applicable law, a staff member of an organ of state referred to in section 8 may, without interrupting his or her service or any change to accrued employment rights, benefits and obligations, be transferred to be a staff member in a similar position in an Authority established in terms of section 8.

CLAUSE 18

1. On page 12, in line 1, after “Component” to add “of new Authority”.

CLAUSE 19

1. On page 12, in line 6, after “Component” to add “of new Authority”.
2. On page 12, from line 9, to omit paragraphs (a), (b) and (c).

CLAUSE 26

1. On page 14, in line 3, to omit “of” and to substitute “between the Authority and”.

CLAUSE 30

1. On page 14, from line 23, to omit subsection (1) and to substitute:
 - (1) (a) The Minister may, with the concurrence of the Minister of Finance, transfer any movable property belonging to the State to an Authority to enable it to perform its powers and duties or to achieve any of its objects.
 - (b) The Minister may, with the consent of the Minister responsible for the administration of that land in terms of the State Land Disposal Act, 1961 (Act No. 48 of 1961), and with the concurrence of the Minister of Finance, transfer any immovable property belonging to the State to an Authority to enable it to perform its powers and duties or to achieve any of its objects.

2. On page 14, from line 45, to omit subsection (5) and to substitute:
 - (5) (a) A registrar defined in section 102 of the Deeds Registries Act, 1937, must upon submission of a certificate by the Minister that land has been transferred to an Authority in terms of this section, make entries and endorsements in, or on, any relevant register or other document in his or her office to register such land in the name of the Authority.
 - (b) Stamp duty, office fee or other fee is not payable in respect of such registration.

3. On page 14, from line 51, to omit subsection (6) and to substitute:
 - (6) (a) If an Authority is disestablished in terms of section 12, a registrar must, upon submission of a certificate by the Minister that land transferred to an Authority in terms of subsection (5) has been transferred back from such Authority to the State, make such entries and endorsements in, or on, any relevant register or other document in his or her office to register such land in the name of the State.
 - (b) Stamp duty, office fee or other fee is not payable in respect of such registration.

CLAUSE 32

1. On page 15, in line 13, after “source” to insert:

, as the Minister may prescribe with the concurrence of the Minister of Finance

2. On page 15, in line 14, after “contract” to insert “for goods or services”.

3. On page 15, in line 25, to omit “and loans”.

CLAUSE 34

1. On page 15, from line 35, to omit subsection (2) and to substitute:
 - (2) An Authority may, with the approval of the Minister, granted with the concurrence of the Minister of Finance and the relevant MEC, authorise the chief executive officer to invest any unspent portion of the funds of the Authority, but any surplus at the end of a financial year must be carried over to the next financial year and be utilised to defray expenses incurred by the Authority during that financial year.

LONG TITLE

1. On page 2, in the seventh line, after “Sites;” to insert “where appropriate,”.
2. On page 2, in the eighth line, to omit “Advisory”.
3. On page 2, in the tenth line, to omit the first “and”.

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