



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

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**No. 1635**

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take note!

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Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

### REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

**CONTENTS**

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
<b>PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS</b>		
64		
KwaZulu-Natal Amafa and Research Institute Bill, 2016: To amalgamate Amafa aKwaZulu-Natali and the Chief Directorate .....	1635	4

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

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PROVINCIAL NOTICE 64 OF 2016

**KWAZULU-NATAL  
AMAFA AND RESEARCH INSTITUTE BILL, 2016**



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## BILL

To amalgamate *Amafa aKwaZulu-Natali* and the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier so as to establish a statutory Institute to conduct both basic and applied research to generate relevant knowledge and contribute solutions to challenges within the field of heritage in the Province; to provide for the management of both the physical and the living or intangible heritage resources of the Province; to administer heritage conservation in the Province; to determine the objects, powers, duties and functions of the Institute; to determine the manner in which the Institute is to be managed, governed, staffed and financed; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

### ARRANGEMENT OF SECTIONS

#### *Section*

#### CHAPTER 1 DEFINITIONS

#### 1. Definitions

#### CHAPTER 2 APPLICATION OF ACT

#### 2. Application of Act

#### CHAPTER 3 GENERAL PRINCIPLES PERTAINING TO HERITAGE RESOURCES AND ROLE OF RESPONSIBLE MEMBER OF EXECUTIVE COUNCIL IN HERITAGE MATTERS

#### 3. General principles pertaining to heritage resources

#### 4. Role of responsible Member of Executive Council in heritage matters

#### CHAPTER 4 KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE

#### 5. Establishment of KwaZulu-Natal Amafa and Research Institute

#### 6. Objects of Institute

#### 7. Powers, duties and functions of Institute

#### 8. Annual report and financial statements

**CERTIFIED:** 11 January 2016

State Law Advisor

9. Composition of Institute
10. Term of office of member of Institute
11. Nominations for membership of Institute
12. Declaration of financial or other interests by nominees to Institute
13. Failure to declare financial or other interests
14. Recusal of member of Institute
15. Vacancies, removal and resignation from office of members of Institute
16. Meetings of Institute
17. Committees of Institute
18. Administrative and secretarial work of Institute
19. Remuneration of members of Institute and reimbursement of expenses incurred by members of Institute and committees of Institute

#### CHAPTER 5

##### CHIEF EXECUTIVE OFFICER AND STAFF OF INSTITUTE

20. Chief Executive Officer of Institute
21. Functions of Chief Executive Officer
22. Staff of Institute
23. Secondment or transfer of staff to Institute

#### CHAPTER 6

##### FUNDING AND MANAGEMENT OF INSTITUTE

24. Funds of Institute
25. Financial management and reporting
26. Immovable property
27. Legal proceedings against Institute
28. Security of confidential information held by Institute
29. Use of name of Institute

#### CHAPTER 7

##### AMAFA AND RESEARCH FORUM

30. Establishment of Amafa and Research Forum
31. Objects of Amafa and Research Forum
32. Composition and membership of Amafa and Research Forum
33. Meetings of Amafa and Research Forum
34. Advice and recommendations by Amafa and Research Forum
35. Rights and obligations of members of Amafa and Research Forum

**CERTIFIED:** 11 January 2016

State Law Advisor

36. Frequency of meetings of Amafa and Research Forum

#### CHAPTER 8

##### GENERAL PROTECTION OF HERITAGE RESOURCES

- 37. General protection: Structures
- 38. General protection: Graves of victims of conflict
- 39. General protection: Informal and private burial grounds
- 40. General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites
- 41. Heritage resources management

#### CHAPTER 9

##### SPECIAL PROTECTION OF HERITAGE RESOURCES

- 42. Protected areas
- 43. Schedule 2 of specially protected heritage resources
- 44. Special protection: Heritage Landmark status
- 45. Special protection: Provincial Landmark status
- 46. Special protection: Graves of members of Royal Family
- 47. Special protection: Battlefields, public monuments and memorials
- 48. Register of Heritage Sites
- 49. Special protection: Heritage Object status
- 50. Register of Heritage Objects

#### CHAPTER 10

##### HERITAGE RESOURCES MANAGEMENT

- 51. Determination of criteria for best practice, standards, norms and conditions
- 52. Institute may enter into agreements
- 53. Responsible Member of Executive Council may expropriate Heritage Landmark site
- 54. Consultation procedure where municipal by-law or regulation has bearing on heritage matters

#### CHAPTER 11

##### GENERAL PROVISIONS

- 55. Appointment of honorary heritage inspectors
- 56. General offences pertaining to Institute
- 57. Penalties
- 58. Regulations

**CERTIFIED:** 11 January 2016

State Law Advisor

59. Appeals to responsible Member of Executive Council

60. Delegations

## CHAPTER 12

### REPEAL OF LAW, TRANSITIONAL ARRANGEMENTS, VALIDATION AND SHORT TITLE

61. Repeal of law

62. Transitional arrangements and validation

63. Short title

## SCHEDULE 1

### PART A

Schedule 1: Part A: List of employees transferred to the Institute from the *Amafa aKwaZulu-Natali* Heritage Council

### PART B

Schedule 1: Part B: List of employees seconded to the Institute from the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier

## SCHEDULE 2

Schedule 2: Specially Protected Heritage Resources

## CHAPTER 1

### DEFINITIONS

#### Definitions

1. In this Act any word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise –

“**alter**” means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means;

“**Chief Executive Officer**” means the Chief Executive Officer of the Institute appointed in terms of section 20(1);



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“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the Office of the Premier of KwaZulu-Natal or, where the Premier has assigned the administration of this Act to a member of the Executive Council, the department in the Provincial Government of KwaZulu-Natal for which that Member of the Executive Council is responsible;

“**ecofact**” means non-artefactual organic or environmental remains that may reveal aspects of past human activity;

“**excavation**” means the scientific excavation, recording and retrieval of archaeological deposit and objects through the use of accepted archaeological procedures and methods, and “**excavate**” has a corresponding meaning;

“**Executive Council**” means the Executive Council of the Province of KwaZulu-Natal;

“**export**” has the meaning as defined in the Customs and Excise Act, 1964 (Act No. 91 of 1964);

“**financial year**” means the period from 1 April in any year to 31 March of the following year;

“**Gazette**” means the official Provincial *Gazette* of KwaZulu-Natal;

“**Head of Department**” means the Director-General or, where the Premier has assigned the administration of this Act to a member of the Executive Council, the most senior officer of the department in the Provincial Government of KwaZulu-Natal for which that Member of the Executive Council is responsible;

“**Heritage Landmark site**” means a site on which the special protection of Heritage Landmark status has been conferred in terms of section 44(2);

“**Heritage Object**” means an object on which the special protection of Heritage Object status has been conferred in terms of section 49;

“**heritage site**” in relation to the Province of KwaZulu-Natal, means –

- (a) a Heritage Landmark site;

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State Law Advisor

- (b) a Provincial Landmark site; or
- (c) those heritage resources referred to in sections 42, 43, 44 and 45;

**“Institute”** means the KwaZulu-Natal AMAFA and Research Institute established in terms of section 5(1);

**“intangible heritage”** means the intangible aspects of inherited culture, and may include

–

- (a) cultural tradition;
- (b) oral history;
- (c) performance;
- (d) ritual;
- (e) popular memory;
- (f) skills and technique;
- (g) indigenous knowledge systems; and
- (h) the holistic approach to nature, society and social relationships;

**“local authority”** means –

- (a) a municipality; or
- (b) a traditional Institute established in terms of section 6 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

**“Member of the Executive Council responsible for finance”** means the Member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

**“Monarch”** means the Monarch for the Province of KwaZulu-Natal, being –

- (a) the person holding office as the King of the Zulu nation, the King of *AmaZulu*, the *Ingonyama* or *Isilo*, at the date of commencement of this Act; or
- (b) the Monarch for the Province of KwaZulu-Natal as may be defined in a Constitution of KwaZulu-Natal to be adopted or other provincial legislation;

**“municipality”** means a municipality contemplated in section 155 of the Constitution, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000), and **“district municipality”** and **“metropolitan municipality”** have a corresponding meaning;

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State Law Advisor

“**plan**” means any plan envisaged by the Physical Planning Act, 1991 (Act No. 125 of 1991), or any other town and land use planning legislation applicable to the Province of KwaZulu-Natal;

“**political office bearer**” means –

- (a) a member of the National Assembly, the National Council of Provinces or the Cabinet;
- (b) a member of a provincial legislature or of the Executive Council of a province;
- (c) a municipal councillor;
- (d) a diplomatic representative of the Republic who is not a member of the public service;
- (e) a member of a house of traditional leaders; or
- (f) a national or provincial office bearer of a political party, organisation, body, alliance or movement registered in terms of section 15 or 15A of the Electoral Commission Act, 1996 (Act No. 51 of 1996);

“**Premier**” means the Premier-in-Executive Council of the Province of KwaZulu-Natal as contemplated in section 125 of the Constitution;

“**prescribed**” means prescribed by regulation under section 58, and “**prescribe**” has a corresponding meaning;

“**Province**” means the province of KwaZulu-Natal established in terms of section 103 of the Constitution;

“**Provincial Government**” means the government of the Province of KwaZulu-Natal;

“**Provincial Landmark site**” means a site on which the special protection of Provincial Landmark status has been conferred in terms of section 45;

“**Provincial Legislature**” means the Legislature of the Province of KwaZulu-Natal;

“**Provincial Revenue Fund**” means the fund established for the Province of KwaZulu-Natal by section 226 of the Constitution;

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“**Provincial Treasury**” means the treasury established for the Province of KwaZulu-Natal in terms of section 17 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**public service**” means the public service contemplated in section 8 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“**regulations**” means regulations made under section 58;

“**responsible Member of the Executive Council**” means the Premier of the Province of KwaZulu-Natal or that Member of the Executive Council of the Province of KwaZulu-Natal to whom the Premier has assigned the administration of this Act;

“**Royal Family**” means the Monarchs and their consorts, from the time of *Nkosinkulu*, recognised as such –

- (a) according to Zulu customary law and customs; or
- (b) in terms of a Constitution of KwaZulu-Natal to be adopted or other provincial legislation;

“**this Act**” includes the regulations.

## CHAPTER 2 APPLICATION OF ACT

### **Application of Act**

2.(1) This Act applies to basic and applied research that generates relevant knowledge and contributes solutions to challenges within the field of heritage within the Province, and to the management and administration of heritage resources in the Province.

(2) Where this Act does not regulate a matter pertaining to the protection or management of heritage resources in the Province, the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), and the National Heritage Institute Act, 1999 (Act No. 11 of 1999), apply in the Province and any reference to “provincial heritage resources authority” in the National Heritage Resources Act, 1999, must, unless clearly inappropriate, be construed as reference to the Institute.

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State Law Advisor

### CHAPTER 3

#### GENERAL PRINCIPLES PERTAINING TO HERITAGE RESOURCES AND ROLE OF RESPONSIBLE MEMBER OF EXECUTIVE COUNCIL IN HERITAGE MATTERS

##### **General principles pertaining to heritage resources**

3. The responsible Member of the Executive Council and the Institute must uphold the general principles referred to in Part 1 of Chapter 1 to the National Heritage Resources Act, 1999 (Act No. 25 of 1999), which apply to the actions of the spheres of provincial and local governments in respect of the management of heritage resources in the Province.

##### **Roles of responsible Member of Executive Council in research and heritage matters**

4.(1) Having regard to the co-ordinating role of the national government in heritage matters, the responsible Member of the Executive Council must, in the spirit of co-operative government referred to in Chapter 3 of the Constitution, endeavour to promote and facilitate the research into, the administration and management of, heritage matters and resources in the Province within the framework of national policy and programmes in respect of heritage matters and resources.

(2) In addition to the other powers vested in the responsible Member of the Executive Council by this Act, the responsible Member of the Executive Council must, after consultation with the Institute, and with due regard to national heritage policy and programmes, determine heritage policy and programmes in the Province.

### CHAPTER 4

#### KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE

##### **Establishment of KwaZulu-Natal AMAFA and Research Institute**

5.(1) An Institute to be known as the KwaZulu-Natal AMAFA and Research Institute is hereby established.

(2) The Institute is a juristic person.

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(3) The Institute is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), and is the accounting authority in terms of section 49(2)(a) thereof.

### **Objects of Institute**

6. The objects of the Institute are –

- (a) to conduct basic and applied research for the Province, to generate knowledge and address challenges, and seek solutions to better the lives of persons in the Province;
- (b) to disseminate knowledge and solutions generated by research to identified organisations, communities or persons; and
- (c) to ensure the –
  - (i) identification,
  - (ii) conservation;
  - (iii) protection;
  - (iv) management; and
  - (v) administration,

of the heritage resources of the Province under its jurisdiction and generally, with due regard to national and provincial heritage policy and programmes, to promote and co-ordinate heritage conservation for the benefit of present and future generations.

### **Powers, duties and functions of Institute**

7.(1) The Institute must –

- (a) conduct applied research to contribute to finding solutions to societal challenges;
  - (b) conduct basic research to generate and widen horizons of discipline-specific knowledge;
  - (c) disseminate research findings to relevant consumers;
  - (d) monitor and evaluate the performance of programmes and projects;
  - (e) consider national and provincial heritage policy and programmes and submit comments and recommendations to the responsible Member of the Executive Council;
  - (f) provide for, and facilitate –
    - (i) the implementation, delivery and co-ordination of heritage policy and programmes;
    - (ii) community and stakeholder involvement in heritage matters; and
    - (iii) a sound working relationship with all heritage bodies,
- in the Province;

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(g) contribute to redressing past inequities by promoting previously neglected heritage resources;

(h) with due regard to national and provincial heritage policy and programmes, advise the responsible Member of the Executive Council on –

(i) existing and proposed heritage policy in the Province;

(ii) achieving operational uniformity of heritage programmes in the Province;

(iii) any physical heritage-related matter in relation to which the responsible Member of the Executive Council requests advice;

(iv) any matter related to intangible heritage;

(v) its contribution towards South Africa's attainment of any targets or goals required in terms of the United Nations Convention on Education, Science and Culture and any other international conventions, treaties, agreements or instruments on Heritage to which South Africa is a signatory; and

(i) assist the Department in communicating decisions and relevant information on heritage matters in the Province to departments in the Provincial Government, municipalities and heritage forums in the Province, and the public by means of meetings, workshops, notices, and other published and electronic media;

(j) liaise with national and provincial departments, statutory bodies and organisations concerned with heritage matters;

(k) perform the functions and carry out the duties and responsibilities imposed by this Act; and

(l) perform any other function or carry out any other duty imposed on the Institute by any other law.

(2) The Institute, as the accounting authority in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), must –

(a) exercise the duty of utmost care to ensure reasonable protection of the assets and records of the public entity;

(b) act with fidelity, honesty, integrity and in the best interests of the public entity in managing the financial affairs of the public entity;

(c) on request, disclose to the executive authority responsible for that public entity or the legislature to which the public entity is accountable, all material facts, including those reasonably discoverable, which in any way may influence the decisions or actions of the executive authority or that legislature;

(d) seek, within the sphere of influence of that accounting authority, to prevent any prejudice to the financial interests of the state;

(e) ensure and maintain –

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State Law Advisor

- (i) effective, efficient and transparent systems of financial and risk management and internal control; and
  - (ii) a system of internal audit under the control and direction of an audit committee complying with, and operating in accordance with, regulations and instructions prescribed in terms of sections 76 and 77 of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and
    - (aa) an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective;
    - (bb) a system for properly evaluating all major capital projects prior to a final decision on the project; and
  - (f) take effective and appropriate steps to –
    - (i) collect all revenue due to the Institute;
    - (ii) prevent irregular expenditure, fruitless and wasteful expenditure, losses resulting from criminal conduct, and expenditure not complying with the operational policies of the Institute;
    - (iii) manage available working capital efficiently and economically; and
    - (iv) comply with any tax, levy, duty, pension and audit commitments as required by legislation; and
  - (g) take effective and appropriate disciplinary steps against any employee of the public entity who –
    - (i) contravenes or fails to comply with a provision of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
    - (ii) commits an act which undermines the financial management and internal control system of the Institute; or
    - (iii) makes or permits an irregular expenditure or a fruitless and wasteful expenditure; and
  - (h) promptly inform the National Treasury on any new entity which the Institute intends to establish or in the establishment of which it takes the initiative, and allow the National Treasury a reasonable time to submit its decision prior to formal establishment; and
  - (i) comply, and ensure compliance by the Institute, with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and any other legislation applicable to the Institute.
- (3) A Member of the Institute may not –
- (a) act in a way that is inconsistent with the responsibilities assigned to an accounting authority in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999); or



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State Law Advisor
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(b) use the position or privileges of, or confidential information obtained as, accounting authority or a member of the Institute, for personal gain or to improperly benefit another person.

(4) The Institute is responsible for –

(a) the management, including the safe-guarding, of the assets and for the management of the revenue, expenditure and liabilities of the Institute; and

(b) the submission by the Institute of all reports, returns, notices and other information to Parliament or the relevant provincial legislature and to the relevant executive authority or treasury, as may be required by this Act.

(5) If the Institute is unable to comply with any of the responsibilities determined by this section, the Institute must promptly report the inability, together with reasons, to the responsible Member of the Executive Council and Provincial Treasury.

(6) The Institute may –

(a) exercise any power conferred by any other provision of this Act or any other law;

(b) provide for and facilitate the establishment of research, educational, training, interpretative and tourism-related projects and programmes;

(c) in relation to the objects and work of the Institute, make recommendations to the responsible Member of the Executive Council with regard to legislation and policies in the Province;

(d) in a manner consistent with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and in the exercise of its powers or the performance of its duties and functions under this Act, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the work of the Institute;

(e) levy fines for any transgressions in terms of sections 37, 38, 39, 40, 44, 45 and 49;

(f) determine fees, payable to the Institute, for –

(i) the processing of any application or approval in terms of this Act; and

(ii) the provision of any service by the Institute; and

(g) determine fees including, but not limited to, entrance fees in relation to the exhibition or display of physical heritage resources by the Institute;

(h) exhibit or display any physical heritage resource under the control of the Institute and receive fees prescribed or otherwise determined by the Institute in relation to any such exhibition or display; and

**CERTIFIED:** 11 January 2016

State Law Advisor

(i) generally, do everything which is necessary or expedient to achieve its objects referred to in section 6 and to perform the duties and carry out the functions referred to in subsection (1).

(7) The Institute must, in addition to the powers, duties and functions referred to in subsections (1) to (6), perform the duties and carry out the functions imposed on a provincial heritage resources authority in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

## **8. Annual report and financial statements**

(1) The Institute must –

- (a) keep full and proper records of the financial affairs of the Institute;
- (b) prepare financial statements for each financial year in accordance with generally accepted accounting practice, unless the Accounting Standards Board approves the application of generally recognised accounting practice for the Institute;
- (c) submit those financial statements within two months after the end of the financial year to the Auditor General for auditing, subject to the provisions of Public Finance Management Act, 1999 (Act No. 1 of 1999); and
- (d) submit, within five months of the end of a financial year, to the Provincial Treasury and the responsible Member of the Executive Council –
  - (i) an annual report on the activities of the Institute during that financial year;
  - (ii) the financial statements for that financial year after the statements have been audited; and
  - (iii) the report of the auditors on those statements.

(2) The annual report and financial statements referred to in subsection (1)(d) must –

- (a) fairly present the state of affairs of the Institute, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned;
- (b) include particulars of –
  - (i) any material losses through criminal conduct and any irregular expenditure and fruitless and wasteful expenditure that occurred during the financial year;
  - (ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;
  - (iii) any losses recovered or written off;

**CERTIFIED:** 11 January 2016

State Law Advisor

- (iv) any financial assistance received from the state and commitments made by the state on its behalf; and
  - (v) any other matters that may be prescribed; and
- (c) include the financial statements of any subsidiaries.

(3) The Institute must submit the report and statements referred to in subsection (1)(d) for tabling in the Provincial Legislature, to the responsible Member of the Executive Council.

### **Composition of Institute**

9.(1) The responsible Member of the Executive Council –

- (a) must, based on nominations received in terms of section 11(1) and recommendations by the selection panel contemplated in section 11(3), appoint not less than seven and not more than nine persons as members of the Institute; and
- (b) must designate one such member to be the Chairperson of the Institute to preside at the meetings of the Institute and perform other duties related thereto.

(2) At the first meeting of the Institute referred to in section 16(1) the members of the Institute must elect a Deputy Chairperson from amongst its members.

(3) The members of the Institute contemplated in subsection (1) must –

- (a) include persons with applicable and proven research expertise;
- (b) include persons who have qualifications or special experience in a heritage field;
- (c) include at least one person possessing proven knowledge or experience in the field of financial management;
- (d) include at least one person possessing proven legal knowledge and expertise; and
- (e) be representative of the relevant sectoral interests and the cultural demographic characteristics of the people of the Province.

(4) The members contemplated in subsection (1) must be fit and proper persons characterised by their independence, impartiality and fairness.

(5) A person is disqualified from being appointed to the Institute or from remaining on the Institute, by reason that he or she –

- (a) is or becomes an unrehabilitated insolvent;
- (b) is or has been declared by a competent court to be of unsound mind;
- (c) is a person under curatorship;

**CERTIFIED:** 11 January 2016

State Law Advisor

(d) has, at any time, been removed from an office of trust on account of misconduct involving theft or fraud;

(e) has been convicted and sentenced to a term of imprisonment without the option of a fine, except that the responsible Member of the Executive Council may, upon a person who is nominated for appointment disclosing full details of an offence in an affidavit, condone a conviction in a manner that is consistent with section 106(1)(e) of the Constitution: Provided that a disqualification in terms of this subsection ends five years after the sentence has been completed;

(f) fails to disclose an interest in accordance with section 12 or attended or participated in the proceedings of the Institute while having an interest contemplated in that section; or

(g) is a political office bearer.

(6) This section is subject to the transitional arrangements referred to in section 62.

#### **Term of office of member of Institute**

**10.(1)** A member of the Institute holds office for a period not exceeding three years, and may be reappointed.

(2) No member may be appointed for more than two consecutive terms.

#### **Nominations for membership of Institute**

**11.(1)** The responsible Member of the Executive Council must, by notice in the *Gazette* and at least two newspapers circulating in the Province, invite the nomination of persons for the Institute.

(2) The invitation for nominations in terms of subsection (1) must specify –

(a) the nomination procedure;

(b) the requirements for nomination; and

(c) the date by which a nomination must be received by the responsible Member of the Executive Council.

(3) The responsible Member of the Executive Council must appoint a selection panel comprising –

(a) no more than two Departmental senior officials; and

**CERTIFIED:** 11 January 2016

State Law Advisor

(b) no more than three persons with experience in heritage or research matters, to review all nominations and make recommendations regarding the nominees.

(4) This section is subject to the transitional arrangements referred to in section 62.

### **Declaration of financial or other interests by nominees to Institute**

12.(1) A nominee to the Institute must –

(a) within ten days of accepting the nomination, submit to the responsible Member of the Executive Council a written declaration of any and all financial or other interests in the heritage sector or related sectors which could be related to or may be in conflict with an appointment as a member of the Institute, which declaration must include relevant information about any conviction for a Schedule 2 offence in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) in the declaration referred to in paragraph (a) include financial and other interests in the heritage sector or related sectors of family members or close associates, which could be related to or may be in conflict with an appointment as a member of the Institute; and

(c) not be considered for the position of a member of the Institute where it is found that the nominee deliberately withheld information pertaining to financial or other interests contemplated in this section.

(2) Where a member of the Institute or family member or close associate experiences a change in financial or any other circumstances or acquires an interest in the heritage sector or related sectors, the member of the Institute must, within ten days of the date of the changed circumstances, submit a written declaration of the change of financial or other interests to the responsible Member of the Executive Council.

(3) The responsible Member of the Executive Council must –

(a) keep a register of the interests of members of the Institute disclosed in terms of this section; and

(b) update that register from time to time.

### **Failure to declare financial or other interests**

13.(1) A member of the Institute who fails to make a declaration envisaged in section 12 commits an offence.

**CERTIFIED:** 11 January 2016

State Law Advisor

(2) The Member of the Executive Council, on becoming aware that a member of the Institute has failed to comply with the provisions of section 12, must investigate the matter and consider appropriate disciplinary action.

#### **Recusal of member of Institute**

**14.(1)** A member of the Institute must recuse himself or herself in any matter or proceeding where he or she, a family member or close associate has, or reasonably could be expected to have, a financial or other interest in the outcome of a decision by the Institute.

(2) Any person may make an application, upon oral or written request, for a member of the Institute to recuse himself or herself where that person has reason to believe that the member of the Institute, a family member or close associate has or could reasonably be expected to have a financial or other conflict of interest in the outcome of a decision by the member of the Institute.

(3) A person making an application referred to in subsection (2) must give reasons for his or her request.

(4) In the event of an application referred to in subsection (2), the Chairperson of the Institute must decide on the matter, save that in cases where the application concerns the Chairperson of the Institute, the matter must be decided on by the Deputy Chairperson.

#### **Vacancies, removal and resignation from office of members of Institute**

**15.(1)** A member of the Institute must vacate office if he or she becomes subject to a disqualification contemplated in section 9(5).

(2) The responsible Member of the Executive Council may, after having afforded a member the opportunity to state his or her case, at any time terminate the term of office of such member if, in the sole discretion of the Member of the Executive Council, there are justifiable and cogent reasons for doing so.

(3) A member must vacate office if he or she is absent, without a leave of absence having first been granted by the Institute, from two consecutive meetings of the Institute for which reasonable notice was given to that member personally or by post.

**CERTIFIED:** 11 January 2016

State Law Advisor

(4) A member may resign from office in writing by giving not less than 30 days' notice to the responsible Member of the Executive Council: Provided that the responsible Member of the Executive Council may waive the resignation notice if such waiver would not be detrimental to the efficient functioning of the Institute.

(5) Whenever a vacancy occurs in the Institute, the responsible Member of the Executive Council must, subject to section 11, appoint a person to fill such vacancy for the unexpired portion of the period of office of the member in whose place such person is appointed.

### **Meetings of Institute**

16.(1) The first meeting of the Institute must be held at a venue, on a date and at a time determined by the responsible Member of the Executive Council, whereafter all future meetings must be as determined by the Chairperson: Provided that the Institute must meet at least three times in any given financial year.

(2) Every member of the Institute must be notified of each meeting in writing, at least 14 days prior to such meeting, and such notification must contain an agenda for the proposed meeting.

(3) In the event that the Chairperson of the Institute is absent from any meeting of the Institute, the members present at that meeting may elect one of their members to preside at that meeting.

(4) A special meeting of the Institute may be called at the request of –

(a) the Chairperson; or

(b) two-thirds of the members of the Institute by written petition, whereupon the Chairperson must, in writing, notify every member of the Institute of the place and time of the special meeting.

(5) A *quorum* for a meeting of the Institute is a majority of its members.

(6) Any decision of the Institute must be taken by resolution of the majority of the members present at any meeting of the Institute and, in the event of an equality of votes on any matter, the member presiding at the meeting in question will have a casting vote in addition to his or her deliberative vote as a member of the Institute.

(7) The proceedings of all meetings of the Institute must be duly recorded and minuted.

**CERTIFIED:** 11 January 2016

State Law Advisor

(8)(a) The minutes of the previous meeting must be read at the commencement of each meeting.

(b) The minutes may be regarded as read if copies thereof were furnished to the members of the Institute prior to the meeting.

(c) The Chairperson may only sign the minutes once objections or corrections have been dealt with.

(9) The Chairperson must decide on questions of order or procedure: Provided that if any member objects to any such decision, the question must be put to the vote and the decision of the majority of the members is final and binding on the Institute.

(10) A member of the Institute who has an interest in relation to any matter to be discussed at a meeting of the Institute, which reasonably considered, may preclude him or her from performing his or her duties in a fair, unbiased and proper manner, must recuse himself or herself from such meeting.

(11)(a) The Chief Executive Officer may attend and take part in, but may not vote at, a meeting of the Institute.

(b) A member of staff of the Institute may, on invitation by the Institute, attend a meeting of the Institute.

### **Committees of Institute**

17.(1) The Institute may appoint one or more committees not limited to its own members to assist it in the exercise of its powers and the performance of its duties and functions.

(2) A committee contemplated in subsection (1) must perform such duties and functions of the Institute as the Institute may determine.

(3) The Institute may, at any time, dissolve or reconstitute such a committee.

(4) The Institute –

(a) may delegate any of its powers or assign any of its duties or functions to a committee appointed in terms of subsection (1);

(b) is not absolved from exercising or performing any power, duty or function so delegated or assigned; and

(c) may amend, review or rescind any decision of a committee.



**CERTIFIED:** 11 January 2016

State Law Advisor

(5) Any delegated or assigned power, duty or function exercised or performed by the committee is regarded to have been exercised or performed by the Institute.

(6)(a) The Chief Executive Officer may attend and take part in, but may not vote at, a meeting of a committee.

(b) A member of staff of the Institute may, on invitation by the relevant committee, attend a meeting of that committee.

#### **Administrative and secretarial work of Institute**

18. The administrative and secretarial work incidental to the performance of the functions of the Institute or its committees must be performed by members of staff of the Institute designated for such purpose by the Chief Executive Officer.

#### **Remuneration of members of Institute and reimbursement of expenses incurred by members of Institute and committees of Institute**

19.(1)(a) A member of the Institute may be paid such remuneration or allowances as may be determined by the responsible Member of the Executive Council in consultation with the Member of the Executive Council responsible for finance.

(b) A member of the Institute who receives remuneration, allowances or other benefits by virtue of his or her post or employment in –

- (i) the national government;
- (ii) a provincial government;
- (iii) a municipality;
- (iv) a corporation, body or institution in which the national or a provincial government has a controlling interest; or
- (v) a public entity, a national government business enterprise or a provincial government business enterprise as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999),

and who continues to receive such remuneration, allowances or other benefits while serving as a member of the Institute, may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position in which he or she would have been were it not for such post or employment.

**CERTIFIED:** 11 January 2016

State Law Advisor

(2)(a) A member of the Institute and a member of a committee of the Institute may, in respect of his or her functions as a member, receive reimbursement for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Institute or a committee of the Institute.

(b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and travelling expenses contemplated in paragraph (a).

## CHAPTER 5

### CHIEF EXECUTIVE OFFICER AND STAFF OF INSTITUTE

#### **Chief Executive Officer of Institute**

**20.**(1) The Institute must, in consultation with the responsible Member of the Executive Council, appoint a suitably qualified, skilled and experienced person as Chief Executive Officer of the Institute.

(2)(a) The Chief Executive Officer is appointed for a period not exceeding five years.

(b) The Chief Executive Officer may be reappointed.

(3)(a) The appointment of the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Institute.

(b) The Institute and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(4)(a) For purposes of the declaration of financial or other interests, the provisions of section 12 apply with the necessary changes to the Chief Executive Officer except that the Chief Executive Officer must declare his or her interests to the Institute.

(b) The Institute must keep and maintain a register of financial or other interests declared by the Chief Executive Officer.

(5) The Chief Executive Officer is an *ex officio* member of the Institute but does not have the right to vote at its meetings.

#### **Functions of Chief Executive Officer**

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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**21.(1)** The Chief Executive Officer is responsible for –

- (a) the administrative and financial management of the Institute in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the direction of the Institute;
- (b) the appointment of members of staff of the Institute contemplated in section 22(1);
- (c) assisting and advising the Institute in relation to the determination of a code of conduct, applicable to the Chief Executive Officer, all staff of the Institute and justiciable for purposes of disciplinary proceedings, to ensure –
  - (i) compliance with applicable law, including this Act;
  - (ii) the effective, efficient and economical use of the Institute's funds and resources;
  - (iii) the promotion and maintenance of a high standard of professional ethics;
  - (iv) the prevention of conflicts of interest;
  - (v) the protection of confidential information held by the Institute; and
  - (vi) professional, honest, impartial, fair, ethical and equitable service; and
- (d) the maintenance of discipline over the staff appointed in terms of paragraph (b) and must, for those purposes, be accountable to the Institute;
- (e) the keeping and maintenance of the register of interests declared by members of staff of the Institute; and
- (f) ensuring compliance by the Institute with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and any other applicable legislation.

(2) If the Chief Executive Officer is, for any reason, unable to perform any of his or her functions, the Institute must, in writing, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions.

### **Staff of Institute**

**22.(1)** An officer or member of staff contemplated in section 62(6) is deemed to be an employee of the Institute as set out in that section.

(2) The Chief Executive Officer must, subject to subsections (1) and (3), employ members of staff of the Institute as may be reasonably necessary –

- (a) to assist him or her in fulfilling his or her functions in terms of this Act; and
- (b) to assist the Institute with the work incidental to the performance by the Institute of its functions.

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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(3)(a) The Institute must determine a code of conduct contemplated in section 21(1)(c), an administration policy, a human resources policy, and a system of performance management for staff members of the Institute, including the Chief Executive Officer.

(b) The appointment of a member of staff reporting directly to the Chief Executive Officer is subject to the conclusion of a written performance agreement between that person and the Chief Executive Officer.

(4) For purposes of the declaration of financial or other interests, and subject to section 21(1)(e), the provisions of section 12 apply with the necessary changes to staff members of the Institute.

(5) Subsection (1) is subject to the transitional arrangements referred to in section 62.

#### **Secondment or transfer of staff to Institute**

**23.(1)** The Institute may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) All staff employed within the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier are seconded to the Institute with effect from the date of the commencement of this Act.

(3) The secondment of staff as contemplated in subsection (2) must be effected in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995), and any applicable collective bargaining agreement with organised labour.

(4) A person seconded to the Institute as contemplated in subsection (2) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the secondment date to the extent that they remain applicable.

(5) Any proceedings against such person which were pending immediately before the secondment date must be disposed of as if that person had not been seconded.

## CHAPTER 6

**CERTIFIED:** 11 January 2016

State Law Advisor

## FUNDING AND MANAGEMENT OF INSTITUTE

### Funds of Institute

24.(1) The funds of the Institute consist of –

- (a) money appropriated by the Provincial Legislature;
- (b) donations or contributions lawfully received by the Institute from any source;
- (c) interest on investments of the Institute;
- (d) fines received by the Institute;
- (e) fees received by the Institute in payment for –
  - (i) the processing of applications or approvals in terms of this Act;
  - (ii) the provision of services by the Institute; and
  - (iii) the exhibition or display of physical heritage resources by the Institute; and
- (f) income lawfully derived from any other source.

(2) The Institute must utilise its funds to cover costs in connection with the performance of its duties and functions and the exercise of its powers in terms of this Act.

(3) The Chief Executive Officer must, in consultation with the Institute and the Member of the Executive Council responsible for finance –

- (a) open an account in the name of the Institute with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
- (b) deposit therein all moneys received in terms of subsection (1).

### Financial management and reporting

25.(1) The Institute must cause full and proper books of account and all the necessary records in relation thereto to be kept.

(2) The Institute must ensure that the Institute's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Institute must be audited and must report in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

### Immovable property

**CERTIFIED:** 11 January 2016

State Law Advisor

**26.**(1) The Institute may, with the approval of the Member of the Executive Council responsible for finance, acquire, hold or dispose of immovable property in the course of its business.

(2) The Institute must determine the policy and procedure of the Institute with regard to the acquisition and disposal of immovable property.

#### **Legal proceedings against Institute**

**27.**(1) Any legal proceedings against the Institute must be instituted in accordance with the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002).

(2) The Institute is, for purposes of subsection (1), regarded as an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of that Act.

#### **Security of confidential information held by Institute**

**28.**(1) Subject to the Constitution and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), no person may disclose any information submitted to the Institute in connection with any legal brief or instruction, unless he or she is ordered to do so by a court of law or unless the person who gave such brief or instruction consents thereto in writing.

(2) No person may disclose any information kept in the registers contemplated in sections 12(3), 20(4) and 21(1)(e) unless such disclosure is –

- (a) in terms of any law that compels or authorises such disclosure;
- (b) materially necessary for the proper functioning of the Institute; or
- (c) made for purposes of monitoring, evaluating, investigating or considering any activity relating to the Institute.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

#### **Use of name of Institute**

**29.**(1) Unless authorised in writing by the Institute to do so, no person may in any way represent or make use of the name, acronym, logos, plaques, designs or other material used or owned by the Institute.

**CERTIFIED:** 11 January 2016

State Law Advisor

- (2) No person may falsely claim to be acting on behalf of the Institute.
- (3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

## CHAPTER 7

### AMAFA AND RESEARCH FORUM

#### **Establishment of Amafa and Research Forum**

**30.** An Amafa and Research Forum is hereby established.

#### **Objects of Amafa and Research Forum**

**31.** The objects of the Amafa and Research Forum are –

- (a) to facilitate and ensure effective and efficient inter-governmental and intra-governmental co-operation and co-ordination between the members;
- (b) to promote uniformity in respect of, and co-ordination of –
  - (i) matters related to research being carried out by the Institute; or
  - (ii) heritage matters; and
- (c) to promote networking, increased collaboration and co-operation between the members of the Forum;
- (d) to provide a focus and forum for the exchange of information and ideas and the sharing of best practice; and
- (e) to support the Institute in the carrying out of its powers, duties and functions.

#### **Composition and membership of Amafa and Research Forum**

**32.(1)** The Amafa and Research Forum consists of –

- (a) the municipal managers of metropolitan and district municipalities in the Province;
- (b) the municipal managers of the local municipalities in the Province or, if a local municipality does not have a mayor, a councillor designated by the municipality;
- (c) a representative nominated by KWANALOGA or its successor;
- (d) a representative nominated by *Ezemvelo* KwaZulu-Natal Wildlife;
- (e) the Member of the Executive Council of the Province who is responsible for local government in the Province or his or her nominee;

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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- (f) any other person designated by the responsible Member of the Executive Council;  
and
- (g) the Chief Executive Officer of the Institute.

(2) The Chief Executive Officer of the Institute is the Chairperson of the Amafa and Research Forum.

(3) The members of the Amafa and Research Forum must, at its first meeting contemplated in 33(1), appoint a Deputy Chairperson.

#### **Meetings of Amafa and Research Forum**

**33.**(1) The first meeting of the Amafa and Research Forum must be held at a venue, on a date and at a time determined by the Institute, whereafter all future meetings must be as determined by the Chairperson in accordance with section 36(1).

(2) The Amafa and Research Forum may establish a committee or committees of the Forum.

(3) Every member of the Amafa and Research Forum must be notified of each meeting in writing, at least 14 days prior to such meeting, and such notification must contain an agenda for the proposed meeting.

(4) In the event that both the Chairperson and Deputy Chairperson are absent from any meeting of the Amafa and Research Forum, the members present at that meeting may elect one of their members to preside at that meeting.

(5) A special meeting of the Amafa and Research Forum may be called at the request of –  
(a) the Chairperson; or  
(b) two-thirds of the members of the Amafa and Research Forum by written petition, whereupon the Chairperson must, in writing, notify every member of the Forum of the place, date and time of the special meeting.

(6) An agenda for a special meeting of the Amafa and Research Forum must accompany the notice referred to in subsection (5)(b).

(7) A *quorum* for a meeting of the Amafa and Research Forum is a majority of its members.



<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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(8) Any decision of the Amafa and Research Forum must be taken by resolution of the majority of the members present at any meeting of the Forum and, in the event of an equality of votes on any matter, the member presiding at the meeting in question will have a casting vote in addition to his or her deliberative vote as a member of the Amafa and Research Forum

(9) The proceedings of all meetings of the Amafa and Research Forum must be recorded and minuted.

(10) The minutes of the meeting of the Amafa and Research Forum must be circulated to all members of the Forum within 14 days of the date of the meeting.

(11)(a) The minutes of the previous meeting must be read at the commencement of each meeting.

(b) The minutes may be regarded as read if copies thereof were furnished to the members of the Institute prior to the meeting.

(c) The Chairperson may only sign the minutes once objections or corrections have been dealt with.

(12) The Chairperson must decide on questions of order or procedure: Provided that if any member objects to any such decision, the question must be put to the vote and the decision of the majority of the members is final and binding on the Amafa and Research Forum.

(13) The administrative and secretarial support for the Amafa and Research Forum must be provided by the Institute.

#### **Advice and recommendations by Amafa and Research Forum**

**34.**(1) The Amafa and Research Forum, through the Chairperson, may advise and make recommendations to the Institute for consideration.

(2) The Chairperson of the Amafa and Research Forum –

(a) is directly responsible and accountable to the Institute for the performance and operations of the Forum; and

(b) must report to the Institute on the meetings and activities of the Forum.

#### **Rights and obligations of members of Amafa and Research Forum**

**CERTIFIED:** 11 January 2016

State Law Advisor

- 35.**(1) Each member of the Amafa and Research Forum has the right –
- (a) to participate fully in all meetings and activities of the Forum;
  - (b) to request the Chairperson to place any matter within the terms of reference of the Institute on the agenda of a meeting of the Forum for discussion; and
  - (c) to the timely receipt of notices, agendas and minutes of meetings of the Forum.
- (2) Members of the Amafa and Research Forum must –
- (a) attend, and participate in, all meetings of the Forum;
  - (b) participate meaningfully in any activity which promotes any objective of the Forum;
  - (c) abide by any resolution of the Forum; and
  - (d) tender apologies, setting out reasons for non-attendance, to the Chairperson in writing before a meeting of the Forum.

#### **Frequency of, and procedure at, meetings of Amafa and Research Forum**

**36.**(1) Ordinary meetings of the Amafa and Research Forum must take place biannually at the places, dates and times as may be determined by the Chairperson.

(2) The Chairperson of the Amafa and Research Forum must provide and distribute a schedule of places, dates and times of the meetings for the year.

## CHAPTER 8

### GENERAL PROTECTION OF HERITAGE RESOURCES

#### **General protection: Structures**

**37.**(1)(a) No structure which is, or which may reasonably be expected to be, older than 60 years, may be demolished, altered or added to without the prior written approval of the Institute having been obtained on written application to the Institute.

(b) Where the Institute does not grant approval, the Institute must consider special protection in terms of sections 44, 45, 46, 47 and 49 of Chapter 9.

(2) The Institute may, by notice in the *Gazette*, exempt –

- (a) a defined geographical area; or
- (b) defined categories of sites within a defined geographical area,

**CERTIFIED:** 11 January 2016

State Law Advisor

from the provisions of subsection (1) where the Institute is satisfied that heritage resources falling in the defined geographical area or category have been identified and are adequately protected in terms of sections 44, 45, 46, 47 and 49 of Chapter 9.

(3) A notice referred to in subsection (2) may, by notice in the *Gazette*, be amended or withdrawn by the Institute.

#### **General protection: Graves of victims of conflict**

**38.** No person may damage, alter, exhume, or remove from its original position –

- (a) the grave of a victim of conflict;
- (b) a cemetery made up of such graves; or
- (c) any part of a cemetery containing such graves,

without the prior written approval of the Institute having been obtained on written application to the Institute.

#### **General protection: Informal and private burial grounds**

**39.(1)** No grave –

- (a) not otherwise protected by this Act; and
- (b) not located in a formal cemetery managed or administered by a local authority,

may be damaged, altered, exhumed, inundated, removed from its original position, or otherwise disturbed without the prior written approval of the Institute having been obtained on written application to the Institute.

(2) The Institute may only issue written approval once it is satisfied that –

- (a) the applicant has provided evidence of efforts to consult with communities or descendants who may have an interest in the grave, using the guidelines and criteria for consultation set out in regulations; and
- (b) the applicant and the relevant communities or descendants have reached agreement regarding the grave.

#### **General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites**

**40.(1)** No person may destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, historic

**CERTIFIED:** 11 January 2016

State Law Advisor

fortification, meteorite or meteorite impact site without the prior written approval of the Institute having been obtained on written application to the Institute.

(2) Upon discovery of archaeological or palaeontological material or a meteorite by any person, all activity or operations in the general vicinity of such material or meteorite must cease forthwith and a person who made the discovery must submit a written report to the Institute without delay.

(3) The Institute may, after consultation with an owner or controlling authority, by way of written notice served on the owner or controlling authority, prohibit any activity considered by the Institute to be inappropriate within 50 metres of a rock art site.

(4) No person may exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Institute having been obtained on written application to the Institute.

(5) No person may bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or excavation equipment onto any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, or meteorite impact site, or use similar detection or excavation equipment for the recovery of meteorites, without the prior written approval of the Institute having been obtained on written application to the Institute.

(6)(a) The ownership of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site, on discovery, vest in the Provincial Government and the Institute is regarded as the custodian on behalf of the Provincial Government.

(b) The Institute may establish and maintain a provincial repository or repositories for the safekeeping or display of –

- (i) archaeological objects;
- (ii) palaeontological material;
- (iii) ecofacts;
- (iv) objects related to battlefield sites;
- (v) material cultural artefacts; or
- (vi) meteorites.

**CERTIFIED:** 11 January 2016

State Law Advisor

(7) The Institute may, subject to such conditions as the Institute may determine, loan any object or material referred to in subsection (6) to a national or provincial museum or institution.

(8) No person may, without the prior written approval of the Institute having been obtained on written application to the Institute, trade in, export or attempt to export from the Province –

- (a) any category of archaeological object;
- (b) any palaeontological material;
- (c) any ecofact;
- (d) any object which may reasonably be regarded as having been recovered from a battlefield site;
- (e) any material cultural artefact; or
- (f) any meteorite.

(9)(a) A person or institution in possession of an object or material, referred to in paragraphs (a) – (f) of subsection (8), must submit full particulars of such object or material, including such information as may be prescribed, to the Institute.

(b) An object or material referred to in paragraph (a) must, subject to paragraph (c) and the directives of the Institute, remain under the control of the person or institution submitting the particulars thereof.

(c) The ownership of any object or material referred to in paragraph (a) vests in the Provincial Government and the Institute is regarded as the custodian on behalf of the Provincial Government.

### **Heritage resources management**

**41.(1)** Any person who intends to undertake a development categorised as –

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length;
- (c) any development or other activity which will change the character of a site –
  - (i) exceeding 5 000 m<sup>2</sup> in extent;
  - (ii) involving three or more existing erven or subdivisions thereof;
  - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
  - (iv) the costs of which will exceed a sum set in terms of regulations,
- (d) the rezoning of a site exceeding 10 000 m<sup>2</sup> in extent; or

**CERTIFIED:** 11 January 2016

State Law Advisor

(e) any other category of development provided for in regulations, must, at the very earliest stages of initiating such a development, notify the Institute and furnish it with details regarding the location, nature and extent of the proposed development.

(2) The Institute must, within 14 days of receipt of a notification in terms of subsection (1) –

(a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the Institute with relevant qualifications and experience and professional standing in heritage resources management; or

(b) notify the person concerned that this section does not apply.

(3) The Institute must specify the information to be provided in a report required in terms of subsection (2)(a): Provided that the following must be included –

(a) the identification and mapping of all heritage resources in the area affected;

(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in regulations;

(c) an assessment of the impact of the development on such heritage resources;

(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;

(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;

(f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and

(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(4) The report must be considered timeously by the Institute which must, after consultation with the person proposing the development, decide –

(a) whether or not the development may proceed;

(b) any limitations or conditions to be applied to the development;

(c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;

(d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and

**CERTIFIED:** 11 January 2016

State Law Advisor

(e) whether the appointment of specialists is required as a condition of approval of the proposal.

(5) The Institute must not make any decision under subsection (4), with respect to any development which impacts on a heritage resource protected at national level, unless it has consulted the National Heritage Resources Agency.

(6) The applicant may appeal against the decision of the Institute to the responsible Member of the Executive Council, who –

(a) must consider the views of both parties; and

(b) may, at his or her discretion –

(i) appoint a committee to undertake an independent review of the impact assessment report and the decision of the Institute; and

(ii) consult the National Heritage Resources Agency; and

(c) must uphold, amend or overturn such decision.

(7) The provisions of this section do not apply to a development described in subsection (1) affecting any heritage resource formally protected by the National Heritage Resources Agency unless the Institute decides otherwise.

(8) The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the Institute in terms of subsection (3), and any comments and recommendations of the Institute with regard to such development have been taken into account prior to the granting of the consent.

(9) The Institute, with the approval of the responsible Member of the Executive Council, may, by notice in the Provincial *Gazette*, exempt from the requirements of this section any place specified in the notice.

(10) Any person who has complied with the decision of the Institute in subsection (4) or of the responsible Member of the Executive Council in terms of subsection (6) or other requirements referred to in subsection (8), must be exempted from compliance with all other protections in

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State Law Advisor
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terms of this Part, but any existing heritage agreements made in terms of section 42 must continue to apply.

## CHAPTER 9 SPECIAL PROTECTION OF HERITAGE RESOURCES

### **Protected areas**

**42.**(1) The Institute may, with the consent of the owner of an area, by notice in the *Provincial Gazette* designate as a protected area –

- (a) such area of land surrounding a provincial heritage site as is reasonably necessary to ensure the protection and reasonable enjoyment of such site, or to protect the view of and from such site; or
- (b) such area of land surrounding any archaeological or palaeontological site or meteorite as is reasonably necessary to ensure its protection.

(2) No person may damage, disfigure, alter, subdivide or in any other way develop any part of a protected area unless, at least 60 days prior to the initiation of such changes, he or she has consulted the heritage resources authority which designated such area in accordance with a procedure prescribed by that authority.

(3) A local authority may, with the agreement of the Institute which designated a protected area, make provision in its town planning scheme or in by-laws for the management of such area.

### **Schedule 2 of specially protected heritage resources**

**43.**(1) Specially protected heritage resources are listed in Schedule 2.

(2) The responsible Member of the Executive Council may, by notice in the *Gazette* –

- (a) amend;
- (b) substitute; or
- (c) withdraw,

Schedule 2.



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State Law Advisor

**Special protection: Heritage Landmark status**

44.(1) No person may damage, alter, redecorate, remove from its original position, subdivide or amend any plan –

(a) of a Heritage Landmark site; or

(b) of a site in respect of which a notice referred to in subsection (3) has been published, without the prior written approval of the Institute having been obtained on written application to the Institute.

(2) The Institute may –

(a) subject to the provisions of subsections (3), (4) and (5); and

(b) after due consideration of all written representations and submissions,

confer the special protection of Heritage Landmark status on sites which, in the opinion of the Institute, constitute important elements of the heritage of the Province, but which are not owned by the Provincial Government or a local authority, whereupon the Institute must –

(i) in terms of section 43(1), list the site in the Schedule 2; and

(ii) list the site in the Register of Heritage Sites referred to in section 48.

(3) When the Institute decides to confer Heritage Landmark status, the Institute must give notice in the *Gazette* of the intention to confer Heritage Landmark status.

(4) The notice referred to in subsection (3) must –

(a) identify the affected site and include the GPS co-ordinates of the site and, where available, the following information regarding the site and the land on which the site is situated –

(i) the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(ii) a full description of the outer boundaries of the site and the extent of the site on the land;

(iii) the current zoning of the land;

(iv) the actual current use of the site and the land; and

(v) full details of any improvements to, and structures on, the site and the land; and

(b) include a statement describing the cultural significance of the site;

(c) give interested parties an opportunity to make written representations or submissions regarding the conferral of Heritage Landmark status within a period of not less than 30 days; and

**CERTIFIED:** 11 January 2016

State Law Advisor

- (d) draw attention to the provisions of subsections (1) and (2).
- (5) The Institute must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered to –
- (a) the registered owner of the land;
  - (b) the occupier, if any, of the land; and
  - (c) the municipal manager of the municipality for the area in which the land is situated, advising those persons that they may make written representations or submissions regarding the proposed conferral of Heritage Landmark status within a period of not more than 30 days of receipt of the notice.
- (6) Except in cases where the Institute considers it inappropriate, all Heritage Landmarks must bear a plaque indicating their status.
- (7) The Institute must, within 30 working days, after conferring the special protection of Heritage Landmark status on sites owned by the Provincial Government or a local authority, lay any register, certificate or other document before the registrar of deeds as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in order to enable him or her to make such entries and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or laid before him or her, in order to reflect the Heritage Landmark status of any land or portion of land conferred in terms of this section.
- (8)(a) The Institute may withdraw Heritage Landmark status by notice in the *Gazette*.
- (b) When the Institute decides to withdraw Heritage Landmark status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.
- (9) If a site, on which Heritage Landmark status has been conferred, becomes the property of the Provincial Government or a local authority the site is, at the date of registration of transfer, regarded as having been conferred Provincial Landmark status.
- (10) A Heritage Landmark site is regarded as a Grade II Heritage Resource referred to in section 7(1)(b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- (11) The Institute may, after due consideration, by means of a special resolution of the Institute setting out justifiable and cogent reasons indicating that compliance would, in the particular matter at hand, place an unfair or unintended administrative burden on the Institute, dispense with the following requirements contemplated in subsection (4)(a)(i) –

**CERTIFIED:** 11 January 2016

State Law Advisor

- (a) the full title deed description; and
- (b) the title deed number.

**Special protection: Provincial Landmark status**

**45.(1)** No person may damage, alter, redecorate, remove from its original position, subdivide or amend any plan –

(a) of a Provincial Landmark site; or

(b) of a site in respect of which a notice referred to in subsection (3) has been published, without the prior written approval of the Institute having been obtained on written application to the Institute.

(2) The Institute may –

(a) subject to the provisions of subsections (3), (4) and (5); and

(b) after due consideration of all written representations and submissions,

confer the special protection of Provincial Landmark status on sites owned by the Provincial Government or a local authority which, in the opinion of the Institute, constitute important elements of the heritage of the Province, whereupon the Institute must –

(i) in terms of section 43(1), list the site in Schedule 2; and

(ii) list the site in the Register of Heritage Sites referred to in section 48.

(3) When the Institute decides to confer Provincial Landmark status, the Institute must give notice in the *Gazette* of the intention to confer Provincial Landmark status.

(4) The notice referred to in subsection (3) must –

(a) identify the affected site and include the GPS co-ordinates of the site and, where available, the following information regarding the site and the land on which the site is situated –

(i) the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(ii) a full description of the outer boundaries of the site and the extent of the site on the land;

(iii) the current zoning of the land;

(iv) the actual current use of the site and the land; and

(v) full details of any improvements to, and structures on, the site and the land; and

**CERTIFIED:** 11 January 2016

State Law Advisor

- (b) give interested parties an opportunity to make written representations or submissions regarding the conferral of Provincial Landmark status within a period of not less than 30 days; and
- (c) draw attention to the provisions of subsections (1) and (2).
- (5) The Institute must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered to –
- (a) the registered owner of the land;
  - (b) the occupier, if any, of the land; and
  - (c) the municipal manager of the municipality for the area in which the land is situated, advising those persons that they may make written representations or submissions regarding the proposed conferral of Provincial Landmark status within a period of not less than 30 days of receipt of the notice.
- (6) Except in cases where the Institute considers it inappropriate, all Provincial Landmarks must bear a plaque indicating their status.
- (7) The Institute must, within 30 working days, after conferring the special protection of Provincial Landmark status on sites owned by the Provincial Government or a local authority, lay any register, certificate or other document before the registrar of deeds as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in order to enable him or her to make such entries and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or laid before him or her, in order to reflect the Provincial Landmark status of any land or portion of land conferred in terms of this section.
- (8)(a) The Institute may, with the concurrence of the responsible Member of the Executive Council, withdraw Provincial Landmark status by notice in the *Gazette*.
- (b) When the Institute decides to withdraw Provincial Landmark status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.
- (9) If a site on which Provincial Landmark status has been conferred becomes the property of an owner other than the Provincial Government or a local authority the site is, at the date of registration of transfer, regarded as having been conferred Provincial Landmark status.
- (10) A Provincial Landmark site is regarded as a Grade II Heritage Resource referred to in section 7(1)(b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

**CERTIFIED:** 11 January 2016

State Law Advisor

**Special Protection: Graves of members of Royal Family**

**46.(1)** A grave of a member of the Royal Family listed in Schedule 2 –

- (a) is regarded as a Heritage Landmark site referred to in section 44 or a Provincial Landmark site referred to in section 45;
- (b) is regarded as a Grade II Heritage Resource referred to in section 7(1)(b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
- (c) enjoys the protection afforded to such heritage sites; and
- (d) must be listed in the Register of Heritage Sites referred to in section 48.

(2) The Institute may approve any alteration, exhumation or removal of a grave of a member of the Royal Family only after consultation with the Monarch.

**Special Protection: Battlefield sites, public monuments and memorials**

**47.** A battlefield site, public monument or memorial listed in Schedule 2 –

- (a) is regarded as a Heritage Landmark site referred to in section 44 or a Provincial Landmark site referred to in section 45;
- (b) is regarded as a Grade II Heritage Resource referred to in section 7(1)(b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
- (c) enjoys the protection afforded to such heritage sites; and
- (d) must be listed in the Register of Heritage Sites referred to in section 48.

**Register of Heritage Sites**

**48.(1)** The Institute must establish and maintain a consolidated register of all sites on which Heritage Landmark status and Provincial Landmark status have been conferred.

(2) The register referred to in subsection (1) must –

- (a) subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be accessible to the public; and
- (b) contain the following information regarding the Heritage Landmark sites and Provincial Landmark sites and the land on which the sites are situated –
  - (i) whether Heritage Landmark status or Provincial Landmark status has been conferred in respect of a site situated on the land;

**CERTIFIED:** 11 January 2016

State Law Advisor

- (ii) the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;
- (iii) a full description of the outer boundaries of the site and the extent of the site on the land;
- (iv) the current zoning of the land;
- (v) the actual current use of the site and the land;
- (vi) full details of any improvements to, and structures on, the site and the land;
- (vii) the GPS co-ordinates of the site; and
- (viii) in respect of Provincial state land, the department or departments of the Provincial Government responsible for the control and use of the land.

(3) The consolidated register referred to in subsection (1) may, in the interests of establishing an effectively functioning database –

- (a) be partitioned into such categories; and
- (b) contain such further information,

as the responsible Member of the Executive Council may prescribe or otherwise determine.

#### **Special protection: Heritage Object status**

**49.(1)** No person may destroy, damage, alter, restore, or remove from its place of storage an object –

- (a) on which the special protection of Heritage Object status has been conferred; or
- (b) in respect of which a notice referred to in subsection (3) has been published,

without the prior written approval of the Institute having been obtained on written application to the Institute.

(2) The Institute may, by notice in the *Gazette*, confer the special protection of Heritage Object status on artefacts, or collections thereof, which are of substantial aesthetic, historic, scientific, or technological importance or which, in the opinion of the Institute, have a significant connection or relevance to a site on which either Heritage Landmark status or Provincial Landmark status has been conferred.

(3) When the Institute decides to confer Heritage Object status, the Institute must give notice in the *Gazette* of the intention to confer Heritage Object status.

(4) The notice referred to in subsection (3) must –

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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- (a) identify the affected object and include the following information regarding the object –
- (i) a full description of the object, including a drawing or photograph of the object;
  - (ii) full details of the person or body in current possession of the object;
  - (iii) full details of the current place of storage of the object;
  - (iv) the actual or probable historical use of the object;
  - (v) the actual current use of the object; and
  - (vi) full details of any damage, wear, alteration or restoration to, the object;
- (b) give interested parties an opportunity to make written representations or submissions regarding the conferral of Heritage Object status within a period of not less than 30 days; and
- (c) draw attention to the provisions of subsections (1) and (2).
- (5) The Institute must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered to –
- (a) the person or body in current possession of the object;
  - (b) the registered owner of the land and the occupier of the land or structure on or in which the object is currently being stored; and
  - (c) the municipal manager of the municipality for the area in which the land is situated, advising those persons that they may make written representations or submissions regarding the proposed conferral of Heritage Object status within a period of not less than 30 days of receipt of the notice.
- (6) Except in cases where the Institute considers it inappropriate, a Heritage Object must, in accordance with recognised curation norms and practice, bear a physical mark or by way of the display of appropriate marking or signage in the vicinity of the object indicating its status.
- (7)(a) The Institute may, with the concurrence of the responsible Member of the Executive Council, withdraw Heritage Object status by notice in the *Gazette*.
- (b) When the Institute decides to withdraw Heritage Object status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.
- (8) A Heritage Object is regarded as a Grade II Heritage Resource referred to in section 7(1)(b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- (9) The objects forming part of the collection of any provincial, municipal or academic institution or body are regarded as having Heritage Object status.

**CERTIFIED:** 11 January 2016

State Law Advisor

### **Register of Heritage Objects**

**50.**(1) The Institute must establish and maintain a consolidated register of all objects on which Heritage Object status have been conferred.

(2) The register referred to in subsection (1) must –

(a) subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be accessible to the public; and

(b) contain the following information regarding each Heritage Object –

(i) a full description of the object, including a drawing or photograph of the object;

(ii) full details of the person or body in current possession of the object;

(iii) full details of the current place of storage of the object;

(iv) the actual or probable historical use of the object;

(v) the source of origin of the object;

(vi) the actual current use of the object; and

(vii) full details of any damage, wear, alteration or restoration, to the object.

(3) The consolidated register referred to in subsection (1) may, in the interests of establishing an effectively functioning database –

(a) be partitioned into such categories; and

(b) contain such further information,

as the Institute may prescribe or otherwise determine.

## **CHAPTER 10**

### **HERITAGE RESOURCES MANAGEMENT**

#### **Determination of criteria for best practice, standards, norms and conditions**

**51.** The Institute may, by notice in the *Gazette*, determine –

(a) criteria for best practice; and

(b) a reasonable set of standards, norms and conditions,

regarding the conservation, management, administration, curation and excavation of heritage resources.



**CERTIFIED:** 11 January 2016

State Law Advisor

### **Institute may enter into agreements**

52.(1) The Institute may enter into an agreement with any person or body –

- (a) in terms of which that person or body undertakes, on behalf of the Institute, to perform a duty or carry out a function which the Institute is obliged to perform or carry out; or
- (b) in relation to any aspect of the conservation of a heritage resource,

on such terms and conditions as may be agreed upon.

(2) An agreement referred to in subsection (1) –

- (a) may incorporate in its terms a provision for financial or other assistance from the Institute; and
- (b) must be in the form of a binding written contract subject to the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

### **Responsible Member of Executive Council may expropriate property on which heritage site is situated**

53.(1) In addition to the general powers of expropriation conferred by the KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), or any other provincial law relating to expropriation, the responsible Member of the Executive Council may, on the recommendation of the Institute, and after following the procedures for expropriation as set out in that Act or law, expropriate property or a portion of property on which a heritage site is situated where –

- (a) in the opinion of the responsible Member of the Executive Council –
  - (i) a heritage site is neglected to the extent that it may lose its potential for conservation; or
  - (ii) it is necessary or appropriate for the conservation or development of the heritage site; or
- (b) a heritage site is threatened with demolition, alteration, or any other action which, in the opinion of the responsible Member of the Executive Council, will severely compromise its value as a heritage resource.

(2) If a heritage site or a site on which Heritage Landmark status has been conferred, becomes the property of the Provincial Government by expropriation as contemplated in subsection (1), the site is at the date of expropriation, regarded as having been conferred Provincial Landmark status.

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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**Consultation procedure where municipal by-law or regulation has bearing on heritage matters**

**54.**(1) A draft by-law or draft regulation of a municipality pertaining to, or which may reasonably be expected to have a bearing on –

- (a) heritage management within the area of jurisdiction of the municipality; or
- (b) land usage, development or planning in respect of land which is or which may reasonably be expected to be a heritage resource or a heritage site and which is situated within the area of jurisdiction of the municipality,

must be referred by the municipal manager of the municipality concerned to the Institute for comment before such by-law or regulation is approved by the municipality.

(2) The Institute must, within 45 days as from the date of receipt of such referral, indicate to the municipality concerned its support for or opposition to the draft by-law or regulation, together with any comment the Institute may wish to make: Provided that such indication must –

- (a) be by written notification; and
- (b) be submitted to and received by the municipal manager of the municipality concerned.

(3)(a) If the Institute indicates by written notification in terms of subsection (2) that it is opposed to the draft by-law or draft regulation, both the Institute and the municipality concerned must forthwith attempt to reach agreement by negotiation and the municipal manager of the municipality must forthwith facilitate a meeting between the Institute and the municipality.

(b) If no agreement between the Institute and the municipality concerned is reached after a period of 30 days after the written notification referred to in subsection (2), the municipal manager must, in writing, notify the responsible Member of the Executive Council and the Member of the Executive Council responsible for local government with a request to facilitate a further meeting between the Institute and the municipality in an attempt to reach agreement.

(c) The further meeting referred to in paragraph (b) must take place within 30 days after the relevant Members of the Executive Council have been notified.

(d) If no agreement is reached, the municipality may not proceed with the draft by-law or regulation.

(e) If agreement between the Institute and the municipality concerned is reached, the municipality concerned must, at its next meeting, having due regard to any agreement, consider the draft by-law or regulation as amended and may proceed therewith.

**CERTIFIED:** 11 January 2016

State Law Advisor

(4) If the Institute fails to indicate within the period referred to in subsection (2) whether it supports or opposes the draft by-law or draft regulation, the municipality concerned may proceed with the by-law or regulation.

## CHAPTER 11 GENERAL PROVISIONS

### **Appointment of honorary heritage inspectors**

**55.(1)** The Institute may appoint honorary heritage inspectors in accordance with the terms and conditions as prescribed.

(2) Honorary heritage inspectors are not entitled to any form of remuneration or reimbursement from the Institute.

### **General offences pertaining to Institute**

**56.(1)** A member of the Institute, a member of staff, advisor, agent or other person employed by or acting on behalf of the Institute is guilty of an offence if he or she directly or indirectly accepts any unauthorised fee or reward from any person in respect of, or in connection with, any service rendered or anything done or offered by the Institute.

(2) Any person is guilty of an offence if he or she, in respect of or in connection with any service rendered or anything done or offered by the Institute, bribes or attempts to bribe, or corruptly influences or attempts to corruptly influence, any member of staff or any adviser, agent or other person employed by or acting on behalf of the Institute.

(3) Any person who falsely claims that he or she is authorised to charge or collect fees on behalf of or by direction of the Institute, is guilty of an offence.

### **Penalties**

**57.** Any person convicted of an offence –

(a) in terms of section 56(1) or (2), is liable to a fine or to imprisonment for a period not exceeding that determined by national legislation for corruption; or

**CERTIFIED:** 11 January 2016

State Law Advisor

(b) in terms of section 13(1), 28(3), 29(3), 37, 38, 39, 40, 44, 45, 49 or 56(3) is liable to a fine or to imprisonment for a period not exceeding five years.

### **Regulations**

**58.**(1) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with the Institute, make regulations concerning –

- (a) a code of conduct for members of the Institute;
- (b) the specific protections for any protected area which the Institute has designated, including the prohibition or control of specified activities by any person in the designated area;
- (c) any matter which is required or permitted to be prescribed in terms of this Act;
- (d) any other matter which the responsible Member of the Executive Council may deem necessary or expedient in order to achieve the objects of this Act: Provided that any regulation relating to –
  - (i) State revenue or expenditure; or
  - (ii) any fine,

must be made in consultation with the Member of the Executive Council responsible for finance.

(2) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a fine or other penalty not exceeding that prescribed in the regulations.

### **Appeals to responsible Member of Executive Council**

**59.**(1) A person affected by a decision taken by the Institute and who wishes to appeal against the decision, must lodge a written notice of intention to appeal with the responsible Member of the Executive Council within 30 days after that person has been notified of the decision.

(2) The responsible Member of the Executive Council must then appoint an independent tribunal, consisting of three experts having expertise regarding the matter to consider the appeal.

(3) The tribunal contemplated in subsection (2), in considering the appeal referred to it by the responsible member of the Executive Council, must have due regard to –

- (a) the cultural significance of the heritage resources in question;

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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- (b) heritage conservation principles; and
- (c) any other relevant factor which is brought to its attention by the appellant or the Institute.

(4) The appellant must serve on the Institute and each interested and affected party in relation to the decision of the Institute, a copy of the notice referred to in subsection (1).

(5) The responsible Member of the Executive Council may, in writing and on good cause, extend the period within which a notice of intention to appeal must be submitted.

- (6) An appeal must be accompanied by –
- (a) a statement setting out the grounds of appeal; and
  - (b) supporting documentation which is referred to in the appeal.

(7) An appeal must be submitted to the responsible Member of the Executive Council within 30 days of the lodging of the notice of intention to appeal referred to in subsection (1).

(8) The tribunal contemplated subsection (2) must consider and finalise an appeal lodged in terms of subsection (1) within 90 days of receipt of such appeal.

(9) When the tribunal contemplated in subsection (2) has reached a decision on an appeal, the appellant must be notified, in writing, of the decision and the extent to which the decision appealed against is upheld or overturned and the reasons therefor.

(10) The powers vested in the responsible Member of the Executive Council in terms of this section may not be delegated.

### **Delegations**

**60.(1)** The responsible Member of the Executive Council may delegate to the Head of Department –

- (a) any power conferred on the responsible Member of the Executive Council by this Act, except the power, in terms of section 58, to make regulations or, in terms of section 59, to consider appeals; or
- (b) any duty imposed on the responsible Member of the Executive Council by this Act, except any duty regarding the appointment, and termination of office, of the members of the Institute contemplated in sections 9 and 15.

**CERTIFIED:** 11 January 2016

State Law Advisor

(2) The Institute may delegate to the Chief Executive Officer any power or duty conferred or imposed on the Institute by this Act.

(3) The Chief Executive Officer may delegate to any member of staff of the Institute any power or duty conferred or imposed on him or her by this Act, except any duty as accounting officer of the Institute.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) Any delegation in terms of subsection (1), (2) or (3) –

(a) must be in writing;

(b) does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and

(c) may, at any time, be withdrawn or amended in writing by that person or body.

## CHAPTER 12

### REPEAL OF LAW, TRANSITIONAL ARRANGEMENTS, VALIDATION AND SHORT TITLE

#### **Repeal of law**

**61.** The KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008), is hereby repealed.

#### **Transitional arrangements and validation**

**62.(1)** The Institute is the legal successor to the *Amafa aKwaZulu-Natali* Heritage Council established in terms of section 5(1) of the repealed Act.

(2)(a) The budget, funds and movable assets of the *Amafa aKwaZulu-Natali* Heritage Council; and

(b) any other right, whether tangible or intangible, of the *Amafa aKwaZulu-Natali* Heritage Council, whether such right is conferred by, or arises from, contractual agreement or otherwise, of the *Amafa aKwaZulu-Natali* Heritage Council, are transferred to, and vest in, the Institute.

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(3) All immovable assets, if any, registered in the name of the *Amafa aKwaZulu-Natali* Heritage Council are transferred to, and vest in, the Institute: Provided that the *Amafa aKwaZulu-Natali* Heritage Council is not obliged to pay or render any consideration, monetary or otherwise, in respect of the transfer and vesting of any such immovable asset to, or in, the Institute: Provided, further, that the ancillary rights and obligations of the *Amafa aKwaZulu-Natali* Heritage Council in respect of such immovable assets to determine, fix and collect rental, to take legal action to evict tenants in default and to maintain existing structures and dwellings, vest in the Institute.

(4)(a) Any liability or obligation relating specifically to the functions referred to in subsection (3) above, whether contingent, vested or latent, of the *Amafa aKwaZulu-Natali* Heritage Council, whether such liability or obligation is assigned by, or arises from, contractual agreement or otherwise, is transferred to, and vests in, the Institute: Provided that any financial deficit on the books of the *Amafa aKwaZulu-Natali* Heritage Council may be defrayed by the KwaZulu-Natal Provincial Government from moneys specially appropriated by the Provincial Legislature for that purpose.

(b) Any other liability or obligation, whether contingent, vested or latent, of the *Amafa aKwaZulu-Natali* Heritage Council, whether such liability or obligation is assigned by, or arises from, contractual agreement or otherwise, is transferred to, and vests in, the Institute: Provided that any financial deficit on the books of the *Amafa aKwaZulu-Natali* Heritage Council may be defrayed by the KwaZulu-Natal Provincial Government from moneys specially appropriated by the Provincial Legislature for that purpose.

(5) Persons who, on the day before the date of commencement of this Act, were members of the *Amafa aKwaZulu-Natali* Heritage Council established in terms of section 5(1) of the repealed Act, are regarded as having been appointed as members of the Institute in terms of section 9 of this Act.

(6) A person who, on the day before the date of commencement of this Act, was an officer or member of staff of the *Amafa aKwaZulu-Natali* Heritage Council, is regarded as having been appointed in terms of section 22 of this Act.

(7)(a) All employees of the *Amafa aKwaZulu-Natali* Heritage Council listed in Schedule 1, Part A, are hereby absorbed, transferred to, and placed in the service of, the Institute, with the retention of remuneration, rights, benefits and privileges, subject to the laws governing the

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State Law Advisor

public service and any applicable resolution of the General Public Service Sector Bargaining Council (GPSSBC) or any other applicable collective agreement.

(b) The practical implication of paragraph (a) above, is that –

(i) all employees of the *Amafa aKwaZulu-Natali* Heritage Council are placed on the establishment of;

(ii) the total personnel and salary budget of the *Amafa aKwaZulu-Natali* Heritage Council is transferred to, and vests in; and

(iii) the funded vacant posts on the establishment of the *Amafa aKwaZulu-Natali* Heritage Council are transferred to, and placed on the establishment of,

the Institute.

(8) A person transferred to the Institute as contemplated in subsection (7)(a) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the transfer date, to the extent that they remain applicable.

(9) Any proceedings against such person which were pending immediately before the transfer date must be disposed of as if that person had not been transferred.

(10) The employees listed in Schedule 1, Part B are, at the date of commencement of this Act, employees of the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier, seconded to the Institute to assist the Institute with the achievement of its objects, the exercise of its powers, the performance of its duties and the fulfilment of its functions as set out in this Act and are, subject to the laws governing the public service and any applicable resolution of the General Public Service Sector Bargaining Council (GPSSBC), seconded to the Institute.

(11) Any act, determination, designation, decision, matter or any other thing done, made, taken, executed or carried out or purported to have been done, made, taken, executed or carried out by the *Amafa aKwaZulu-Natali* Heritage Council, an officer or member of staff of the Council, including the Chief Executive Officer, the responsible Member of the Executive Council, or the Member of the Executive Council responsible for finance as defined in the repealed Act in terms of or in pursuance of the repealed Act from 5 December 2008 to the date of commencement of this Act, is not invalid by reason –

(a) of the regulations referred to in the repealed Act not having been published by the responsible Member of the Executive Council;

(b) of any procedure, process, requirement, condition or detail referred to in the repealed Act not having been determined or prescribed by regulation; or

(c) of the Council not having been properly constituted,



**CERTIFIED:** 11 January 2016

State Law Advisor

as contemplated in the repealed Act.

**Short title**

**63.** This Act is called the KwaZulu-Natal Amafa and Research Institute Act, 2016.

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## SCHEDULE 1

### Part A

**List of employees transferred to the Institute from the *Amafa aKwaZulu-Natali*  
Heritage Council  
(Section 62(7))**

NO.	FULL NAMES AND SURNAME	EMPLOYEE NUMBER
1	KHANYISANI MASONSIMBI BIYELA	HN060000212
2	BONGANI FREEDAN BUTHELEZI	HN060000176
3	NKOSINATHI BUTHELEZI	HN060000233
4	NOKWETHEMBA SONTU BUTHELEZI	HN060000122
5	NYULUKA MBEKWA CELE	HN060000070
6	HERBET MHLengi ZANELE CHULE	HN060000139
7	ROSLYN ANNE DEVEREUX	HN060000184
8	THABANI INNOCENT DIMBA	HN060000187
9	BONGANI MKHUPHULENI DLAMINI	HN060000167
10	DUMISANI DLUDLA	HN060000150
11	FLORENCE JABULILE DLUDLA	HN060000092
12	MTHANDENI SIMON DUBE	HN060000035
13	THULISIWE DAPHNEY DUBE	HN060000027
14	KHISHIWE FRANSISCA GEMBE	HN060000086
15	SANELISIWE BRENDA HLONGWA	HN060000144
16	THEMBI MARY-JANE HLONGWA	HN060000138
17	THAMSANQA RICHARD HLOPHE	HN060000072
18	JAMES FRANCIS JANSEN VAN VUUREN	HN060000003
19	REGINA LUISE JANSEN VAN VUUREN	HN060000007
20	LANDELENI NOMPUMELELO KHOZA	HN060000191
21	BUYISILE SILVESTER KHUMALO	HN060000207
22	FIKELEPHI GLENROSE KHUMALO	HN060000246
23	THOMPSON MBONGENI KHUZWAYO	HN060000232
24	EVIDENCE JABULILE MAGWAZA	HN060000151
25	PHEFENI ELLIOT MAHAYE	HN060000013
26	NHLANHLA BHEKUMUZI MAJOZI	HN060000237
27	GLADNESS JABULILE MAZIBUKO	HN060000226

**CERTIFIED:** 11 January 2016

State Law Advisor

28	LALELANI SIPHELELE MAZIBUKO	HN060000228
29	SIYASANGA MBALEKWA	HN060000234
30	BHEKI QALOKWAKHE MBATHA	HN060000241
31	MUZIWENDODA NED MBATHA	HN060000130
32	NOZIPHO ZANELE MBATHA	HN060000129
33	PHUMLANI WILSON MBATHA	HN060000218
34	SIYABONGA THOBELANI MBATHA	HN060000211
35	THOBILE MARY-JANE MBATHA	HN060000214
36	BEAUTY SEBENZANI MDLALOSE	HN060000021
37	ZAKHELE FREEDOM MDLALOSE	HN060000213
38	BONGANI CECIL MDUNGE	HN060000053
39	DERICK ZWELIHLE MHLONGO	HN060000173
40	PHILANGENKOSI EMMANUEL MHLONGO	HN060000147
41	BONISILE BAGODLILE MKHIZE	HN060000018
42	HAMILTON MUZIKAWULAHLWA MKHIZE	HN060000031
43	MAKHEHLA LEONARD MKHIZE	HN060000186
44	NOKUKHANYA CHARLOTTE MKHIZE	HN060000238
45	GLADNESS THANDIWE MKHWANANZI	HN060000082
46	TOTOZANE GUGU REJOICE MNGADI	HN060000108
47	CHERYL MOODLEY	HN060000204
48	ANGEL BUSISIWE MSINGA	HN060000215
49	LINDIWE ZERICH MSOMI	HN060000005
50	EUNICE NONHLANHLA MTHABELA	HN060000197
51	BAWINILE NONHLANHLA MTHEMBU	HN060000239
52	PHILANI EUCLID NDABEZITHA	HN060000229
53	MAKHOSAZANA PORTIA NDEBELE	HN060000192
54	BONOKWAKHE JOSEPH NDIMA	HN060000231
55	GUGULETHU PAMELA NDLOVU	HN060000128
56	LUCAS SIFISO NDLOVU	HN060000175
57	NOMPUMELELO DOREEN NDUNA	HN060000083
58	SINDANI NENE	HN060000055
59	QUEEN MABONGI NGCOBO	HN060000203
60	SIPHO SIZWE NGCOBO	HN060000236
61	ANGELINE NKOSINGIPHILE NGEMA	HN060000193
62	SIFISO ARRON NGEMA	HN060000210

**CERTIFIED:** 11 January 2016

State Law Advisor

63	ROSEMARY SBONGILE BUYISILE NJOKO	HN060000058
64	THOLAKELE NSELE	HN060000089
65	BONGINKOSI ALFOD NTOMBELA	HN060000146
66	CEBISILE ZIKHOKHILE CORAH GETRUDE NTOMBELA	HN060000216
67	NTOMBELA EMMANUEL SIKHUMBUZO	HN060000250
68	GIDEON VUSUMUZI NTOMBELA	HN060000224
69	MBUKENI MUSAWENKOSI NTSELE	HN060000065
70	ROBERT MPHATHENI NTSHANGASE	HN060000044
71	EUNICE BUSISIWE NTULI	HN060000143
72	LIZZY NOKUBONGA NTULI	HN060000221
73	BONGUMUSA ENOCK NXUMALO	HN060000157
74	BERNADET PAWANDIWA	HN060000206
75	THILOGRAN THIRPATHIE PILLAY	HN060000202
76	ANNA MAGRIETA RADFORD	HN060000230
77	AKASH RAMPERSAD	HN060000195
78	HESTER. ROODT	HN060000248
79	CELESTE ROSSOUW	HN060000180
80	SIXOLELO SIKHUMBUZO SHABANGU	HN060000161
81	JABULANI THOKOZANI SHANDU	HN060000163
82	ELIAS KUQA SHEZI	HN060000148
83	BEKEZELA GOODMAN SIBISI	HN060000135
84	CEBELENKOSI JEKONIA SIBIYA	HN060000120
85	FIKILE SINDISIWE SIBIYA	HN060000019
86	MFANAFUTHI HERBERT SIBIYA	HN060000225
87	MUZIKAYIFANI AMON SIBIYA	HN060000164
88	NELISIWE APPRINAH SIBIYA	HN060000088
89	THULISWA MCBETH SIKHOSANA	HN060000222
90	THABANI MVIKELENI THUSINI	HN060000240
91	WEZIWE NSIKELELO TSHABALALA	HN060000189
92	ZAMEKA MONICA YAMILE	HN060000249
93	KHANYISILE BEATRICE ZONDI	HN060000156
94	BUSISIWE ZIBUYISILE ZULU	HN060000220
95	SIPHIWE JESTA ZULU	HN060000242
96	ZANELE ELIZA ZULU	HN060000045
97	ISABEL THANDAZILE ZUNGU	HN060000243

**CERTIFIED:** 11 January 2016

State Law Advisor

98	MELUSI SABELO ZUNGU	HN060000244
99	PHAKAMISIWE SEBENZILE ZUNGU	HN060000074
100	ROSE ZUNGU	HN060000170

**Part B**

**List of employees seconded to the Institute from the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier**  
(Section 62(8))

<b>NO.</b>	<b>FULL NAMES AND SURNAME</b>	<b>PERSAL NUMBER</b>
1	SIBONISO SIFISO DLAMINI	63459922
2	SIPHEPHILE CEBISILE MASUKU	63364425
3	VIKINDUKU VICTOR MNCULWANE	22187286
4	THUTHUKILE CAROL MTHETHWA	61908258
5	NQOBILE LOVENESS NGEMA	22778063
6	BONGISIWE MAGDALENA NZAMA	61795950
7	ACQUIRANCE VUSUMUZI SHONGWE	61996050
8	NHLANHLA BRIAN THUSI	16505043

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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**SCHEDULE 2**  
**Specially Protected Heritage Resources**  
(Section 43(1))

**A. Zululand District Municipality (DC 26)**, established by Provincial Notice No. 348 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 461 of 13 December 2001 and Provincial Notice No. 468 of 4 December 2002, Provincial Notice No. 472 of 5 December 2002 and Provincial Notice No. 494 of 30 June 2003.

**1. Abaqulusi Local Council**

<b>Heritage Resource</b>	<b>Landmark Status Heritage</b> (section 38) <b>Provincial</b> (section 39)	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Magistrate's Offices and Jail, <b>Vryheid</b>	Provincial	Lot 997 Vryheid	T7266/1989	S27 46.051 E30 47.700
2. North and South Gun Points: Lancaster Hill Battlefield, farm Vryheid, <b>Vryheid District</b>	Provincial	Portion of Rem. of Townlands of Vryheid (at Trig Beacon Fort West No. 359)	G6711/1904	S27 45.253 E30 46.697
3. Old Bantu Administration Building, Landdrost Street, <b>Vryheid</b>	Provincial	Erf 997 (Cons. 122 and Rem. of Lot 124) Vryheid	T7266/1989	S27 46.048 E30 47.748
4. Old Carnegie Library, Landdrost Street (Cnr Mark), <b>Vryheid</b>	Provincial	Portion 1 of Erf 124 Vryheid	T27272/1984	S27 46.111 E30 47.775
5. Old New Republic Raadsaal and Fort (including area between this site and Old Carnegie Library), <b>Vryheid</b>	Provincial	Sub. 1 of Lot 997 Vryheid	T7267/1989	S27 46.081 E30 47.762

**CERTIFIED:** 11 January 2016

State Law Advisor

6. Police Station, Landdrost Street (Cnr Church), <b>Vryheid</b>	Provincial	Erf 997 Vryheid	T7266/1989	S27 46.025 E30 47.739
7. Vryheid High School Hall, Church Street, <b>Vryheid</b>	Provincial	Erven 87 and 88 Vryheid	T15440/1999	S27 46.200 E30 46.989
8. Boshof House, 219 East Street, <b>Vryheid</b>	Heritage	Rem. of Erf 454 Vryheid (Village)	T41516/2004	S27 45.467 E30 47.667
9. Dutch Reformed Church, 131 High Street (Cnr President and Church), <b>Vryheid</b>	Heritage	Sub. 4 of Erf 672 Vryheid	T20106/1970	S27 46.064 E30 47.512
10. Kambula Battlefield, farm Kambula 381, <b>Vryheid District</b>	Heritage	Fig. ABCDEA on SG Diagram LG 1771/1983 on Rem. of Sub. A of farm Kambula 381 [Sub. 1]	T14098/1965	S27 41.086 E30 39.908
11. 58 President Street, Vryheid	Heritage	Rem. of Lot 209 Vryheid	T21686/2005	S27 46.493 E30 47.617
12. 95 President Street, <b>Vryheid</b>	Heritage	Sub. 3 of Erf 158 Vryheid	T16751/1997	S27 46.306 E30 47.529

## 2. Edumbe Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Kruger Bridge, farms Uitval 195 and Eersteling 690	Provincial	Kruger Bridge Monument site SG No. 4689/1965 Districts Utrecht and Vryheid (on Rem. of Eersteling 690)	T3932/2006	S27 31.262 E30 49.091
2. Old Residency, <b>Paulpietersburg</b>	Provincial	Sub. 1 of Erf 532 Paulpietersburg	T20726/1986	S27 25.796 E30 49.279
3. Library, 27 Smit Street	Provincial	Lot 573 Paulpietersburg	T4153/1992	S27 25.284 E30 48.946

## 3. Ulundi Local Council

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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<b>Heritage Resource</b>	<b>Landmark Status Landmark Status Heritage (section 38) Provincial (section 39)</b>	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Piet Retief's Grave, farm Uitzoek 317	Provincial	Piet Retief's Grave of Uitzoek 317 District Vryheid	T35529/1999	S28 25.503 E31 16.034
2. Mgungundlovu, farm Moordplaats 193	Provincial	Sub. 3 (of 2) of Moordplaats No. 193 and Sub. 2 of Moordplaats No. 193 District Vryheid	T12097/2000 T31004/1995	S28 26.168 E31 16.031
3. Mpande's Grave and Nodwengu Homestead	Provincial	Sub. Mpande's Kraal of Reserve No. 20, No. 15840 County of Zululand	T69142/2002 (G7638/1909)	S28 17.914 E31 25.582
4. Ulundi Battlefield, <b>Mahlabatini District</b>	Provincial	Sub. Ulundi Battlefield of Reserve No. 20, No. 15840 Zululand	G7638/1909	S28 18.670 E31 25.584
5. Ondini II: King Cetshwayo kaMpande's Royal Residence, Ulundi <b>Mahlabatini District</b>	Provincial	Sub. Cetewayo's Kraal of Reserve No. 20, No. 15840 County of Zululand	T69142/2002 P.T.O. ref. no. 9/5/15/7 dated 19-4-94	S28 19.108 E31 27.432
6. Ondini III, Ulundi <b>Mahlabatini District</b>	Provincial	Sub. 12 of Reserve No. 20 7638	P.T.O. ref no. 9/5/15/7 dated 19-4-94	S28 19.320 E31 27.692
7. Emakhosini (Graves of Zulu Kings), Ulundi <b>Mahlabatini District</b>	Provincial	Moordplaats No. 193	T12097/2000	S228 23.873 E31 15.978
	King Nkosinkulu	Slabatinie No. 419	T3428/89	S28 25.406 E31 08.177
	King Phunga	Heelgoed No. 218	T21574/97	S28 25.425 E31 13.322
	King Ndaba	Pandasgraf No. 189	T591/98	S28 23.042 E31 13.047



**CERTIFIED:** 11 January 2016

State Law Advisor

	King Jama	Welgekozen No. 191	T11289/97	S28 23.250 E31 14.899
	King Senza- ngakhona	Welgekozen No. 191	T11289/97	S28 23.193 E31 16.089
	King Mageba	Pandasgraf No. 189	T591/98	S28 23.042 E31 13.047
8. Ngqengelele kaMvulane (Buthelezi) Monument, Ulundi <b>Mahlabatini District</b>	Provincial	"150 m <sup>2</sup> metres at Mabedlane" on Rem. of Reserve No. 20 No. 15840 Mhlabathini District	P.T.O. ref no. 9/5/15/11 dated 19-4-94	S28 21.6 E 31 18.0

**B. Uthungulu District Municipality (DC 28)**, established by Provincial Notice No. 346 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

### 1. Mbonambi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <b>Provincial</b> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. St Lucia Lighthouse, Farm Stateland 7038, <b>Lower Umfolozi District</b>	Provincial	Sub. 1 of Reserve 4 No. 15823 District of Lower Umfolozi	T3483/1951	S28 23.106 E32 25.429

### 2. Umlalazi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <b>Provincial</b> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
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<b>CERTIFIED:</b> 11 January 2016
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1. Fort Nonquai, <b>Eshowe:</b> Zululand Museum	Provincial	Lot No. 415 Eshowe Township	T9266/1986	S28 54.217 E31 26.816
2. Fort Eshowe (KwaMondi), <b>Eshowe</b>	Provincial	Fort Eshowe site on KwaMondi Mission Station and Rem. of Reserve 17, 7638 District of Zululand (now Portion 12 Farm 15837)	T7102/2002	S28 53.596 E31 29.810
3. Eshowe Jail, John Ross Highway, <b>Eshowe</b>	Provincial	Lot 523 Eshowe Townlands	G7409/1909	S28 54.138 E31 27.969
4. Old Residency, <b>Eshowe</b>	Provincial	(Sub. 2 of) Lot 439 Eshowe	T5224/1979	S28 54.331 E31 27.328
5. Eshowe Junior School, 57 Main Street, <b>Eshowe</b>	Provincial	Lot 1139 Eshowe	T15452/1999	S28 54.070 E31 27.450
6. Raffia Palms, Lot 162, <b>Mtunzini</b>	Provincial	Lot No. 162 Mtunzini Township S.G. No. 609/52	T25878/1991	S28 57.349 E31 46.165
7. Fort Tenedos, farm Alliance 14837	Heritage	Sub. A of Lot No. 15 Tugela, No. 8876 County of Zululand	T12173/1994	S29 12.445 E31 26.071
8. Tugela Battlefield, Lot 14 Farm <b>Tugela</b> 10600	Heritage	"Site of Battle of Tugela" Figure ABCD on Lot No. 14 Tugela, No. 10600 County of Zululand	T12962/2003	S29 10.181 E31 26.506

**C. Umkhanyakude District Municipality (DC 27)**, established by Provincial Notice No. 347 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of

**CERTIFIED:** 11 January 2016  
State Law Advisor

15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

**1. Jozini Local Council**

<b>Heritage Resource</b>	<b>Landmark Status</b> <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Sycamore Figs Riverine Forest, farm Kleinspan 14182, <b>Ubombo District</b>	Heritage  HERITAGE CONSERVANCY	farm Kleinspan 14182, Ubombo District (no record of individual portions)	Land Register microfilm ref.: 1995 0403 0270	S27 55.416 E32 19.572

**D. Sisonke District Municipality (DC 43)**, established by Provincial Notice No. 344 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

**1. KwaSani Local Council**

<b>Heritage Resource</b>	<b>Landmark Status</b> <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Mpongweni Cave, Cobham State Forest, <b>Underberg District</b>	Provincial	Unregistered State land known as Mpongweni, composition portion 8 of Cobham State Forest	N/A  Unregistered State land	S29 41.270 E29 21.570

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State Law Advisor
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2. Himeville Fort, Arbuckle (Cnr George) Street, <b>Himeville</b>	Provincial	Portion of Lot 36 Himeville (SG 3556/1978 Figure ABCDEFHA)	T6898/1979	S29 44.983 E29 30.755
3. Old Residency, Arbuckle (Cnr Clayton) Street, <b>Himeville</b>	Provincial	Portions of Lot 49 and Lot 50 Himeville	T29/1988	S29 44.813 E29 30.834
4. Underberg District War Memorial, 36 Arbuckle Street, <b>Himeville</b>	Provincial	Lot 37 Himeville	T4547/1979	S29 44.937 E29 30.753
5. Himeville Fort (undeclared portion) Arbuckle (Cnr George) Street, <b>Himeville</b>	Provincial	Lot 36 Himeville	T6898/1979	S29 44.813 E29 30.834
6. The House, 49 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 14 Himeville	T36719/1994	S29 44.844 E29 30.770
7. 47 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 15 Himeville	T22449/2005	S29 44.844 E29 30.770
8. The Rectory, 29 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 24 Himeville	T11385/1929	S29 44.064 E29 30.756
9. Church of Saint Michael and All Angels, 31 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 23 Himeville	T11384/1929	S29 45.040 E29 30.691
10. 11 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 33 Himeville	T14119/1995	S29 45.262 E29 30.599
11. Nelton, 53 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 12 Himeville	T17530/2005	S29 44.812 E29 30.784

## 2. Greater Kokstad Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Bandstand, Main Street, <b>Kokstad</b>	Provincial	Lot 368 Kokstad	TGE6415/1897	S30 32.856 E29 25.460
2. Kokstad Museum, 104 Main Street, <b>Kokstad</b>	Provincial	Erven 464 and 463 Kokstad	T17215/1960	S30 32.818 E29 25.465

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3. Old Town Hall, Main Street, <b>Kokstad</b>	Provincial	Lot 367 and 368 Kokstad	T5991/1897 TGE6415/1897	S30 32.869 E29 25.461
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**E. Ilembe District Municipality (DC 29)**, established by Provincial Notice No. 345 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

#### 1. KwaDukuza Local Council

<b>Heritage Resource</b>	<b>Landmark Status Heritage</b> <i>(section 38)</i> <b>Provincial</b> <i>(section 39)</i>	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. King Shaka Memorial, King Shaka Street, <b>Stanger</b>	Provincial	Lots 169 and 170 Stanger	T22996/1991	S29 20.397 E31 17.666
2. Fort Pearson, farm William 15437, <b>Lower Tugela District</b>	Provincial	farm Pearson No. 51718	T1836/1987 (and included in Schedule 2 to Proclamation Notice No. 35, 1987 dd 24 September 1987 for Harold Johnson Nature Reserve)	S29 12.719 E31 25.735
3. Ultimatum Tree, farm Lot 5 2612, <b>Lower Tugela District</b>	Provincial	farm Lot No. 5 2612 (Cons. into Farm Pension Fund No. 17691)	T76339/2003	S29 12.899 E31 26.093
4. Stanger South School, Balcomb (Cnr Albert Luthuli) Street, <b>Stanger</b>	Provincial	Portions of Erven 249 - 258	T4714/1884	S29 20.526 E31 17.456

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		(formerly Lots 1-10) Stanger		
5. Old Fort Police Station, Rood Street, <b>Stanger</b>	Provincial	Erf 90 Stanger	T36866/1996	S29 20.239 E31 17.451
6. Isivundu House, farm Isivundu 1954, <b>Lower Tugela District</b>	Heritage	Farm Isivundu 1954, Kearsney-Doornkop Health Committee area, County of Victoria	T662/1944	S29 18.470 E31 14.955
7. Kearsney Methodist Chapel, farm Kearsney 2201, <b>Lower Tugela District</b>	Heritage	Sub. A of the farm Kearsney 2201, County of Victoria [Sub. 1]	T62158/2005	S29 17.093 E31 14.234
8. Morewood Sugar Mill Memorial Garden, Farm Compensation 868, <b>Lower Tugela District</b>	Heritage	Portion 62 of the farm Compensation 868, District of Lower Tugela	T6289/1956	S29 29.995 E31 10.234
9. Chief Albert Luthuli Homestead, farm Charlottedale 6014, <b>Lower Tugela District</b>	Heritage	Erf 47, Charlotte Dale Township	T3960/1936	S29 23.372 E31 14.668
10. Bogmore, farm Compensation 868, <b>Lower Tugela District</b>	Heritage	Sub. 3 of the farm Compensation 868, Lower Tugela District	T15231/1989	S29 30.529 E31 11.971
11. Grave of Chief Albert Luthuli, Farm Charlottedale 6014, <b>Lower Tugela District</b>	Heritage	Not Available	Not Available	S29 23.192 E31 15.373

**F. Ugu District Municipality (DC 21)**, established by Provincial Notice No. 353 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13

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December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

### 1. Hibiscus Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Paddock Station, Paddock, <b>Port Shepstone District</b>	Provincial	Rem. of Sub. B of The Paddock 7998), County of Alfred [Sub 2]	T858/1916	S30 45.868 E30 14.728
2. Old Police Fort, <b>Port Shepstone</b>	Provincial	Portion of Rem. of Lot 170, Port Shepstone	T12992/1978	S30 44.058 E30 26.927
3. Port Shepstone Lighthouse, <b>Port Shepstone</b>	Provincial	Sub. 15 of Lot 156, Port Shepstone	T26822/1993	S30 44.528 E30 27.511
4. Izotsha River Railway Bridge, <b>Port Shepstone District</b>	Provincial	Sub. 1 of Lot 1174, Shelley Beach and Marburg Commonage 12225, Port Shepstone District	T21444/2002	S30 47.045 E30 25.475
5. Kneisel's Castle, 24 Reynolds Street, <b>Port Shepstone</b>	Heritage	Lot 1622 Port Shepstone	T16240/1994	S30 44.222 E30 26.913
6. Royston Hall, 10 Royston Lane, <b>Umtentweni</b>	Heritage	Lot 949 Umtentweni, District of Port Shepstone	T10742/1995	S30 42.704 E30 27.200

**G. Amajuba District Municipality (DC 25)**, established by Provincial Notice No. 349 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4

<b>CERTIFIED:</b> 11 January 2016
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December 2002, Provincial Notice No. 494 of 30 June 2003 and Provincial Notice No. 203 of 10 February 2005.

### 1. Newcastle Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS co-ordinates
1. Town Hall, Scott Street, <b>Newcastle District</b>	Provincial	Portion 2 of Lot 433 Newcastle	N/A State-owned	S27 45.457 E29 55.907
2. Old Carnegie Library, Voortrekker Street, <b>Newcastle District</b>	Provincial	Rem. of Lot 435 Newcastle	T6782/1905	S27 45.385 E29 55.945
3. Old Magazine, Scott Street, <b>Newcastle District</b>	Provincial	Lot 13051, Newcastle (figure ABCD on Diagram SG 2570/1977)	T3217/1978	S27 45.121 E29 56.379
4. Fort Amiel, Fort Street, <b>Newcastle District</b>	Provincial	Lot 4589 Newcastle (Extension 22)	T4138/1973	S27 44.762 E29 55.271
5. Buffalo River Bridge, farms Milton 1007 and Kromellenboog 170, <b>Newcastle District</b>	Provincial	Portions of farms Milton 15007 and Homer 8692, County of Klip River	T4292/1977	S27 40.660 E30 02.364
6. Old Residency, 96 Allen Street, <b>Newcastle</b>	Provincial	Lot 11902 Newcastle	T5929/1994	S27 45.857 E29 56.513
7. Old State School, Albert (Cnr Havelock) Street, <b>Charlestown</b>	Provincial	Lot 199 Charlestown	T2224/1996	S27 24.585 E29 52.622
8. Old Court House, Holland Street, <b>Charlestown</b>	Provincial	Rem. of Lot 312 Charlestown	G34/1951 T10372/1953 T6840/2002	S27 24.585 E29 52.622
9. Battlefield, farm Majuba North 11267,	Heritage	Farms Majuba North No. 11267,	T2755/1998 T40379/2004	S27 28.617 E29 50.911



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<b>Newcastle District</b>		Majuba South No. 10614 and Laing's Nek A, No. 8441, Klip River County	T40379/2004	
10. Majuba Battlefield: Conservation Area, farm Majuba North 11267, <b>Newcastle District</b>	Heritage HERITAGE CONSERVANCY (unproclaimed area of farm Majuba North No. 11267)	Farm Majuba North No. 11267	T2755/1998	S27 28.617 E29 50.911
11. O'Neill's Cottage, farm Stonewall 3109, <b>Newcastle District</b>	Heritage	Rem. of Sub. 5 farm Stonewall No. 3109 County of Klip River	T12388/1978	S27 29.255 E29 52.131
11. St Dominic's Academy Pavilion, St Dominic's Street, <b>Newcastle</b>	Heritage	Consolidated Lot 382, Newcastle Township	T7697/1956	S27 45.669 E29 55.290
12. Hilldrop House, Hilldrop Road, <b>Newcastle</b>	Heritage	Sub. 36 (a sub. of 1) of the farm Bosch Hoek 3345, County of Klip River	T7119/2000	S27 47.717 E29 56.788
13. Kliphuis, 64 Voortrekker Street, <b>Newcastle</b>	Heritage	Erf 679 Newcastle	T3404/1958	S27 45.679 E29 56.184

## 2. Utrecht Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Pieter Lafras Uys Monument and Grave, Church Street, <b>Utrecht</b>	Provincial	Lot 190 Utrecht (situated on)	N/A State owned	S27 39.301 E30 19.188
2. Old Residency, 60 Church Street (Cnr van	Provincial	Erf 1860 Utrecht	T9368/1978	S27 39.276 E30 19.291

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Rooyen), <b>Utrecht</b>				
3. Magistrate's Court, 57 Voor Street, <b>Utrecht</b>	Provincial	Portion of Erf 190, Utrecht	N/A State owned	S27 39.386 E30 19.199
4. Town Hall, 55 Voor Street, <b>Utrecht</b>	Provincial	Rem. of Erf 188 Utrecht	T2103/1921	S27 39.370 E30 19.272
5. Old Powder Magazine, President Street, <b>Utrecht</b>	Provincial	Portion of Lot 739 Utrecht	G6705/1904 T11410/2002 T11411/2002	S27 39.572 E30 20.491
6. Blood River / Ncome Battlefield, farm Vechtkop 168, <b>Utrecht District</b>	Heritage	Portion of the Township of Blood River, on rem. of Charl Cilliers of A of Vechtkop 168, District of Utrecht	T61494/2002	S28 06.134 E30 32.434
7. Dutch Reformed Church, 50 Church Street (Bloem), <b>Utrecht</b>	Heritage	Erf 996 (Cons. from 236, 237 and 238) Utrecht	T32739/1995	S27 39.284 E30 19.180
8. George Shaw House, 67 Church Street, <b>Utrecht</b>	Heritage	Erf 246 Utrecht	T14664/1998	S27 39.245 E30 19.417
9. Rothman House, 65 Church Street (Cnr van Rooyen), <b>Utrecht</b>	Heritage	Erf 244 Utrecht	T68812/2004	S27 39.249 E30 19.384
10. Dirk Uys House, 61 Church Street, <b>Utrecht</b>	Heritage	Sub. 3 of Lot 242 Utrecht	T40972/2002	S27 39.261 E30 19.333
11. Old Dutch Reformed Church Parsonage (De Oude Pastorie), Church (Cnr Loop) Street, <b>Utrecht</b>	Provincial	Sub. 1 of Erf 192 Utrecht	T3591/1942	S27 39.348 E30 19.114

**H. eThekweni Municipality (Durban Metro) (DC 25)**, established by Provincial Notice No. 343 of 19 September 2000, which was subsequently amended by Provincial Notice No. 461

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of 1 December 2000, 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 460 of 13 December 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 649 of 28 April 2005.

### 1. eThekweni Metropolitan Unicity Municipality

<b>Heritage Resource</b>	<b>Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)</b>	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Old Fort, KE Masinga Road, <b>Durban</b>	Provincial	Erf 11649 Durban	G1685/1935	S29 51.098 E31 01.536
2. Local History Museum, Samora Machel Street, <b>Durban</b>	Provincial	Lot 3 No. 9594 Durban (now Erf 11090)	G9594/1920	S29 51.518 E31 01.670
3. City Hall and Francis Farewell Gardens, 263 Dr Pixley KaSeme Street (Cnr Anton Lembede and Dorothy Nyembe), <b>Durban</b>	Provincial	Rem. of Erf 1 Durban	Grant 1737	S29 51.523 E31 01.516
4. Main Post Office, Dr Pixley KaSeme Street (Cnr Dorothy Nyembe), <b>Durban</b>	Provincial	"Lot Post Office" of block Market Square, Durban (now Erf 11722)	T20208/1990	S29 51.486 E31 01.507
5. Wild Fig Trees, Dr Pixley KaSeme Street (Cnr Church), <b>Durban</b>	Provincial	Portion 2 of Erf 11718	T3001/1964	S29 51.471 E31 01.592
6. Old Point Railway Station, 111 Mahatma Gandhi Road, <b>Durban</b>	Provincial	Point SAR 1 No. 13200, Durban (now Erf 10031)	T1872/1944	S29 52.267 E31 02.613
7. Beachwood Mangroves, SWAPO Road, <b>Durban</b>	Provincial	Rem. of Graham 12774, per Diagram SG 2114/1937; area shown as "Lagoon" et al County of Victoria	N/A Unregistered State land	S29 47.847 E31 02.667

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8. Howard Memorial College, 267 Mazisi Kunene Road, <b>Durban</b>	Provincial	Rem. of Portion 1 of Erf 487 Cato Manor	T2465/1932	S29 51.999 E30 58.973
9. Memorial Tower Building, 267 Mazisi Kunene Road, <b>Durban</b>	Provincial	Rem. of Portion 1 of Erf 487 Cato Manor	T2465/1932	S29 51.999 E30 58.973
10. Sastri College, 20 Winterton Walk, <b>Durban</b>	Provincial	Erf 3184 (and 3185) Durban	T7031/1954	S29 51.082 E31 00.554
11. Bellair Railway Station, 945 Sarnia Road, <b>Durban</b>	Provincial	Sub. 2 of Lot 52, Bellair	T50/1944	S29 53.423 E30 57.270
12. Congella Battlefield, Maydon Road, <b>Durban</b>	Provincial	Erf 10011 Durban	T4653/2001	S29 52.922 E30 59.740
13. Durban Indian Girls Secondary School, 88 Carlisle Road (Gladys Manzi), <b>Durban</b>	Provincial	Erf 3331 Durban	T9591/1957	S29 51.017 E31 00.849
14. Natal Herbarium, 4 Problem Mkhize Crescent, <b>Durban</b>	Provincial	Sub. 5 of Lot 3174 Durban	T2027/1914	S29 50.866 E31 00.312
15. Dr JL Dube (King's) House, Eastbourne Road, <b>Durban</b>	Provincial	Erf 625 Durban	T1940/1904	S29 49.511 E31 00.875
16. War Department Lords' Ground Boundary Marker No. 2, KE Masinga Road, <b>Durban</b>	Provincial	Rem. of Erven 11162, 11163, Erf 12380 (from 11164) and Erf 11702, Durban	T1102/1896 T8784/1993 T13385/1996 T53370/2000 T793/1912	S29 51.119 E31 01.386
17. Passive Resistance Site, Umbilo Road (Cnr Magwaza Maphalala), <b>Durban</b>	Provincial	Lot 8264, Durban	T73/1962	S29 52.285 E30 59.681
18. (Façade of) Old Greenacres Building, 409 Dr	Heritage	Portion 4 of Lot 11017, Portion 1 of Erf 11019		S29 51.544 E31 01.178

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Pixley KaSeme Street, <b>Durban</b>		and Rem. of Erf 11019, Durban		
19. Elephant House, 745 Peter Mokaba Ridge Road, <b>Durban</b>	Heritage	Portion 4 of Erf 246 Springfield	T29718/1994	S29 49.648 E31 00.418
20. Glacial Pavement, Carinthia Road, <b>Durban</b>	Heritage	Portion 56 of Erf 127 Springfield	T4781/1940	S29 48.822 E31 00.210
21. Supreme Court, 151 Margaret Mncadi Avenue, <b>Durban</b>	Heritage	Portion 45 and 46 of Lot 10004 Durban	T3376/1921 T600/1903	S29 51.755 E31 01.188
22. Riverside Soofie Mosque and Mausoleum, 50 Soofi Sahib Road, <b>Durban</b>	Heritage	Portion 4 of Erf 27 Durban North	T2673/1913	S29 48.371 E31 02.006
23. Trevean, 258 Wakesleigh Road (Cnr Corumbine), <b>Durban</b>	Heritage	Erf 45 Bellair (Cons. 565)	T14177/1967 T20857/1973	S29 53.078 E30 57.146
24. Colinton, 68 Peter Mokaba Ridge Road, <b>Durban</b>	Heritage	Erf 3209 and Portion 3 of Erf 3210 Durban	T33104/1983	S29 50.895 E30 59.492
25. Queen's Tavern, 16 Matthews Meyiwa Road, <b>Durban</b>	Heritage	Erf 1357 Durban	T41781/2003	S29 50.490 E31 01.243
26. Riche's Building, 423 Anton Lembede Street (Cnr Masonic), <b>Durban</b>	Heritage	Portion 2 of Erf 10679 Durban	T19631/2001	S29 51.625 E31 01.138
27. 73 Musgrave Road, <b>Durban</b>	Heritage	Portion 18 of Erf 2255 Durban	T3394/1997	S29 51.048 E30 59.977
28. Little Chelsea, 18 Lilian Ngoyi Road, <b>Durban</b>	Heritage	Portion 50 of Erf 1368 Durban	T19702/2004	S29 50.243 E31 01.135
29. Quadrant House, 114-115 Margaret Mncadi Avenue, <b>Durban</b>	Heritage	Portion 152 of Erf 10004 Durban	T36334/2003	S29 51.681 E31 01.454

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30. St Louis' Roman Catholic Church, 22 Jacobs Road, <b>Durban</b>	Heritage	Rem. of Erf 775 Durban	T7062/1971	S29 54.890 E30 58.758
31. Cottam Grove Hotel, 303-309 Florida Road (Cnr Cottam), <b>Durban</b>	Heritage	Portion 3 of Erf 784 Durban	T6853/2002	S29 49.790 E31 00.738
32. Monaltrie, 59 Musgrave Road, <b>Durban</b>	Heritage	Portion 1 of Erf 2261 Durban	T46945/2000	S29 51.077 E30 59.968
33. Lillieshell, 408 Innes Road, <b>Durban</b>	Heritage	Erf 643, Durban	T10213/1995	S29 49.721 E31 00.803
34. 41 Cedar Road, (Cnr Esther Roberts) Congella, <b>Durban</b>	Heritage	Lot 7972 Durban	T6810/1986	S29 52.490 E30 59.358
35. Umbilo Shree Ambalavanaar Alayam Temple, 890 Vusi Mzimela Road, <b>Durban</b>	Heritage	Portion 1 of Erf 55 Cato Manor	T10845/1957	S29 52.589 E30 57.665
36. Atherton, 295 Florida Road, <b>Durban</b>	Heritage	Erf 785 Durban	T32784/2005	S29 49.783 E31 00.740
37. Caister Lodge, 264 Musgrave Road, <b>Durban</b>	Heritage	Erf 2222 Durban	T18860/1975	S29 50.657 E31 00.112
38. Portview, 183 Problem Mkhize Road (Cnr Haden), <b>Durban</b>	Heritage	Portion 1 of Erf 3064 Durban	T67271/2002	S29 50.290 E31 00.661
39. Dutch Reformed Church, 151 Anton Lembede Street, <b>Durban</b>	Heritage	Portion 5 of Erf 10605, Durban	T1906/1918	S29 51.526 E31 01.865
40. Durban Light Infantry Head Quarters, 5 DLI Avenue, <b>Durban</b>	Heritage	Rem. of Erf 3427, Durban, and Erf 3428, Durban	T1130/1913 T1861/1922	S29 50.834 E31 00.990
41. Hollis House, 178 Florida Road, <b>Durban</b>	Heritage	Lot 892, Durban	T47126/2000	S29 49.954 E31 00.975

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42. Kingsleigh Lodge, 241 Alan Paton Road, <b>Durban</b>	Heritage	Lots 5211 and 5212, Durban	T15571/1995	S29 51.657 E30 59.501
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## 2. Inanda (now part of eThekweni Metropolitan Unicity Municipality)

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Ottawa House, farm Lot 20 1529, <b>Inanda District</b>	Provincial	Erf 2493 Waterloo Extension, Inanda District	T9238/1996	S29 39.932 E31 02.889
2. Ganesha Temple, 119 Marshall Drive, <b>Mount Edgecombe</b>	Heritage	Rem. of Lot 22 on the Umhlanga River, County of Victoria (now Lot 609 Mount Edgecombe)	T50165/2004	S29 42.100 E31 02.108
3. Shri Jagannath Puri Temple, 7 Wadd Street, <b>Tongaat</b>	Heritage	Rem. of Lot 79, Tongaat Township	T11703/2005 T2531/1994 T28911/1998	S29 34.504 E31 06.670
4. Narainsamy Temple, Inanda Road, <b>Newlands</b>	Heritage	Rem. of Lot 165 Newlands, of the farm Zeekoe Vallei, County of Victoria	T1556/1909	S29 46.749 E30 58.144
5. John Dube House, Ohlange Institution, <b>Inanda District</b>	Heritage	Sub. 253 (of 90) of the farm Piezang Rivier No. 805	T33658/1993	S29 42.267 E30 57.733
6. Ottawa Estate Shree Emperumal Temple, Ottawa, <b>Inanda District</b>	Heritage	Rem. of Lot 20 No. 1557 Ottawa Estate, Inanda District	T5619/1990	S29 40.323 E31 02.902

## 3. Pinetown (now part of eThekweni Metropolitan Unicity Municipality)

Heritage Resource	Landmark Status <i>Heritage</i> (section 38)	Erf / Farm No.	Title Deed Description	GPS coordinates
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	<b>Provincial (section 39)</b>			
1. Bergtheil Museum, 16 Queens Avenue, <b>Westville</b>	Provincial	Lot 1870 Westville Township	T8898/1983	S29 50.093 E30 55.835
2. Umbilo Waterworks, Paradise Valley Nature Reserve, <b>Pinetown</b>	Provincial	Rem. of Lot 3064 and Rem. of Lot 3065 Pinetown	T15824/1990	S29 49.959 E30 53.369
3. Indigo Vats, Paradise Valley Nature Reserve, <b>Pinetown</b>	Heritage	Portion of Erf 3079 Pinetown	T37884/2002	S29 50.203 E30 52.985
4. Old New Germany Lutheran Church, Posselt Road (Cnr Rodger Sishi), <b>Pinetown</b>	Heritage	Lot 130 New Germany Township	T28098/1898	S29 47.887 E30 53.355
5. Christianenberg Berlin Mission Church, Krause Street, <b>Clermont</b> : Historic Bell Tower	Heritage	Rem. of Lot 214 Christianenberg Township, District of Pinetown	T4667/1977	S29 47.840 E30 53.769

#### 4. Umzinto (now part of eThekweni Metropolitan Uicity Municipality)

<b>Heritage Resource</b>	<b>Landmark Status Heritage (section 38) Provincial (section 39)</b>	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Green Point Lighthouse, farm <b>Clansthal</b> 1202	Provincial	Sub. 7 of the farm Clansthal 1202, District of Umzinto	T446/1934	S30 15.020 E30 46.728

**I. Uthukela District Municipality (DC 23)**, established by Provincial Notice No. 351 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.



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## 1. Emnambithi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Railway Institute, 316 Murchison Street (Cnr Albert), <b>Ladysmith</b>	Provincial	Erf 730 Ladysmith	T4802/1887	S28 33.317 E29 47.059
2. Town Hall, Murchison Street (Cnr Queen), <b>Ladysmith</b>	Provincial	Lot 1 Townlands of Ladysmith	T888/1900	S28 33.568 E29 46.847
3. The Residency, 11-13 Wright Road, <b>Ladysmith</b>	Provincial	Lot 505 Ladysmith	T1419/1901	S28 32.879 E29 47.387
4. Platrand Battlefield ("Wagon Hill"), Farm Fourie's Kraal 1183 (Riet Kuil 1067), <b>Klip River District</b>	Heritage	Sub-Wagon Hill of the farm Fourie's Kraal No. 1183, and Sub-Wagon Hill of Sub-G, of the farm Riet Kuil No. 1067	T59701/2001  T23446/1985	S28 35.402 E29 45.509
5. Fort Mistake, farm Quagga's Kirk 1168, <b>Klip River District</b>	Heritage	Rem. of farm Quagga's Kirk 1168, County of Klip River	T5966/1967	S28 10.140 E29 57.540
6. Pro Nobis, Fort Mistake, <b>Klip River District</b>	Heritage	Rem. of farm Quagga's Kirk 1168, County of Klip River	T5966/1967	S28 10.490 E29 57.240
7. Llandaff Oratory, Van Reenen, <b>Klip River District</b>	Heritage	Lot 115, Van Reenen Township	T17537/1979	S28 22.599 E29 22.713
8. Elandslaagte Battlefield, farm Brakfontein 1046, <b>Klip River District</b>	Heritage	Diagram SG 875/1983 being Sub. 9 (of 7) and Rem. of Sub. 7 of farm Braak Fontein 1046	T898/1928 and T45589/2002	S28 25.282 E29 58.828
9. Elandslaagte Battlefield: Dutch Corps Monument	Heritage	(a) Monument Site of (sub)Division A of Brakfontein	T898/1928 and T45589/2002	S28 25.282 E29 58.828

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		1046, County of Klip River (b) servitude over Sub. A (Diagram SGO Sub. Vol. 726 dd 16 Feb 1928)		
10. Hindu Thirukootam and Shree Ganaser Temple, 113 Forbes Street, <b>Ladysmith</b>	Heritage	Portion 1 of Erf 800 Ladysmith	T4948/1919	S28 33.647 E29 47.126
11. Keer Weder, 25 Keate Street, <b>Ladysmith</b>	Heritage	Portion of Erf 769 Ladysmith	T22024/1993	S28 33.490 E29 46.747
12. Soofie Mosque and Maddressa, 41 Mosque (Soofie) Street, <b>Ladysmith</b>	Heritage	Sub. 3 of Erf 1006 Ladysmith Township	T6567/1977	S28 34.236 E29 46.657
13. Dutch Reformed Church, 103 Murchison Street, <b>Ladysmith</b>	Heritage	Erf 845 Ladysmith	T2312/1859	S28 33.655 E29 46.786
14. Hime Bridge, farm Platberg 1241, <b>Klip River District</b>	Heritage	Rem. of farm Platberg 16318	T4777/1992	S28 21.612 E30 00.654

## 2. Umtshezi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Bulwer Bridge and Old Toll House, Colenso, <b>Estcourt District</b>	Provincial	Sub. 1 of Lot 116 Colenso Township	G45/1963	S28 44.177 E29 49.261
2. Fort Durnford, Kemps Road, <b>Estcourt</b>	Provincial	Sub. 1 of Lot 1081 Estcourt Township	G89/1966	S29 00.882 E29 53.302
3. Old Agricultural Hall, Harding Street, <b>Estcourt</b>	Provincial	Lot 149 Estcourt	T5388/1895	S29 00.540 E29 52.389

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4. Bloukrans Battlefield, farm Rama 929, <b>Estcourt District:</b> Bloukrans Memorial	Heritage	Sub. 20 (of 6) of the farm Rama No. 929	T54685/2006	S28 51.021 E29 50.528
5. Saailaer, farm Zaay Lager 1199, <b>Estcourt District</b>	Heritage	farm Saay Lager No. 1199, District Estcourt	T8467/1989	S29 00.487 E29 53.267
6. Marianne Church Ruins, Farm Doveton, <b>Estcourt District</b>	Heritage	Rem. of Wilde Perde Vlei 1004 (now known as Doveton), County of Weenen	T68188/2004	S28 47.954 E29 30.379
7. Greystone, Farm Vegt Lager 801, <b>Estcourt District</b>	Heritage	Sub. 19 (a Sub of A) of the farm Vegt Lager 801, county of Weenen	T6212/1995	S29 04.306 E29 47.907
8. Brynbella Battlefield Stone Wall, farms Glenbello and Stockton, <b>Estcourt District</b>	Heritage	“along boundary line of farms Glenello (prev. Tamboekies Kraal) and Stockton (prev Zuurbraak), County of Weenen”	T9331/1996  T14571/2004	S29 04.471 E29 57.410
9. Settler Cottage, 87 Lorne Street, <b>Estcourt</b>	Heritage	Lot 126 Estcourt Township	T44964/2001	S29 00.681 E29 52.639
10. Bartle House, St Gregory College, <b>Estcourt District</b>	Heritage	Erf 139 Frere	T40169/2004	S28 53.575 E29 46.549
11. Hattingsvlakte 2829DD19 and 22, farm Hatting Vlake 5865, <b>Estcourt District</b>	Heritage	Rem. of farm Hattings Vlake 5865, County of Weenen	T66910/2002	S28 50.833 E29 46.795
12. Ambleside Military Cemetery / National Garden	Heritage	Sub. 18 (of 6) of the farm Varkens Fontein 1138,	T3644/1997	S28 44.495 E29 47.494

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of Remembrance		County of Weenen		
13. Coolamgause Building, Retief Street, <b>Weenen</b>	Heritage	(a) Sub. 1 of Lot 66 (b) Sub. 2 of Lot 66, Township of Weenen	T16792/1995 and T16791/1995	S28 51.157 E30 05.091
14. Abdoolgafoor Goolamsahib Arabian Merchant Retief Street, <b>Weenen</b>	Heritage	(a) Sub. 1 of Lot 66 (b) Sub. 2 of Lot 66, Township of Weenen	T16792/1995 and T16791/1995	S28 51.157 E30 05.105

### 3. Okhahlamba Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Spioenkop Battlefield, farm Rhenoster Fontein 1051	Provincial	Sub. 11 (of 2) of the farm Rhenoster Fontein No. 1051, County of Klip River Diagram SG 1764/1976	T3552/1977	S28 38.940 E29 31.164
2. Mhlwazini Cave 2829CD57, Farm Solarcliffs 11454	Provincial	Rem. of farm Solarcliffs 11454, District of Bergville	T2758/1963	S28 43.534 E29 18.534
3. Anglo-Boer War Blockhouse, Sharrat Street, Bergville	Provincial	Erf 233 Bergville	T15792/1977	S28 44.099 E29 22.305
4. Retief's Pass, farm Scheepers Hoek 11337 and Bethel 2186	Heritage	Portion of Sub. A of the farm Scheepers Hoek 11337 and Portion of Rem. of farm Bethel 2186, County of Klip River, as shown on Servitude Diagrams SG 4122/1975 and SG 4123/1975	T29933/1995  T14024/1982 T3190/1987 T33693/2001 T4888/1979	S28 27.540 E29 14.287

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5. Mgoduyanuka 2829CB6, farm Zuur Lager 1040	Heritage	Sub. 8 (now Rem.) of the farm Zuurlager 1040, District of Bergville	T37174/1994	S28 41.010 E29 13.131
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**J. Umzinyathi District Municipality (DC 24)**, established by Provincial Notice No. 350 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 219 of 20 June 2002, Provincial Notice No. 329 of 5 September 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

#### 1. Endumeni Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Ryley's Hill, 79 Karel Landman Street, <b>Dundee</b>	Provincial	Rem. of Lot 1 of Townlands of the Govt Extension of Dundee Proper	T2025/1938	S28 09.800 E30 13.087
2. Talana Battlefield, farm <b>Dundee</b> 4339: Talana Museum	Provincial	Sub. 727 of farm Dundee 4339, County of Klip River (now Cons. sub. 728)	T2658/1985	S28 08.829 E30 15.766
3. Talana Battlefield, Farm <b>Dundee</b> 4339: Thornley Homestead	Heritage	Rem. of Portion 348 of the farm Dundee 4339	T14679/1970	S28 08.912 E30 16.253
4. Magistrate's Court and Police Station, Gladstone Street (Cnr Beaconsfield), <b>Dundee</b>	Provincial	Erf 1374 Dundee Townlands	T13250/1995	S28 09.725 E30 14.059
5. Dundee High School, Tatham Street, <b>Dundee</b>	Provincial	Lot 1335 Dundee	T2612/1904	S28 10.085 E30 13.672
6. Old Swedish Mission, 77	Heritage	Erf 3981 Dundee (from	T928/1987	S28 10.038 E30 14.099

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McKenzie Street, <b>Dundee</b> : Wesleyan Church		Lot 1201 and Lot 1202, Dundee Township		
7. Judith Dutch Reformed Church and Cemetery, farm Paddafontein	Heritage	Sub. A of the farm Paddafontein (No. 3214) in Division of Umsinga County of Klip River	T31685/1997	S28 20.430 E30 20.677
8. Coniston, 5 Harvey Place, <b>Dundee</b>	Heritage	Sub. 10 of Lot 2160 Dundee	T13023/2002	S28 09.395 E30 13.829
9. Pearson House, 46 Tatham Street, <b>Dundee</b>	Heritage	Rem. of Lot 1338 Dundee Township	T31240/1983	S28 10.105 E30 13.725
10. Old Boswell's Store, 74 Gladstone Street (Cnr Beaconsfield), <b>Dundee</b>	Heritage	Lot 616, Dundee	T26587/1998	S28 09.726 E30 14.074
11. Apostolic Faith Mission Church, 17 Gray Street, <b>Dundee</b>	Heritage	Erf 579 Dundee	T8016/1994	S28 09.538 E30 14.104
12. The Hollies, 29 - 31 Union Street, <b>Dundee</b>	Heritage	Erf 4335, Borough of Dundee	T14460/1998	S28 09.586 E30 13.844
13. Karel Landman House, farm Uithoek 1335	Heritage	On the "werf" of the farm Uithoek No. 1335, County of Klip River	T31823/1991	S28 14.204 E30 08.044

## 2. Nqutu Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Isandlwana Battlefield	Provincial	Diagram S.G. 549/1972 on Reserve 18, No. 7638, Nqutu District	P.T.O. ref. numbers 9/5/15/20 and 21 dated 94.10.21	S28 21.449 E30 39.261
2. Prince Imperial Memorial	Heritage	Native Reserve No. 18, Zululand (No. 7638)	P.T.O. ref. no. 9/5/15/15	S28 07.733 E30 47.942

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**3. Umsinga Local Council**

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Shiyane/Rorke's Drift Battlefield, farm Oscarsberg 2254	Provincial	Portion of the farm Mchjeane 2254 (known by the name Oscarsberg)	T11007/1981	S28 21.274 E30 32.259

**4. Umvoti Local Council**

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. General Louis Botha's Birthplace, <b>Greytown</b>	Provincial	Sub. B of G of Hartebeest Vlagte No. 1355, county of Umvoti (now Portion 31 of 1355)	T1504/1940	S29 05.531 E30 36.546
2. Greytown Museum, 68 Scott (Cnr Durban) Street, <b>Greytown</b>	Provincial	Sub. 1 of Lot 138 and Sub. 1 of Lot 139 Greytown Township (now Cons. Erf 1145)	T14453/1986	S29 03.910 E30 35.176
3. Town Hall, 37-47 Bell Street (Cnr Pine), <b>Greytown</b>	Provincial	Lot 407 Greytown	N/A State-owned	S29 03.420 E30 35.510
4. Hermannsburg Mission Houses, Hermannsburg School, <b>Hermannsburg</b>	Heritage	On the farm Rem. of Perseverance 1324 near Kranskop, Province of Natal	T54638/2000	S29 02.495 E30 47.928
5. Ruins of Fort Ahrens, farm Perseverance 1324, <b>Hermannsburg</b>	Heritage	Lot A of the farm Perseverance, County of Umvoti,	T1613/1995	S29 01.707 E30 43.859

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		Province of Natal		
6. Hermannsburg Lutheran Church, <b>Hermannsburg</b>	Heritage	Sub. 29 of farm Perseverance 1324 County of Umvoti	T18534/1969	S29 02.526 E30 47.547
7. Balmoral Farmhouse and Stables, near Rietvlei, <b>Umvoti District</b>	Heritage	Rem. of the farm Balmoral 13347, County of Umvoti	T7166/2004	S29 11.579 E30 16.663

**K. Umgungundlovu District Municipality (DC 22)**, established by Provincial Notice No. 352 of 1 December 2000, which was subsequently amended by Provincial Notice No. 462 of 19 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 257 of 11 July 2002, Provincial Notice No. 350 of 19 September 2002, Provincial Notice No. 468 of 4 December 2002, Provincial Notice No. 494 of 30 June 2003 and Provincial Notice No. 1261 of 7 October 2004.

### 1. Umngeni Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Howick Waterfall, Falls View Drive, <b>Howick</b>	Provincial	The figure being Howick Falls Monument as indicated in Diagram S.G. No. 5325/5 (portion later deproclaimed) – Portion of Townlands	G9118/1917	S29 29.192 E30 14.306
2. Howick Museum (Old Howick Clinic), 24 Morling Street, <b>Howick</b>	Provincial	Rem. of Lot 7, Howick	T7385/1977	S29 29.326 E30 13.629
3. Cedara College, farm Drie Fonteinien 952, <b>Lions</b>	Provincial	Rem. of Sub. 1 of Drie Fonteinien 952,	T1630/1902	S29 31.645 E30 16.019



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<b>River District:</b> Old Hostel Building		County of Pietermaritzburg		
4. Owthorne House, farm Bosch Hoek 973, <b>Lions River District</b>	Provincial	Sub. A of the farm Bosch Hoek 973, County of Pietermaritzburg	T3189/1947	S29 28 E30 16
5. St John's Gowrie Presbyterian Church, Nottingham Road, <b>Lions River District</b>	Heritage	Portion 132 of the farm Gowrie No. 1930	T36569/2000	S29 21.232 E29 59.783
6. Tweedie Hall, farm Tweedie Hall 11880, <b>Lions River District</b>	Heritage	Portion of the farm Tweedie Hall 11880, County of Pietermaritzburg	T39418/2002	S29 29.338 E30 10.593
7. Tweedie Research Station, farm Riversdale 950, <b>Lions River District</b>	Heritage	Sub. 404 of the farm Allemans' Drift 950 (now Riversdale 950), Midmar Regulated Area, County of Pietermaritzburg	T16382/1997	S29 28.572 E30 11.628
8. Fairfield Farmstead, Shafton Road, <b>Howick</b>	Heritage	Sub. 2 of Erf 755, Howick	T33539/2003	S29 28.722 E30 14.388
9. Aird Farmhouse, <b>Lions River District</b>	Heritage	Rem. of Sub. 31 of the farm Petrusstroom 954	T32907/1999	S29 32.256 E30 05.458

## 2. Mkhambathini Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Umhlatuzana Rock Shelter 2930DD98, farm Kirkfalls 14227	Provincial	Sub. 27 of the farm Kirkfalls 14227 in Camperdown District	T11709/1990	S29 48.280 E30 45.220
2. Cycads, Monteseel Township	Heritage	Monteseel Cycads Monuments, on B of the farm	T16541/1895	S29 44.183 E30 41.140

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		Kafirdrift No. 906, County of Pietermaritzburg Diagram S.G. No. 5799/51		
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### 3. Umshwathi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Lutheran Church, <b>New Hanover</b>	Provincial	Portion 33 of farm Mooiplaats, No. 1315	T3723/1990	S29 21.477 E30 33.761

### 4. Mpopana Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Helen Bridge, Weston, <b>Mooi River District</b>	Provincial	Piece of land named Helen Bridge, being a portion of the Townlands of Mooi River, County of Weenen	G11102/1927	S29 21.477 E30 33.761
2. Military Cemetery / National Garden of Remembrance, <b>Mooi River District</b>	Provincial	Erf 432, Mooi River	T11102/1927	S29 13.038 E30 00.729
3. Weston Agricultural College: Doctor's Quarters	Heritage	Farm Weston Training School 13981, County of Weenen	G5/1954	S29 12.815 E30 02.112
4. Weston Agricultural College: Commandant's House	Heritage	Farm Weston Training School 13981, County of Weenen	G5/1954	S29 12.815 E30 02.114
5. St Theresa Roman Catholic Church	Heritage	Portion 1 of Erf 2, Mooi River	T3246/1922	S29 12.437 E29 59.361

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**5. Impendle Local Council**

<b>Heritage Resource</b>	<b>Landmark Status</b> <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Collingham Shelter 2929BD, farm FP36 7648, <b>Impendle District</b>	Heritage	Farm FS No. 17537 (prev. Rem. of the farm FP.37 No. 7649)	T588/2002	S29 38.217 E29 40.614

**6. Richmond Local Council**

<b>Heritage Resource</b>	<b>Landmark Status</b> <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	<b>Erf / Farm No.</b>	<b>Title Deed Description</b>	<b>GPS coordinates</b>
1. Blarney Cottage, farm Dunbar Estate 1478, <b>Richmond District</b>	Provincial	Sub. 2 of farm Dunbar Estate 1478, District of Richmond	T23889/1993	S29 50.857 E30 12.270
2. Farm Dunbar Estate 1478: Conservation Area <b>Richmond District</b>	Provincial HERITAGE CONSERVANCY	Rem. of Portion 2 of farm Dunbar Estate No. 1478, Registration Division FT, Natal	T20136/2001	S29 52.221 E30 22.329
3. Richmond and Byrne District Museum, 46 Victoria Street (Cnr Chilley), <b>Richmond District</b>	Provincial	Erf 219 Richmond	T24294/1981	S29 52.326 E30 16.212
4. Carnarvon Masonic Lodge, 57 Russel Street, <b>Richmond District</b>	Heritage	Lot 272, Richmond Township	T30368/1998	S29 52.159 E30 16.366
5. Lynmouth Glacial Pavement, farm Hopewell 881, <b>Richmond District</b>	Heritage	Rem. of the farm Hopewell 881, Richmond District	T17263/1969	S29 48.941 E30 24.502

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6. Baynesfield Estate: Baynes House	Heritage	Rem. of the farm Nels Rust 849, District of Richmond	T223/1879	S29 45.892 E30 20.190
7. Baynesfield Estate: Old Nel's Rust Dairy	Heritage	Rem. of the farm Nels Rust 849, District of Richmond	T223/1879	S29 45.892 E30 20.190
8. Baynesfield Estate: First Cattle Dip	Heritage	Farm Meyer's Hoek 847, Richmond District	T47900/2000	S29 45.892 E30 20.190
9. Baynesfield Estate: Joseph Baynes Mausoleum	Heritage	Rem. of the farm Nels Rust 849, District of Richmond	T223/1879	S29 45.892 E30 20.190

#### 7. Msunduzi Local Council

Heritage Resource	Landmark Status <i>Heritage</i> (section 38) <b>Provincial</b> (section 39)	Erf / Farm No.	Title Deed Description	GPS coordinates
1. Church of the Covenant, Church Street, <b>Pietermaritzburg</b>	Provincial	Sub. 1 of Lot 2534 and Sub. 1 of Lot 2571, Pietermaritzburg	T4092/1936 and T12924/1966	S29 35.937 E30 22.968
2. Old Government House, 1 Langalibalele Street, <b>Pietermaritzburg</b>	Provincial	(a) Rem. of Erf 2501 and (b) Rem. of Erf 2502 Pietermaritzburg	T350/1853	S29 36.654 E30 22.218
3. Old Natal Houses of Parliament, 245 Langalibalele Street, <b>Pietermaritzburg</b>	Provincial	Rem. of Erf 2569 Pietermaritzburg	G20/1955	S29 36.158 E30 22.787
4. Old Voortrekker Road, World's View Road, <b>Pietermaritzburg</b>	Provincial	"World's View", Portion of Erf 10 000, Pietermaritzburg (prev. Townlands)	Crown Grant 1687	S29 35.079 E30 19.932
5. City Hall, 260 Chief Albert Luthuli Road (Cnr Church), <b>Pietermaritzburg</b>	Provincial	Portion of Rem. of Sub. "Market Square" of Pietermaritzburg (now Erf 2526)	T3502/1928	S29 36.089 E30 22.781
6. Old Longmarket Street Girls	Provincial	Rem. of Lot 35, Pietermaritzburg	T426/1874	

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School (Voortrekker Museum), 351 Langalibalele Street (Cnr Boshoff), <b>Pietermaritzburg</b>		(now Erf 2535)		
7. Clark House and Victoria Hall, Maritzburg College, College Road, <b>Pietermaritzburg</b>	Provincial	Rem. of Lot 80 of Townlands of Pietermaritzburg	T23352/1999	S29 37.036 E30 22.925
8. Publicity House, 117 Chief Albert Luthuli Road (Cnr Langalibalele), <b>Pietermaritzburg</b>	Provincial	Portion 1 of Erf 2526 Pietermaritzburg	T12509/1935	S29 36.155 E30 22.810
9. Old Presbyterian Church, 248 Church Street, <b>Pietermaritzburg</b>	Provincial	Rem. of Lot 24A, Langalibalele Street, Pietermaritzburg	T1112/1986	S29 36.133 E30 22.722
10. Voortrekker House Museum, 333 Boom Street (Cnr Claybourne), <b>Pietermaritzburg</b>	Provincial	Rem. of sub. 2 of D of 333 Boom Street, Pietermaritzburg	T9014/1975	S29 35.766 E30 22.679
11. Russell High School, 127 Hoosen Haffajee Street (Cnr Peter Kerchoff), <b>Pietermaritzburg</b>	Provincial	Erf 13; Lots 2, 3, 4 and Rem. of Erf 14; and Rem. of Erf 15, Hoosen Haffajee Street, Pietermaritzburg (now Erf 2213, 2214 and Portions 2215)	T1117/1910 T455/1910	S29 36.156 E30 22.297
12. Old YMCA Building, 195 Langalibalele Street, <b>Pietermaritzburg</b>	Provincial	Portion 2 of Erf 2519, Pietermaritzburg	T3979/1942	S29 36.282 E30 22.668
13. Natal Botanical Gardens (and Plane Tree Avenue), <b>Pietermaritzburg</b>	Provincial	(a) Rem. of Lot 212 and (b) Rem. of Sub. 26 of Exchange of the Ordinance Land, City of Pietermaritzburg	T18945/1970	S29 36.268 E30 20.874
14. Girls' High School, Alexander Road, <b>Pietermaritzburg</b>	Provincial	Rem. of Sub. 6 of Lot 374, Pietermaritzburg	T4661/1966 T63551/2005	S29 37.602 E30 23.109

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15. Old Natal University Central Block, King Edward Avenue, <b>Pietermaritzburg</b>	Provincial	i) Lot Portion 20 of Erf 1913 ii) Portion 74 of Erf 1913 Pietermaritzburg	i) T920/1923 (T35521/2006) ii) T1865/1915 (T35523/2006)	S29 37.276 E30 23.744
16. Main Post Office, 232 Langalibalele Street, <b>Pietermaritzburg</b>	Provincial	Erven 2622 and 2623, City of Pietermaritzburg	T839/1899	S29 36.209 E30 22.759
17. Reid's Building, 214 Langalibalele Street (Cnr Club Lane), <b>Pietermaritzburg</b>	Heritage	Portion 13 of Erf 2621 (from Portion 4 (5 and 6) of Erf 2621) Pietermaritzburg	T14266/1996	S29 36.234 E30 22.733
18. Old Remedial Model Primary (Boys Model) School, 310 Jabu Ndlovu Street, <b>Pietermaritzburg</b>	Provincial	(i) Lot 2731 (ii) Sub. 2 of Lot 2730 and (iii) Sub. 3 of Lot 2730, City of Pietermaritzburg	T816/1864 T815/1864  T815/1864	S29 36.121 E30 23.012
19. Town Hill Hospital, Town Bush Road (Cnr Hyslop), <b>Pietermaritzburg</b> : Old Main Administration) and Old North Park Buildings	Provincial	"... certain piece of land known as Kingsbury" (now known as Erf 1860), Pietermaritzburg	T1585/1916	S29 35.404 E30 22.288
20. Old Pentrich Railway Station, Woods Road, <b>Pietermaritzburg</b>	Provincial	Rem. of Sub.1 of Lot 198, Pietermaritzburg	T2741/1905	S29 38.109 E30 22.443
21. Scottsville Primary School, King Edward Avenue, <b>Pietermaritzburg</b>	Provincial	Erf 1353 Pietermaritzburg	T11748/1970	S29 36.899 E30 23.964
22. Old Harward Boys School, Havelock Road, <b>Pietermaritzburg</b>	Provincial	Sub. D of Outspan No. 3 of Pietermaritzburg	T3959/2004	S29 36.549 E30 22.031
23. Pietermaritzburg Central (Loop) Street Police Station, Jabu Ndlovu Street (Cnr Murray), <b>Pietermaritzburg</b>	Provincial	Erf 2623, Pietermaritzburg	T839/1899	S29 36.276 E30 22.808
24. Alexandra Road Police	Provincial	(i) Sub. 5 of 1 of Lot 25,	T38/1888	S29 37.161 E30 23.203

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Station, Alexandra (Cnr Lindup) Road, <b>Pietermaritzburg</b>		(ii) Sub. 13 of 11 of Lot 25, and (iii) Rem. of 11 of Lot 25, Pietermaritzburg	T28/1897 T680/1906	
25. Fort Napier, Devonshire Road, Pietermaritzburg: Officers' Mess	Provincial	...situated on Rem. of Erf 3127 Pietermaritzburg	T7095/1944	S29 36.887 E30 21.998
26 Fort Napier, Devonshire Road, Pietermaritzburg: St George's Garrison Church	Provincial	... situated on Rem. of Erf 3127 Pietermaritzburg	T7095/1944	S29 36.881 E30 22.176
27. Fort Napier, Devonshire Road, Pietermaritzburg: Historic Core	Provincial	Rem. of Erf 3127 Pietermaritzburg	T7095/1944	S29 36.887 E30 21.998
28. Colonial Building, Old Umgeni Magistrate's Court and Old Police Quarters, 241 Church Street (240 - 244 Pietermaritz and 122 Commercial Road), <b>Pietermaritzburg</b>	Provincial	Sub. 1 of Lot 2424 Pietermaritzburg	T281/1866	S29 36.115 E30 22.710
29. Old State Veterinary Laboratory: Allerton Laboratories, 458 Town Bush Road, <b>Pietermaritzburg</b>	Provincial	Rem. of Erf 13, Pietermaritzburg	T1742/1897	S29 34.527 E30 21.425
30. Tatham Art Gallery and Adjacent Gardens, Chief Albert Luthuli Road, <b>Pietermaritzburg</b>	Provincial	Sub. 1 of Lot 2569 Pietermaritzburg	T1112/1986	S29 36.139 E30 22.762
31. Old Supreme Court, College Road, <b>Pietermaritzburg</b>	Provincial	Sub. 7 of Lot 80, Pietermaritzburg	T5055/1993	S29 37.093 E30 22.848
32. Old Merchiston School Boarding Hostel, 231 Prince Alfred Street, <b>Pietermaritzburg</b>	Provincial	Erven 2778 and 2779 Pietermaritzburg	T148/1913	S29 36.360 E30 23.028

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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33. Old St Mary's Anglican Church, Chief Albert Luthuli Road, <b>Pietermaritzburg</b> (Old Grey's Chapel)	Provincial	(a) Lot 80, Burger Street, Pietermaritzburg	T1112/167	S29 36.310 E30 22.964
34. Macrorie House, 11 Jabu Ndlovu Street (Cnr Pine), <b>Pietermaritzburg</b>	Heritage	Erf 2780 Pietermaritzburg	T1112/1067	S29 36.698 E30 22.304
35. Italian P.O.W. Church, Epworth Road, <b>Pietermaritzburg</b>	Heritage	Lot 1779 Pietermaritzburg	T11746/1998	S29 38.159 E30 24.710
36. Christian Science Church, 204 Peter Kerchoff Street (Cnr Jabu Ndlovu), <b>Pietermaritzburg</b>	Heritage	Sub. 2 of Lot 15, Burger Street, Pietermaritzburg	T4448/1946	S29 36.445 E30 22.641
37. Overpark, 122 Jabu Ndlovu Street, <b>Pietermaritzburg</b>	Heritage	Portion 1 of Erf 3014 Pietermaritzburg	T18611/1998	S29 36.475 E30 22.602
38. Sans Souci, 65 Trelawney Road, <b>Pietermaritzburg</b>	Heritage	Sub. 1 of Lot 1772, Pietermaritzburg	T66887/2004	S29 38.180 E30 22.791
39. Wayland, 149 Pietermaritz Street, <b>Pietermaritzburg</b>	Heritage	Sub. 5 (of Sub. 1) of Erf 2314 Pietermaritzburg	T38463/2002	S29 36.237 E30 22.423
40. Butine House, 151 Pietermaritz Street, <b>Pietermaritzburg</b>	Heritage	(a) Portion 6 of Erf 2314 <u>and</u> (b) Portion 7 of Erf 2315 Pietermaritzburg	T8694/2002	S29 36.234 E30 22.426
41. Marian Villa, 282 Alexandra Road, <b>Pietermaritzburg</b>	Heritage	Portion 11 of Erf 1232, Pietermaritzburg	T29733/1993	S29 37.769 E30 23.036
42. Old Satya Vardhak Sabha Crematorium, Cremorne Cemetery, <b>Pietermaritzburg</b>	Heritage	Portion of Rem. of Townlands of Pietermaritzburg	Grant No. 1687/ 1877	S29 34.480 E30 24.023
43. 238 Boom Street, Central, <b>Pietermaritzburg</b>	Heritage	Erf 2269 Pietermaritzburg	T19918/2005	S29 35.906 E30 22.510



<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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44. Conservatoire de Hammerstein, 141 Alexandra Road, <b>Pietermaritzburg</b>	Heritage	Rem. of Erf 904 Pietermaritzburg	(part of) S.S. 293 of '94 D264 (Sectional title)	S29 37.267 E30 23.191
45. Norfolk Villa, 196 Jabu Ndlovu Street, <b>Pietermaritzburg</b>	Heritage	Sub. 3 (of 2) of Lot 2719 Pietermaritzburg	T28006/1992	S29 36.345 E30 22.743
46. Dorchester House, 190 Jabu Ndlovu Street, <b>Pietermaritzburg</b>	Heritage	Sub. 5 of Lot 2519 Pietermaritzburg	T1169/1986	S29 36.346 E30 22.741

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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**MEMORANDUM  
ON THE OBJECTS  
OF THE  
KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE BILL, 2016**

### 1. BACKGROUND

This Act gives effect to the vision of amalgamating *Amafa aKwaZulu-Natali* with the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier so as to establish a statutory Institute to conduct both basic and applied research to generate relevant knowledge and contribute solutions to challenges within the field of heritage within the Province and to manage and conserve heritage resources in KwaZulu-Natal.

The Bill also determines the objects and functions of such Institute and the manner in which it is to be managed, governed, staffed, and financed.

The Bill seeks to eliminate the practical problems that were encountered with the implementation of the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008), and to validate actions taken and functions performed without the regulations having been published by the Member of the Executive Council as envisaged in the Act.

### 2. CLAUSE BY CLAUSE EXPLANATION

In summary the Bill provides as follows:

**Clause 1:**

Clause 1 seeks to define words that are used in the Act, with the view to restrict or extend the meaning of those terms. In terms of this clause, those words to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act No. 25 of 1999), will bear that meaning. This creates synergy and consistency between this Act and the National Heritage Resources Act.

**Clause 2:**

Clause 2 provides for the application of this Act, and further leaves room for the application of the National Act, should the provisions of this Act not apply.

**Clause 3:**

This clause places the responsibility to uphold the general principles referred to in Part 1 Chapter 1 of the National Act, on the responsible Member of the Executive Council

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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and the Institute. It also requires the responsible Member of the Executive Council to determine Provincial heritage policy and programmes.

**Clause 4:**

Clause 4 seeks to give effect to provisions of Chapter 3 of the Constitution, by requiring the responsible Member of the Executive Council and the Institute, to endeavour to regulate heritage matters within the framework of national policy and programmes.

**Clause 5:**

Clause 5 establishes a statutory body to be known as the KwaZulu-Natal Amafa and Research Institute, which can sue or be sued in its own name. In terms of this clause the KwaZulu-Natal Amafa and Research Institute is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), and is the accounting authority in terms thereof.

**Clause 6:**

Clause 6 provides for the objects of the Institute which include, amongst other things, the conducting of research to address challenges and seek solutions to better the lives of persons in the Province, the dissemination of knowledge and solutions generated by research to identified organisations, communities or persons, the identification, conservation and protection of the physical heritage resources of the Province.

**Clause 7:**

Clause 7 provides for the powers and functions of the Institute. It is important to note that the functions of the Institute are not limited to those provided for in this Act, but also include powers and functions imposed on Provincial Heritage resources authorities in terms of the National Act.

**Clause 8:**

Clause 8 provides that the Institute keeps proper financial records and submits these to the Auditor General for auditing and to Provincial Treasury and the responsible Member of the Executive Council for submission to the Provincial Legislature.

**Clause 9:**

Clause 9 provides for the type of persons who are eligible for nomination and appointment as members of the Institute. The clause further provides for the

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State Law Advisor
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appointment of a selection panel by the responsible Member of the Executive Council, to scrutinise the nominations received in terms of clause 11(1).

**Clause 10:**

This clause provides for the term of office of members of the Institute. This clause must be read with the transitional arrangements provided for in section 62.

**Clause 11:**

Clause 11 requires the responsible Member of the Executive Council, using a method designed to reach the greatest number of residents in the Province, to invite nominations for the Institute.

**Clause 12:**

Clause 12 provides for the declaration of financial or other interests by persons nominated for appointment as members of the Institute. The declaration of these interests is ongoing and the responsible Member of the Executive Council must keep a register of these declared interests.

**Clause 13:**

In terms of this clause, failure to declare interests envisaged in Clause 12 constitutes an offence, and the responsible Member of the Executive Council must take appropriate disciplinary action against the perpetrator.

**Clause 14:**

This clause requires a member of the Institute who has an interest in the matter, whether direct or indirect, to recuse himself or herself where that matter is being discussed.

**Clause 15:**

Clause 15 provides for vacancies that arise as a result of a disqualification, failure to attend consecutive meetings without permission, or dismissal from office. It also sets out that a notice period is required in the event that a member of the Institute were to resign before the expiry of his or her term.

**Clause 16:**

Clause 16 provides for meetings and procedures of such meetings of the Institute. In terms of this clause, the Institute may also invite members of the staff of the Institute to these meetings, as the Institute deems necessary.

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**Clause 17:**

In terms of this clause the Institute may establish a committee or committees to assist the Institute in the performance of its duties. These committees operate within the scope determined by the Institute.

**Clause 18:**

In terms of this clause, the staff of the Institute, designated by the Chief Executive Officer, must provide secretarial and administrative support to the Institute and its committees.

**Clause 19:**

Clause 19 provides for the remuneration of members of the Institute and reimbursement for expenses incurred by members of the Institute and its envisaged committees.

**Clause 20:**

Clause 20 provides for the appointment of the Chief Executive Officer who must also sign a performance agreement with the Institute.

**Clause 21:**

Clause 21 provides for the functions of the Chief Executive Officer.

**Clause 22:**

Clause 22 provides for the appointment of staff of the Institute by the Chief Executive Officer.

**Clause 23:**

In terms of this clause, the Institute may second or transfer staff from the Public Service to the Institute. It also deals with the secondment of staff from the Chief Directorate: Heritage in the Office of the Premier. The reason that staff from the Chief Directorate are seconded and not transferred, as is the case with staff of the *Amafa aKwaZulu-Natali* Heritage Council, is that these staff are public servants and to transfer them to an independent entity, such as the Institute, may be prejudicial to them as time goes by in that their benefits and terms of conditions of employment may be negotiated differently. It is far simpler to transfer the staff of the *Amafa aKwaZulu-Natali* Heritage Council which is an entity separate from the Public Service and to retain their benefits when the transfer happens. As and when the Institute employs new staff after it is established their terms

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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and conditions will be determined separately by the Institute. By natural attrition over time all staff of the Institute will have the same terms and conditions.

**Clause 24:**

Clause 24 provides for what constitutes sources of the funds of the Institute. In terms of this clause, the Chief Executive Officer must, with the concurrence of the Member of the Executive Council responsible for finance and the Institute, open a bank account for the Institute.

**Clause 25:**

Clause 25 requires that the Institute must be audited and must report in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

**Clause 26:**

Clause 26 gives the Institute power to acquire, hold or dispose of immovable property.

**Clause 27:**

Clause 27 provides that, for purposes of legal proceedings against the Institute, the provisions of the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002), apply to the Institute.

**Clause 28:**

Clause 28 seeks to prevent persons from disclosing confidential information about the Institute, unless such disclosure is in terms of the law or court order.

**Clause 29:**

Clause 29 seeks to prevent the unauthorised use of the name, acronym, logos, designs or material used or owned by the Institute.

**Clause 30:**

Clause 30 establishes the Amafa and Research Forum.

**Clause 31:**

Clause 31 provides for the objects of the Forum.

**Clause 32:**

Clause 32 provides for the composition and membership of the Forum.

<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
-------------------

**Clause 33:**

Clause 33 provides for procedures of the meetings of the Forum.

**Clause 34:**

Clause 34 provides that the Forum may advise the Institute and make recommendations to the Institute, and must report to the Institute on the meetings and activities of the Forum.

**Clause 35:**

Clause 35 describes the rights and obligations of the members of the Forum.

**Clause 36:**

Clause 36 provides for the frequency and procedure at meetings of the Forum.

**Clause 37:**

Clause 37 seeks to give general protection, against the demolition or alteration, of structures which may reasonably be expected to be older than 60 years. Approval of the Institute must first be sought before such demolition or alteration is carried out.

**Clause 38:**

Clause 38 seeks to generally protect, against damage or alteration, graves of victims of conflict. Approval of the Institute must first be sought.

**Clause 39:**

Clause 39 seeks to generally protect informal and private burial grounds.

**Clause 40:**

Clause 40 seeks to generally protect battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorites or meteorite impact sites.

**Clause 41:**

Clause 41 deals with heritage resource management and sets out criteria for the development of heritage resources and the role of the Institute in the process.

**Clause 42:**

<b>CERTIFIED:</b> 11 January 2016
-----------------------------------

State Law Advisor
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This clause provides that the Institute may, with the consent of the owner of an area, designate protected areas surrounding provincial heritage sites or archaeological, paleontological sites or meteorites and allows local authorities to make provision for the management of such areas.

**Clause 43:**

This clause sets out that specially protected heritage resources are listed in Schedule 2 and that the responsible Member of the Executive Council may amend the schedule by notice in the *Gazette*.

**Clause 44:**

This clause gives special protection to sites on which Heritage Landmark status has been conferred by the Institute, as well as to those sites which, in the opinion of the Institute, constitute important elements of the heritage of the Province, but which are owned by the Provincial Government or a local authority. The clause also requires the Institute to advise the registrar of deeds of the special protection extended.

**Clause 45:**

This clause gives special protection to sites on which Provincial Landmark status has been conferred by the Institute, as well as to those sites which, in the opinion of the Institute, constitute important elements of the heritage of the Province, but which are owned by the Provincial Government or a local authority. The clause also requires the Institute to advise the registrar of deeds of the special protection extended.

**Clause 46:**

Clause 46 seeks to give special protection to graves of members of the Royal Family listed in Schedule 2.

**Clause 47:**

Clause 47 seeks to give special protection to battlefields, public monuments and memorials listed in Schedule 2.

**Clause 48:**

Clause 48 provides for the establishment and maintenance, by the Institute, of the register of all sites on which Heritage Landmark status and Provincial Landmark status have been conferred.



<b>CERTIFIED:</b> 11 January 2016
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State Law Advisor
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**Clause 49:**

This clause gives special protection to sites on which Heritage Object status has been conferred by the Institute, as well as to those objects which, in the opinion of the Institute, constitute important elements of the heritage of the Province, but which are not owned by the Provincial Government or a local authority.

**Clause 50:**

Clause 50 provides for the establishment and maintenance, by the Institute, of the register of all objects on which Heritage Object status have been conferred.

**Clause 51:**

Clause 51 gives the Institute the power to determine, by notice in the *Gazette*, criteria for best practice, standards, norms and conditions on heritage resources.

**Clause 52:**

Clause 52 seeks to give the Institute the power to enter into agreements with third parties.

**Clause 53:**

This clause seeks to give the responsible Member of the Executive Council power to expropriate a Heritage Landmark site if he or she deems it necessary.

**Clause 54:**

Clause 54 seeks to compel municipalities to consult with the Institute where a municipal by-law or draft regulation has a bearing on heritage matters.

**Clause 55:**

Clause 55 seeks to give the Institute power to appoint honorary heritage inspectors.

**Clause 56:**

Clause 56 criminalises certain conduct by members of the Institute and private individuals.

**Clause 57:**

Clause 57 provides for penalties for persons found guilty of contravening this Act.

**Clause 58:**

<b>CERTIFIED:</b> 11 January 2016
-----------------------------------

State Law Advisor
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Clause 58 gives the responsible Member of the Executive Council power to make regulations.

**Clause 59:**

Clause 59 gives persons who are dissatisfied with the decisions of the Institute power to appeal against such decisions.

**Clause 60:**

Clause 60 provides for delegation of power by the responsible Member of the Executive Council to the Head of Department, by the Institute to the Chief Executive Officer and by the Chief Executive Officer to staff of the Institute except duties relating to the functions of an accounting officer.

**Clause 61:**

Clause 61 seeks to repeal the current KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008).

**Clause 62:**

Clause 62 provides for transitional arrangements and also validates certain actions by the responsible Member of the Executive Council, the *Amafa aKwaZulu-Natali* Heritage Council or its officers or members of staff without any procedure, process, requirement, condition or detail referred to in the repealed Act not having been determined or prescribed by regulation, as well as making provision for the consequences of the amalgamation.

**Clause 63:**

Clause 63 provides for the short title of the Act.

### 3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The Institute, as the product of the amalgamation of the *Amafa aKwaZulu-Natali* Heritage Council and the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier, will comprise of staff transferred or seconded from both. Whereas a research component is being introduced, the organogram drafted of the new entity provides for a number of newly created posts that will have to be filled. These issues will have to be dealt with comprehensively.

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State Law Advisor

#### 4. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

Staff of both the *Amafa aKwaZulu-Natali* Heritage Council and the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier.

#### 5. FINANCIAL IMPLICATIONS

The estimated annual cost of the Institute for the financial year 2016/ 2017, including research (both basic and applied), knowledge management and publications, heritage services and staff are:

Heritage Services: R24 130 000-00

Research costs: R14 120 000-00

Staff costs: R53 371 000-00

Contingency @ 5.23%: R4 800 074-00

Total: R96 421 074-00

This compares with the current costing of both the Chief Directorate: Heritage within the KwaZulu-Natal Office of the Premier and the *Amafa aKwaZulu-Natali* Heritage Council of approximately R67 000 000-00 which, therefore, reflects a difference of approximately R29 000 000-00.

The estimate for the 2016/ 2017 financial year is calculated on a full staff complement as per the organogram prepared for the Institute. It is not anticipated that a full staff compliment will be attained for some time after the establishment of the Institute.

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**CERTIFIED:** 11 January 2016

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