

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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Extraordinary**

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Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

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IZIQLATHO

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following draft regulations are published for comment:

Die volgende konsepregulasies word vir kommentaar gepubliseer:

Esi saziso silandelayo sipapashelwe ukunika izimvo:

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Any person or organisation wishing to comment on the draft regulations is requested to submit the comments in writing before or on 15 May 2019—

Enige persoon of organisasie wat kommentaar op die konsepregulasies wil lewer, word versoek om die kommentaar skriftelik te lewer voor of op 15 Mei 2019—

Nawuphi na umntu okanye umbutho onqwenela ukunika izimvo ngeMigaqo equlunqwayo uyacelwa ukuba afake izimvo sakhe ngembalelwano phambi okanye ngomhla we-15 kuCanzibe 2019—

- (a) by posting it to:
The Chief Executive Officer
Heritage Western Cape
Private Bag X9067
Cape Town 8000;
- (b) by hand delivery to:
The Chief Executive Officer
Heritage Western Cape
3rd Floor, Protea Assurance Building
Green Market Square
Cape Town 8001; or
- (c) by emailing it to:
Penelope.Meyer@westerncape.gov.za.

- (a) deur dit te pos aan:
Die Hoof- Uitvoerende Beampte
Erfenis Wes-Kaap
Privaat Sak X9067
Kaapstad 8000;
- (b) deur dit per hand af te lewer aan:
Die Hoof- Uitvoerende Beampte
Erfenis Wes-Kaap
3de Vloer, Protea Assuransie-gebou
Groentemarkplein
Kaapstad 8001; of
- (c) deur dit per e-pos te stuur na:
Penelope.Meyer@westerncape.gov.za.

- (a) Ngokuziposela:
Igosa leSigqeba eliyiNtloko
Heritage Western Cape
Private Bag X9067
Cape Town 8000
- (b) Ngokuzizisa ngokwakho:
Igosa leSigqeba eliyiNtloko
Heritage Western Cape
3rd Floor, Protea Assurance Building
Green Market Square
Cape Town 8001
- (c) Ngokuzi-imeyilela ku:
Penelope.Meyer@westerncape.gov.za.

For attention: Ms Penelope Meyer

Vir aandag: Me. Penelope Meyer

Iya ku-Penelope Meyer

PROVINCIAL NOTICES

The following Provincial Notices are published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

IZAZISO ZEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika izimvo.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 49/2019

12 April 2019

**DRAFT REGULATIONS RELATING TO THE CONSULTATION PROCESS FOR LISTING
HERITAGE RESOURCES IN THE HERITAGE REGISTER AND FOR THE
DESIGNATION OF HERITAGE AREAS BY HERITAGE WESTERN CAPE, 2019**

Heritage Western Cape, under section 25(2)(h) of the National Heritage Resources Act, 1999 (Act 25 of 1999), intends to make the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations a word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act 25 of 1999), bears the same meaning and, unless the context indicates otherwise—

“**conservation body**” means an organisation registered as a conservation body in terms of the regulations made by Heritage Western Cape under Provincial Notice 298/2003, dated 29 August 2003;

“**heritage area**” means an area or land contemplated in section 31 of the Act;

“**Heritage Western Cape**” means the provincial heritage resources authority established by the Provincial Minister under section 23 of the Act by Provincial Notice 336/2002, dated 25 October 2002;

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the MEC as defined in the Act;

“**the Act**” means the National Heritage Resources Act, 1999 (Act 25 of 1999).

Consultation with affected communities regarding listing of heritage resources in heritage register by Heritage Western Cape

2. (1) If Heritage Western Cape proposes the listing of a heritage resource in the heritage register of the Province, it must consult any affected community by publishing a notice in—

(a) the *Provincial Gazette*; and

(b) at least one other newspaper in general circulation in the Province or, if the heritage resource proposed for inclusion in the heritage register affects only a specific area, in at least one newspaper distributed in that area,

regarding the proposed listing of the heritage resource in the heritage register and the details of any proposed provisions to be established under section 30(11) of the Act for the protection of the heritage resource.

(2) The notice contemplated in subregulation (1) must request comments in writing regarding the proposed listing of the heritage resource in the heritage register and the proposed provisions to be established under section 30(11) of the Act for the protection of the heritage resource, by a date indicated in the notice, which date may not be less than 30 days after the publication of the notice.

(3) In addition to a notice contemplated in subregulation (1), Heritage Western Cape may publish the notice in any other media it regards necessary.

(4) A notice contemplated in subregulation (1) must—

- (a) be published in all three official languages of the Province; and
- (b) specify that the details of the heritage resource proposed for inclusion in the heritage register are available for inspection—
 - (i) on the official website of Heritage Western Cape;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape specifies in the notice.

(5) Heritage Western Cape must ensure that the details of the heritage resource as contemplated in subregulation (4)(b) and the details of any proposed provisions for the protection of the heritage resource as contemplated in section 30(11) of the Act are made available for inspection.

(6) If Heritage Western Cape proposes an amendment or a deletion of an entry in the heritage register, the process contemplated in subregulations (1), (2), (3), (4) and (5), with the necessary changes, must be followed.

Consultation regarding designation of heritage area by Heritage Western Cape

3. (1) If Heritage Western Cape proposes the designation of a heritage area, it must consult—

- (a) any affected community by publishing a notice in—
 - (i) the *Provincial Gazette*; and
 - (ii) at least one other newspaper in general circulation in the Province or, if the proposed heritage area affects only a specific area, in at least one newspaper distributed in that area; and
- (b) the owners of property in the proposed heritage area by notifying them in writing by—
 - (i) registered post to the postal address of the owners;
 - (ii) electronic mail to the electronic mail address of the owners, where available;
 - (iii) physical hand-delivery to the owners, where practicable; or
 - (iv) any other manner it regards appropriate,

regarding the proposed designation of the heritage area and the details of any proposed provisions to be established under section 31(7) of the Act for the protection of the heritage area.

(2) The formal written notification contemplated in subregulation (1) must request comments in writing regarding the proposed designation of the heritage area and the proposed provisions to be established under section 31(7) of the Act for the protection of the heritage area, by a date indicated in the notification, which date may not be less than 30 days after the publication of the notice.

(3) In addition to a notice contemplated in subregulation (1)(a), Heritage Western Cape may publish the notice in any other media it regards necessary.

(4) A formal written notification contemplated in subregulation (1)(a) and (b) must—

- (a) be in all three official languages of the Province; and
- (b) specify that the details of the proposed heritage area are available for inspection—
 - (i) on the official website of Heritage Western Cape;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape specifies in the notice.

(5) Heritage Western Cape must ensure that the details of the proposed heritage area as contemplated in subregulation (4)(b) and the details of any proposed provisions for the protection of the heritage area as contemplated in section 31(7) of the Act are made available for inspection.

(6) If Heritage Western Cape proposes an amendment or withdrawal of the designation of a heritage area, the process contemplated in subregulations (1), (2), (3), (4) and (5), with the necessary changes, must be followed.

(7) A local authority must provide Heritage Western Cape with all reasonable assistance and information required to enable Heritage Western Cape to fulfil its duties in terms of this regulation.

Assistance with transcribing comments

4. Any person who cannot write may, during office hours and before the date contemplated in regulations 2(2) and 3(2), request an employee at the offices of Heritage Western Cape to provide reasonable assistance to that person by transcribing that person's comments.

Consultation with local authority

5. Before Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must consult the relevant local authority to consider the details of any proposed provisions for the protection of—

- (a) the heritage resource proposed for listing in the heritage register, as contemplated in section 30(11) of the Act; or
- (b) the heritage area proposed for designation, as contemplated in section 31(7) of the Act, with due regard to section 24(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Consultation

6. When Heritage Western Cape is required to consult any person as contemplated in regulation 2 or 3, such consultation is regarded as having been satisfied if a formal written notification contemplated in the relevant regulation has been given to that person, whether or not a response was received by the date specified in the notification.

Notice to conservation bodies

7. When Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must notify any affected conservation body by sending a notice by—

- (a) registered post to the postal address of the conservation body; and
- (b) electronic mail to the electronic mail address of the conservation body, where available, of the availability for inspection and comment of the details of—
 - (i) the heritage resource proposed for inclusion in the heritage register, as contemplated in regulation 2; or
 - (ii) the proposed heritage area, as contemplated in regulation 3.

Consideration of comments

8. When Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must—

- (a) give due consideration to all comments, representations or objections received before it—
 - (i) includes a heritage resource in the heritage register; or
 - (ii) designates a heritage area; and
- (b) keep a written record of the decision taken and the reasons for the decision, which record must be made available to interested and affected parties on request.

Appeal

9. A person wishing to appeal against—

- (a) the inclusion of a heritage resource by Heritage Western Cape in the heritage register; or
 - (b) the designation by Heritage Western Cape of a heritage area,
- must lodge the appeal in terms of section 49 of the Act.

Short title

10. These regulations are called the Regulations Relating to the Consultation Process for Listing Heritage Resources in the Heritage Register and for the Designation of Heritage Areas by Heritage Western Cape, 2019.

PROVINSIALE KENNISGEWING

P.K. 49/2019

12 April 2019

**KONSEPREGULASIES RAKENDE DIE OORLEGPLEGINGSPROSES VIR DIE OPNAME
VAN ERFENISHULPBRONNE IN DIE ERFENISREGISTER EN VIR DIE AANWYSING
VAN ERFENISGEBIEDE DEUR ERFENIS WES-KAAP, 2019**

Erfenis Wes-Kaap is van voorneme om, kragtens artikel 25(2)(h) van die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), 'n betekenis geheg is, dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“**bewaringsliggaam**” ’n organisasie wat as ’n bewaringsliggaam geregistreer is ingevolge die regulasies gemaak deur Erfenis Wes-Kaap onder Provinsiale Kennisgewing 298/2003, gedateer 29 Augustus 2003;

“**die Wet**” die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);

“**erfenisgebied**” ’n gebied of grond beoog in artikel 31 van die Wet;

“**Erfenis Wes-Kaap**” die provinsiale erfenishulpbronne-owerheid ingestel deur die Provinsiale Minister kragtens artikel 23 van die Wet by Provinsiale Kennisgewing 336/2002, gedateer 25 Oktober 2002;

“**Provinsiale Minister**” die LUR soos omskryf in die Wet;

“**Provinsie**” die Provinsie Wes-Kaap.

Oorlegpleging met geraakte gemeenskappe rakende opname van erfenishulpbronne in erfenisregister deur Erfenis Wes-Kaap

2. (1) Indien Erfenis Wes-Kaap die opname van ’n erfenishulpbron in die erfenisregister van die Provinsie voorstel, moet hy met enige geraakte gemeenskap oorleg pleeg deur ’n kennisgewing te publiseer in—

(a) die *Provinsiale Koerant*; en

(b) minstens een ander koerant in algemene omloop in die Provinsie of, indien die erfenishulpbron wat voorgestel word vir insluiting in die erfenisregister slegs ’n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word,

rakende die voorgestelde opname van die erfenishulpbron in die erfenisregister en die besonderhede van enige voorgestelde bepalings wat kragtens artikel 30(11) van die Wet vir die beskerming van die erfenishulpbron ingestel staan te word.

(2) Die kennisgewing beoog in subregulasie (1) moet skriftelike kommentaar aanvra rakende die voorgestelde opname van die erfenishulpbron in die erfenisregister en die voorgestelde bepalings wat kragtens artikel 30(11) van die Wet vir die beskerming van die erfenishulpbron ingestel staan te word, teen ’n datum vermeld in die kennisgewing, welke datum nie minder as 30 dae ná die publikasie van die kennisgewing mag wees nie.

(3) Benewens ’n kennisgewing beoog in subregulasie (1) kan Erfenis Wes-Kaap die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(4) 'n Kennisgewing beoog in subregulasie (1) moet—

- (a) in al drie amptelike tale van die Provinsie gepubliseer word; en
- (b) vermeld dat die besonderhede van die erfenishulpbron wat vir insluiting in die erfenisregister voorgestel word, vir insae beskikbaar is—
 - (i) op die amptelike webwerf van Erfenis Wes-Kaap;
 - (ii) by die kantore van Erfenis Wes-Kaap; en
 - (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.

(5) Erfenis Wes-Kaap moet toesien dat die besonderhede van die erfenishulpbron soos beoog in subregulasie (4)(b) en die besonderhede van enige voorgestelde bepalinge vir die beskerming van die erfenishulpbron soos beoog in artikel 30(11) van die Wet vir insae beskikbaar gestel word.

(6) Indien Erfenis Wes-Kaap 'n wysiging of 'n skraping van 'n inskrywing in die erfenisregister voorstel, moet die proses beoog in subregulasies (1), (2), (3), (4) en (5), met die nodige veranderinge, gevolg word.

Oorlegpleging rakende aanwysing van erfenisgebied deur Erfenis Wes-Kaap

3. (1) Indien Erfenis Wes-Kaap die aanwysing van 'n erfenisgebied voorstel, moet hy oorleg pleeg met—

- (a) enige geraakte gemeenskap deur 'n kennisgewing te publiseer in—
 - (i) die *Provinsiale Koerant*; en
 - (ii) in minstens een ander koerant in algemene omloop in die Provinsie of, indien die voorgestelde erfenisgebied slegs 'n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word; en
- (b) die eienaars van grond in die voorgestelde erfenisgebied deur hulle skriftelik in kennis te stel—
 - (i) per geregistreerde pos na die posadres van die eienaars;
 - (ii) per elektroniese pos na die elektroniese posadres van die eienaars, waar beskikbaar;
 - (iii) per handaflewering aan die eienaars, waar doenlik; of
 - (iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde aanwysing van die erfenisgebied en die besonderhede van enige voorgestelde bepalinge wat kragtens artikel 31(7) van die Wet vir die beskerming van die erfenisgebied ingestel staan te word.

(2) Die formele skriftelike kennisgewing beoog in subregulasie (1) moet skriftelike kommentaar aanvra rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepalinge wat kragtens artikel 31(7) van die Wet vir die beskerming van die erfenisgebied ingestel staan te word, teen 'n datum vermeld in die kennisgewing, welke datum nie minder as 30 dae ná die publikasie van die kennisgewing mag wees nie.

(3) Benewens 'n kennisgewing beoog in subregulasie (1)(a) kan Erfenis Wes-Kaap die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(4) 'n Formele skriftelike kennisgewing beoog in subregulasie (1)(a) en (b) moet—

- (a) in al drie amptelike tale van die Provinsie wees; en
- (b) vermeld dat die besonderhede van die voorgestelde erfenisgebied vir insae beskikbaar is—
 - (i) op die amptelike webwerf van Erfenis Wes-Kaap;
 - (ii) by die kantore van Erfenis Wes-Kaap; en
 - (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.

(5) Erfenis Wes-Kaap moet toesien dat die besonderhede van die voorgestelde erfenisgebied soos beoog in subregulasie (4)(b) en die besonderhede van enige voorgestelde bepalinge vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet vir insae beskikbaar gestel word.

(6) Indien Erfenis Wes-Kaap 'n wysiging of intrekking van die aanwysing van 'n erfenisgebied voorstel, moet die proses beoog in subregulasies (1), (2), (3), (4) en (5), met die nodige veranderinge, gevolg word.

(7) 'n Plaaslike owerheid moet aan Erfenis Wes-Kaap alle redelike bystand en benodigde inligting verskaf om Erfenis Wes-Kaap in staat te stel om sy pligte ingevolge hierdie regulasie na te kom.

Bystand met transkripsie van kommentaar

4. Enige persoon wat nie kan skryf nie, kan, gedurende kantoorure en voor die datum beoog in regulasies 2(2) en 3(2), 'n werknemer by die kantore van Erfenis Wes-Kaap vra om redelike bystand aan daardie persoon te verleen deur daardie persoon se kommentaar te transkribeer.

Oorlegpleging met plaaslike owerheid

5. Voordat Erfenis Wes-Kaap met enige geraakte gemeenskap oorleg pleeg soos beoog in regulasie 2 of met enige geraakte gemeenskap en eenaars oorleg pleeg soos beoog in regulasie 3, moet hy met die betrokke plaaslike owerheid oorleg pleeg om die besonderhede te oorweeg van enige voorgestelde bepalinge vir die beskerming van—

- (a) die erfenishulpbron wat vir opname in die erfenisregister voorgestel word, soos beoog in artikel 30(11) van die Wet; of
- (b) die erfenisgebied wat vir aanwysing voorgestel word, soos beoog in artikel 31(7) van die Wet,

met behoorlike inagneming van artikel 24(3) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

Oorlegpleging

6. Wanneer dit van Erfenis Wes-Kaap vereis word om met enige persoon soos beoog in regulasie 2 of 3 oorleg te pleeg, word sodanige oorlegpleging geag plaas te gevind het indien 'n formele kennisgewing beoog in die tersaaklike regulasie aan daardie persoon gegee is, ongeag of 'n antwoord teen die datum vermeld in die kennisgewing ontvang is.

Kennisgewing aan bewaringsliggame

7. Wanneer Erfenis Wes-Kaap met enige geraakte gemeenskap oorleg pleeg soos beoog in regulasie 2 of met enige geraakte gemeenskap en eenaars oorleg pleeg soos beoog in regulasie 3, moet hy enige geraakte bewaringsliggaam in kennis stel deur 'n kennisgewing te stuur per—

- (a) geregistreerde pos na die posadres van die bewaringsliggaam; en
- (b) elektroniese pos na die elektroniese posadres van die bewaringsliggaam, waar beskikbaar,

van die beskikbaarheid vir insae en kommentaar van die besonderhede van—

- (i) die erfenishulpbron wat vir insluiting in die erfenisregister voorgestel word, soos beoog in regulasie 2; of
- (ii) die voorgestelde erfenisgebied, soos beoog in regulasie 3.

Oorweging van kommentaar

8. Wanneer Erfenis Wes-Kaap met enige geraakte gemeenskap oorleg pleeg soos beoog in regulasie 2 of met enige geraakte gemeenskap en eienaars oorleg pleeg soos beoog in regulasie 3, moet hy—

- (a) alle kommentaar, verhoë of besware wat ontvang is, behoorlik oorweeg voordat hy—
 - (i) 'n erfenishulpbron in die erfenisregister opneem; of
 - (ii) 'n erfenisgebied aanwys; en
- (b) 'n skriftelike rekord van die besluit wat geneem is en die redes vir die besluit hou, welke rekord op versoek aan belanghebbende en geraakte partye beskikbaar gestel moet word.

Appèl

9. 'n Persoon wat wil appelleer teen—

- (a) die insluiting van 'n erfenishulpbron deur Erfenis Wes-Kaap in die erfenisregister; of
 - (b) die aanwysing deur Erfenis Wes-Kaap van 'n erfenisgebied,
- moet die appèl ingevolge artikel 49 van die Wet aanteken.

Kort titel

10. Hierdie regulasies heet die Regulasies Rakende die Oorlegplegingsproses vir die Opname van Erfenishulpbronne in die Erfenisregister en vir die Aanwysing van Erfenisgebiede deur Erfenis Wes-Kaap, 2019.

ISAZISO SEPHONDO

I.S. 49/2019

12 uTshazimpuzi 2019

**UQULUNQO LWEMIGAQO ENXULUMENE NENKQUBO YOKUCEBISANA
NGOKUBHALISWA KWIZINTO EZILILIFA LEMVELI KWIREJISTA YEZELIFA
LEMVELI NOKUMISELWA KWEENDAWO EZILILIFA LEMVELI LILIFA LEMVELI
LENTSHONA KOLONI, 2019**

ILifa leMveli leNtshona Koloni, phantsi kwecandelo 25(2)(h) lomthethi iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999), linenjongo yokwenza imigaqo echazwe kwiShedyuli.

ISHEDYULI

Iinkcazomagama

1. Kule migaqo igama okanye kule ngcaciso entsingiselo ikwi*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999), linentsingiselo ekwafanayo, ngaphandle kokuba kusingiswe kwenye into—

“**iqumrhu lolondolo**” lithetha umbutho obhalisiweyo njengequmrhu lolondolozo ngokwemigaqo eyenziwe liLifa leMveli leNtshona Koloni phantsi kweSaziso sePhondo 298/2003, somhla wama-29 kweyeThupha 2003;

“**indawo elilifa lemveli**” ithetha indawo okanye umhlaba ochazwe kwicandelo 31 loMthetho;

“**ILifa leMveli leNtshona Koloni**” lithetha izibonelelo zelifa lemveli lephondo ezisungulwe nguMphathiswa wePhondo phantsi kwecandelo 23 loMthetho ngeSaziso sePhondo 336/2002, somhla wama-25 kweyeDwarha 2002;

“**iPhondo**” lithetha iPhondo leNtshona Koloni;

“**uMphathiswa wePhondo**” uthetha uMEC njengoko kuchaziwe kuMthetho;

“**uMthetho**” uthetha uMthetho iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999).

Ukucebisana noluntu oluchaphazelekayo ngokubhekiselele nokubhaliswa kwezibonelelo kwirejista yezelifa lemveli liLifa leMveli leNtshona Koloni

2. (1) Ukuba iLifa leMveli leNtshona Koloni liphakamise ukuba makubhaliswe izinto ezililifa lemveli kwirejista yezelifa lemveli, kufuneka, ngesaziso—

(a) *kwiGazethi yePhondo*; kunye

(b) nakwelinye iphephandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile kuphela, kwiphephandaba elinye ubuncinane elifundwa ngabantu bendawo leyo,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkukacha zazo naziphi na izibonelelo eziza kusungulwa phantsi kwecandelo 30(11) loMthetho ukwenzela ukhuseleko lwendawo.

(2) Isaziso esichazwe kumgaqwana (1) kufuneka sicele izimvo ezibhaliweyo kumnikazi wendawo ngokubhekiselele kubhaliso oluphakanyisiweyo kwirejista yezelifa lemveli nobhaliso oluphakanyisiweyo nezibonelelo eziza kusungulwa phantsi kwecandelo 30(11) loMthetho ukwenzela ukhuseleko lwendawo, ngomhla uchazwe kupapasho, mhla lowo ekungamelanga ube nganeno kwiintsuku ezingama-30 emva kokupapashwa kwesaziso.

(3) Ukongeza kwisaziso esichazwe kumgaqwana (1), iLifa leMveli leNtshona Koloni lisenokupapasha isaziso nakweliphi na elinye ijelo lezosasazo elilibona lifanelekile.

(4) Isaziso esichazwe kumgaqwana (1) kufuneka—

- (a) sipapashwe ngazo zontathu iilwimi ezisemthethweni zePhondo; kwaye
- (b) sicacise ukuba ziyafumaneka iinkcukacha zendawo elilifa lemveli ephakanyisiweyo ukuze ihlolwe—
 - (i) kwiwebhusayithi esesikweni yezeLifa leMveli leNtshona Koloni;
 - (ii) kwii-ofisi zeLifa Lemveli leNtshoan Koloni; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso liLifa leMveli leNtshoan Koloni.

(5) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba ziyafumaneka iinkcukacha zezibonelelo zelifa lemveli eziphakanyiselwa njengoko kuchaziwe kumgaqwana (4)(b) kunye neenkukacha zawo nawaphi na amalungiselelo apha kanyisiweyo okhuseleko lwezibonelelo zelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho ukuze zihlolwe.

(6) Ukuba iLifa leMveli leNtshona Koloni liphakamisa ulungiso okanye ukurhoxiswa kokufakwa kwirejista yezelifa lemveli, inkqubo echazwe kumgaqwana (1), (2), (3), (4) no-(5), ngeenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukucebisana ngokubhekiselele ekumiselweni kwendawo elilifa lemveli liLifa leMveli leNtshona Koloni

3. (1) Ukuba iLifa leMveli leNtshona Koloni liphakamisa ukumiselwa kwendawo yezelifa lemveli kufuneka lidibane—

- (a) naluphi na uluntu oluchaphazelekayo ngokupapasha isaziso—
 - (i) *kwiGazethi yePhondo*; kunye
 - (ii) nakwiphephandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile, kwiphephandaba elinye ubuncinane elifundwa ngabantu bendawo leyo; kunye
- (b) nabanikazi bepropathi abakwindawo ephakanyisiweyo yelifa lemveli ngokubazisa ngembalelwano—
 - (i) ngeposi ebhalisiweyo kwidilesi yeposi yabanikazi;
 - (ii) ngeimeyili ayithumele kwidilesi yeimeyili yabanikazi, ukuba ikhona;
 - (iii) liyise ngesandla kubanikazi, ukuba kuyenzeka; okanye
 - (iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwindawo ephakanyisiweyo yelifa lemveli neenkukacha zazo naziphi na izibonelelo eziphakanyisiweyo eziza kusungulwa phantsi kwecandelo 31(7) loMthetho ukwenzela ukhuseleko lwendawo.

(2) Isaziso esibhaliweyo esisesikweni esichazwe kumgaqwana (1) kufuneka sicele izimvo ngembalelwano ngokubhekiselele ekumiselweni kwendawo yeelifa lemveli nezibonelelo eziphakanyisiweyo eziza kusungulwa phantsi kwecandelo 31(7) loMthetho ukwenzela ukhuseleko lwendawo yelifa lemveli, ngomhla uchazwe kupapasho, mhla lowo ekungamelanga ube nganeno kwiintsuku ezingama-30 emva kokupapashwa kwesaziso.

(3) Ukongeza kwisaziso esichazwe kumgaqwana (1)(a), iLifa leMveli leNtshona Koloni lisipapasha isaziso nakweliphi na ijelo lezosasazo elilibona lifanelekile.

- (4) Isaziso esibhaliweyo esisesikweni esichazwe kumgaqwana (1)(a) no-(b) kufuneka—
- (a) sibe ngazo zontathu iilwimi ezisemthethweni zePhondo; kwaye
 - (b) sicacise ukuba ziyafumaneka iinkcukacha zendawo elilifa lemveli ephakanyisiweyo ukuze ihlolwe—
 - (i) kwiwebhusayithi esesikweni yezeLifa leMveli leNtshona Koloni;
 - (ii) kwii-ofisi zeLifa Lemveli leNtshoan Koloni; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso liLifa leMveli leNtshoan Koloni.

(5) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba ziyafumaneka iinkcukacha zendawo ephakanyiselwa ukuba lilifa lemveli njengoko kuchaziwe kumgaqwana (4)(b) kunye neenkukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwendawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho ukuze zihlolwe.

(6) Ukuba iLifa leMveli leNtshona Koloni liphakamisa ulungiso okanye ukurhoxiswa kwendawo yezelifa lemveli, inkqubo echazwe kumgaqwana (1), (2), (3), (4) no-(5), engeenguqu ezifanelekileyo, kufuneka ilandelwe.

(7) Abasemagunyeni bengingqi kufuneka banike iLifa leMveli leNtshona Koloni lonke uncedo ngokunjalo neenkukacha ezifunekayo ukuze iLifa leMveli leNtshona Koloni likwazi ukuzalisekisa imisebenzi yalo ngokwalo mgaqo.

Ukuncediswa ekukhupheleni izimvo

4. Nawuphi na umntu ongakwaziyo ukubhala, ngexesha lokusebenza naphambi komhla ochazwe kumgaqwana 2(2)(b) no-3(2), angacela umsebenzi kwii-ofisi zeLifa leMveli leNtshona Koloni ukuba amncede ngokubhala kakuhle izimvo ezithethwa nguloo mntu.

Ukucebisana nabasemagunyeni bengingqi

5. Phambi kokuba iLifa leMveli leNtshona Koloni licebisane nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye licebisane nabo nabaphi na abanikazi njengoko kuchaziwe kumgaqo 3, kufuneka lidibane nabasemagunyeni bengingqi abafanelekileyo ukuqwalasela iinkcukacha zazo naziphi na izibonelelo eziphakanyisiweyo ukwenzela ukhuseleko—

- (a) lwesibonelelo selifa lemveli esiphakanyiselwa ukubhaliswa kwirejista yezelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho; okanye
- (b) indawo yelifa lemveli ephakanyiselwe ukumiswa njengoko kuchaziwe kwicandelo 31(7) loMthetho,

ngokuthathela ingqalelo icandelo 24(3) lomthetho *iLocal Government: Municipal Systems Act, 2000* (uMthetho 32 ka-2000).

Ukucebisana

6. Xa iLifa leMveli leNtshona Koloni kufuneka licebisane naye nawuphi umntu njengoko kuchaziwe kumgaqo 2 okanye 3, okokucebisana kuthathwa njengokonelisayo ukuba isaziso esibhaliweyo esisesikweni esichazwe nakowuphi na umgaqo kuleyo sinikwe loo mntu kwaye akukho mpendulo ifunyenweyo ngomhla ochazwe kwisaziso.

Isaziso esiya kumaqumrhu olondolozo

7. Xa iLifa leMveli leNtshona Koloni licebisana nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye xa licebisana nalo naluphi na uluntu oluchaphazelekayo kunye nabanikazi njengoko kuchaziwe kumgaqo 3, kufuneka lazise nalo naluphi na iqumrhu lolondolozo elichaphazelekayo ngokuthumela isaziso—

- (a) ngeposi ebhalisiweyo kwidilesi yeposi yequmrhu lolondolozo; kunye
- (b) nangeimeyili ayithumele kwidilesi yequmrhu lolondolozo, ukuba ikhona, ukwenzela ubukho balo ukuzokuhlola nangezimvo ezinxulumene—
 - (i) neenkukacha zendawo ephakanyisiweyo ukuze ibandakanywe kwirejista yezelifa lemveli, njengoko kuchaziwe kumgaqo 2; okanye
 - (ii) iinkukacha zendawo yezelifa lemveli ephakanyisiweyo njengoko kuchaziwe kumgaqo 3.

Ukuthathelwa ingqalelo kwezimvo

8. Xa iLifa leMveli leNtshona Koloni licebisana nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye xa licebisana nalo naluphi na uluntu kunye nabanikazi abachaphazelekayo njengoko kuchaziwe kumgaqo 3, kufuneka—

- (a) linike ingqalelo efanelekileyo zonke izimvo, imiboniso okanye izigxeko ezifunyenweyo phambi kokuba—
 - (i) libandakanye isibonelelo selifa lemveli kwirejista yelifa lemveli; okanye
 - (ii) limisele indawo yelifa lemveli; kwaye
- (b) ligcine iirekhodi ezibhaliweyo zesigqibo esithathiweyo kunye nezizathu zeso sigqibo, zirekhodi ezo kufuneka zifumaneke xa zithe zacelwa ngamaqela anomdla nachaphazelekayo.

Isibhenno

9. Umntu onqwenela ukwenza isibhenno esichasene—

- (a) nokubandakanywa kwezibonelelo zelifa kwirejista yezinto ezililifa; okanye
 - (b) nommandla wendawo yelifa owwolathiweyo,
- kufuneka afake isibhenno ngokwecandelo 49 loMthetho.

Isihloko esifutshane

10. Le migaqo ibizwa ngokuba yiMigaqo enxulumene neNkqubo yokuCebisana ngokuBhaliswa kwezinto eziliLifa leMveli kwiRejista yezeLifa eMveli nokuMiselwa kweeNdawo eziliLifa leMveli, 2019.

PROVINCIAL NOTICE

P.N. 50/2019

12 April 2019

DRAFT REGULATIONS RELATING TO THE CONSULTATION PROCESS FOR LISTING PLACES IN THE HERITAGE REGISTER BY HERITAGE WESTERN CAPE AND FOR THE DESIGNATION OF HERITAGE AREAS BY A LOCAL AUTHORITY, 2019

The Provincial Minister of Cultural Affairs and Sport in the Western Cape, under sections 30(8) and 31(6) of the National Heritage Resources Act, 1999 (Act 25 of 1999), intends to make the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act 25 of 1999), bears the same meaning and, unless the context indicates otherwise—

“**conservation body**” means an organisation registered as a conservation body in terms of the regulations made by Heritage Western Cape under Provincial Notice 298/2003, dated 29 August 2003;

“**heritage area**” means an area or land contemplated in section 31 of the Act;

“**Heritage Western Cape**” means the provincial heritage resources authority established by the Provincial Minister under section 23 of the Act by Provincial Notice 336/2002, dated 25 October 2002;

“**municipal manager**” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the MEC as defined in the Act;

“**the Act**” means the National Heritage Resources Act, 1999 (Act 25 of 1999).

Consultation with owners regarding listing of places in heritage register by Heritage Western Cape

2. (1) If Heritage Western Cape proposes the listing of a place in the heritage register of the Province, it must consult the owner of that place by—

(a) notifying the owner in writing by—

- (i) registered post to the postal address of the owner;
- (ii) electronic mail to the electronic mail address of the owner, where available;
- (iii) physical hand-delivery to the owner, where practicable; or
- (iv) any other manner it regards appropriate,

regarding the proposed listing of the place in the heritage register and the details of any proposed provisions to be established under section 30(11) of the Act for the protection of the place; and

(b) requesting comments in writing from the owner of the place regarding the proposed listing in the heritage register and the proposed provisions to be established under section 30(11) of the Act for the protection of the place, by a date indicated in the notification contemplated in paragraph (a).

(2) Before Heritage Western Cape consults with the owner as contemplated in subregulation (1), it must consult the relevant local authority to consider the details of any proposed provisions for the protection of the place proposed for listing in the heritage register as contemplated in section 30(11) of the Act, with due regard to section 24(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

(3) If Heritage Western Cape proposes an amendment or a deletion of an entry in the heritage register that relates to a place, the process contemplated in subregulations (1) and (2), with the necessary changes, must be followed.

Consultation regarding designation of heritage area by local authority

3. (1) If a local authority proposes the designation of a heritage area it must consult—

- (a) Heritage Western Cape by notifying it in writing;
- (b) any affected community by publishing a notice—
 - (i) in the *Provincial Gazette*; and
 - (ii) in at least one other newspaper in general circulation in the Province or, if the proposed heritage area affects only a specific area, in at least one newspaper distributed in that area; and
- (c) the owners of property in the proposed heritage area by notifying them in writing by—
 - (i) registered post to the postal address of the owners;
 - (ii) electronic mail to the electronic mail address of the owners, where available;
 - (iii) physical hand-delivery to the owners, where practicable; or
 - (iv) any other manner it regards appropriate,

regarding the proposed designation of the heritage area and the details of any proposed provisions to be established under section 31(7) of the Act for the protection of the heritage area.

(2) The formal written notification contemplated in subregulation (1) must request comments in writing regarding the proposed designation of the heritage area and the proposed provisions to be established under section 31(7) of the Act for the protection of the heritage area, by a date indicated in the notification, which date may not be less than 30 days after the publication of the notice.

(3) In addition to a notice contemplated in subregulation (1)(b), the local authority may publish the notice in any other media it regards necessary.

(4) A formal written notification contemplated in subregulations (1)(b) and (c) must—

- (a) be in all three official languages of the Province; and
- (b) specify that the details of the proposed heritage area are available for inspection—
 - (i) on the official website of the local authority;
 - (ii) at the offices of the municipal manager of the local authority; and
 - (iii) at any other place that the local authority may specify in the notice.

(5) The local authority must ensure that the details of the proposed heritage area as contemplated in subregulation (4)(b) and the details of any proposed provisions for the protection of the heritage area as contemplated in section 31(7) of the Act are made available for inspection.

(6) If the local authority proposes an amendment or withdrawal of the designation of a heritage area, the process contemplated in subregulations (1), (2), (3), (4) and (5), with the necessary changes, must be followed.

Assistance with transcribing comments

4. Any person who cannot write may, during office hours and before the date contemplated in regulations 2(1)(b) and 3(2), request an employee at the offices of Heritage Western Cape or the local authority, as the case may be, to provide reasonable assistance to that person by transcribing that person's comments.

Consultation

5. When Heritage Western Cape or a local authority, as the case may be, is required to consult any person as contemplated in regulation 2 or 3, such consultation is regarded as having been satisfied if the formal written notification contemplated in the relevant regulation has been given to that person, whether or not a response was received by the date specified in the notification.

Notice to conservation bodies

6. When Heritage Western Cape consults with the owner as contemplated in regulation 2 or when the local authority consults with Heritage Western Cape, any affected community and the owners as contemplated in regulation 3, as the case may be, it must notify any affected conservation body by sending a notice by—

- (a) registered post to the postal address of the conservation body; and
- (b) electronic mail to the electronic mail address of the conservation body, where available, of the availability for inspection and comment of the details of—
 - (i) the place proposed for inclusion in the heritage register, as contemplated in regulation 2; or
 - (ii) the proposed heritage area as contemplated in regulation 3.

Consideration of comments

7. When Heritage Western Cape consults the owner as contemplated in regulation 2 or when the local authority consults with Heritage Western Cape, any affected community and the owners as contemplated in regulation 3, as the case may be, it must—

- (a) give due consideration to all comments, representations or objections received before—
 - (i) Heritage Western Cape includes a place in the heritage register; or
 - (ii) the local authority designates a heritage area; and
- (b) keep a written record of the decision taken and the reasons for the decision, which record must be made available to interested and affected parties on request.

Appeal

8. A person wishing to appeal against the inclusion of a place by Heritage Western Cape in the heritage register must lodge the appeal in terms of section 49 of the Act.

Short title

9. These regulations are called the Regulations Relating to the Consultation Process for Listing Places in the Heritage Register by Heritage Western Cape and for the Designation of Heritage Areas by a Local Authority, 2019.

PROVINSIALE KENNISGEWING

P.K. 50/2019

12 April 2019

KONSEPREGULASIES RAKENDE DIE OORLEGPLEGINGSPROSES VIR DIE OPNAME VAN PLEKKE IN DIE ERFENISREGISTER DEUR ERFENIS WES-KAAP EN VIR DIE AANWYSING VAN ERFENISGEBIEDE DEUR 'N PLAASLIKE OWERHEID, 2019

Die Provinsiale Minister van Kultuursake en Sport in die Wes-Kaap is van voorneme om, kragtens artikels 30(8) en 31(6) van die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), 'n betekenis geheg is, dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“**bewaringsliggaam**” ’n organisasie wat as ’n bewaringsliggaam geregistreer is ingevolge die regulasies gemaak deur Erfenis Wes-Kaap onder Provinsiale Kennisgewing 298/2003, gedateer 29 Augustus 2003;

“**die Wet**” die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);

“**Erfenis Wes-Kaap**” die provinsiale erfenishulpbronne-owerheid ingestel deur die Provinsiale Minister kragtens artikel 23 van die Wet by Provinsiale Kennisgewing 336/2002, gedateer 25 Oktober 2002;

“**erfenisgebied**” ’n gebied of grond beoog in artikel 31 van die Wet;

“**munisipale bestuurder**” ’n persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), aangestel is;

“**Provinsiale Minister**” die LUR soos omskryf in die Wet;

“**Provinsie**” die Provinsie Wes-Kaap.

Oorlegpleging met eienaars rakende opname van plekke in erfenisregister deur Erfenis Wes-Kaap

2. (1) Indien Erfenis Wes-Kaap die opname van ’n plek in die erfenisregister van die Provinsie voorstel, moet hy met die eienaar van daardie plek oorleg pleeg deur—

(a) die eienaar skriftelik in kennis te stel—

(i) per geregisteerde pos na die posadres van die eienaar;

(ii) per elektroniese pos na die elektroniese posadres van die eienaar, waar beskikbaar;

(iii) per handaflewering aan die eienaar, waar doenlik; of

(iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde opname van die plek in die erfenisregister en die besonderhede van enige voorgestelde bepaling wat kragtens artikel 30(11) van die Wet vir die beskerming van die plek ingestel staan te word; en

(b) skriftelike kommentaar van die eienaar van die plek aan te vra rakende die voorgestelde opname in die erfenisregister en die voorgestelde bepaling wat kragtens artikel 30(11) van die Wet vir die beskerming van die plek ingestel staan te word, teen ’n datum aangedui in die kennisgewing beoog in paragraaf (a).

(2) Voordat Erfenis Wes-Kaap met die eienaar soos beoog in subregulasie (1) oorleg pleeg, moet hy met die betrokke plaaslike owerheid oorleg pleeg om die besonderhede van enige voorgestelde bepalings vir die beskerming van die plek wat vir opname in die erfenisregister soos beoog in artikel 30(11) van die Wet voorgestel is, met behoorlike inagneming van artikel 24(3) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

(3) Indien Erfenis Wes-Kaap 'n wysiging of skrapping van 'n inskrywing in die erfenisregister wat betrekking het op 'n plek voorstel, moet die proses beoog in subregulasies (1) en (2), met die nodige veranderinge, gevolg word.

Oorlegpleging rakende aanwysing van erfenisgebied deur plaaslike owerheid

3. (1) Indien 'n plaaslike owerheid die aanwysing van 'n erfenisgebied voorstel, moet hy oorleg pleeg met—

- (a) Erfenis Wes-Kaap deur hom skriftelik in kennis te stel;
- (b) enige geraakte gemeenskap deur die publikasie van 'n kennisgewing—
 - (i) in die *Provinsiale Koerant*; en
 - (ii) in minstens een ander koerant in algemene omloop in die Provinsie of, indien die voorgestelde erfenisgebied slegs 'n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word; en
- (c) die eienaars van eiendom in die voorgestelde erfenisgebied deur hulle skriftelik in kennis te stel—
 - (i) per geregistreerde pos na die posadres van die eienaars;
 - (ii) per elektroniese pos na die elektroniese posadres van die eienaars, waar beskikbaar;
 - (iii) per handaflewering aan die eienaars, waar doenlik; of
 - (iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde aanwysing van die erfenisgebied en die besonderhede van enige voorgestelde bepalings wat kragtens artikel 31(7) van die Wet vir die beskerming van die erfenisgebied ingestel staan te word.

(2) Die formele skriftelike kennisgewing beoog in subregulasie (1) moet skriftelike kommentaar aanvra rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepalings wat kragtens artikel 31(7) van die Wet vir die beskerming van die erfenisgebied ingestel staan te word, teen 'n datum vermeld in die kennisgewing, welke datum nie minder as 30 dae ná die publikasie van die kennisgewing mag wees nie.

(3) Benewens 'n kennisgewing beoog in subregulasie (1)(b) kan die plaaslike owerheid die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(4) 'n Formele skriftelike kennisgewing beoog in subregulasie (1)(b) en (c) moet—

- (a) in al drie amptelike tale van die Provinsie wees; en
- (b) vermeld dat die besonderhede van die voorgestelde erfenisgebied vir insae beskikbaar is—
 - (i) op die amptelike webwerf van die plaaslike owerheid;
 - (ii) by die kantore van die munisipale bestuurder van die plaaslike owerheid; en
 - (iii) op enige ander plek wat die plaaslike owerheid in die kennisgewing vermeld.

(5) Die plaaslike owerheid moet toesien dat die besonderhede van die voorgestelde erfenisgebied soos beoog in subregulasie (4)(b) en die besonderhede van enige voorgestelde bepalings vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet vir insae beskikbaar gestel word.

(6) Indien die plaaslike owerheid 'n wysiging of intrekking van die aanwysing van 'n erfenisgebied voorstel, moet die proses beoog in subregulasies (1), (2), (3), (4) en (5), met die nodige veranderinge, gevolg word.

Bystand met transkripsie van kommentaar

4. Enige persoon wat nie kan skryf nie kan, gedurende kantoorure en voor die datum beoog in regulasies 2(1)(b) en 3(2), 'n werknemer by die kantore van Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, vra om redelike bystand aan daardie persoon te verleen deur daardie persoon se kommentaar te transkribeer.

Oorlegpleging

5. Wanneer dit van Erfenis Wes-Kaap of 'n plaaslike owerheid, na gelang van die geval, vereis word om oorleg te pleeg met enige persoon soos beoog in regulasie 2 of 3, word sodanige oorlegpleging geag plaas te gevind het indien die formele skriftelike kennisgewing beoog in die betrokke regulasie aan daardie persoon gegee is, ongeag of 'n antwoord teen die datum vermeld in die kennisgewing ontvang is.

Kennisgewing aan bewaringsliggame

6. Wanneer Erfenis Wes-Kaap soos beoog in regulasie 2 met die eenaar oorleg pleeg of wanneer die plaaslike owerheid soos beoog in regulasie 3 met Erfenis Wes-Kaap enige geraakte gemeenskap en die eenaars oorleg pleeg, na gelang van die geval, moet hy enige geraakte bewaringsliggaam in kennis stel deur 'n kennisgewing te stuur per—

- (a) geregistreerde pos na die posadres van die bewaringsliggaam; en
- (b) elektroniese pos na die elektroniese posadres van die bewaringsliggaam, waar beskikbaar,

van die beskikbaarheid vir insae en kommentaar van die besonderhede van—

- (i) die plek wat voorgestel word vir insluiting in die erfenisregister, soos beoog in regulasie 2; of
- (ii) die voorgestelde erfenisgebied soos beoog in regulasie 3.

Oorweging van kommentaar

7. Wanneer Erfenis Wes-Kaap met die eenaar oorleg pleeg soos beoog in regulasie 2 of wanneer die plaaslike owerheid met Erfenis Wes-Kaap, enige geraakte gemeenskap en die eenaars oorleg pleeg soos beoog in regulasie 3, na gelang van die geval, moet hy—

- (a) alle kommentaar, versoë of besware wat ontvang is, behoorlik oorweeg voordat—
 - (i) Erfenis Wes-Kaap 'n plek in die erfenisregister insluit; of
 - (ii) die plaaslike owerheid 'n erfenisgebied aanwys; en
- (b) 'n skriftelike rekord van die besluit wat geneem is en die redes vir die besluit hou, welke rekord op versoek aan belanghebbende en geraakte partye beskikbaar gestel moet word.

Appèl

8. 'n Persoon wat teen die insluiting deur Erfenis Wes-Kaap van 'n plek in die erfenisregister wil appelleer, moet die appèl ingevolge artikel 49 van die Wet aanteken.

Kort titel

9. Hierdie regulasies heet die Regulasies Rakende die Oorlegplegingsproses vir die Opname van Plekke in die Erfenisregister deur Erfenis Wes-Kaap en vir die Aanwysing van Erfenisgebiede deur 'n Plaaslike Owerheid, 2019.

ISAZISO SEPHONDO

I.S. 50/2019

12 uTshazimpuzi 2019

**IMIGAQO ENXULUMENE NENKQUBO YOKUCEBISANA NGOKUBHALISWA
KWIZINTO EZILILIFA LEMVELI KWIREJISTA YEZELIFA LEMVELI NOKUMISELWA
KWEENDAWO EZILILIFA LEMVELI EYENZIWE NGABASEMAGUNYENI
BENGINQI, 2019**

UMphathiswa wezeMicimbi yeNkcubeko neMidlalo kwiPhondo leNtshona Koloni, phantsi kwala macandelo 30(8) nelama-31(6), omthethi iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999), unenjongo yokwenza imigaqo echazwe kwiShedyuli.

ISHEDYULI

Inkcazomagama

1. Kule migaqo igama okanye kule ngcaciso entsingiselo ikwi*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999), linentsingiselo ekwafanayo, ngaphandle kokuba kusingiswe kwenye into—

“iBhunga lezeLifa leMveli leNtshona Koloni” lithetha iBhunga lezeLifa leMveli leNtshona Koloni njengoko kuchaziwe kumgaqo 2 wemigaqo eyenziwe nguMphathiswa wePhondo phantsi kweSaziso sePhondo 298/2003, somhla wama-29 kweyeThupha 2003;

“indawo elilifa lemveli” ithetha indawo echazwe kwicandelo 31 loMthetho;

“iLifa leMveli leNtshona Koloni” lithetha ugunyaziwe wezelifa lemveli omiswe nguMphathiswa wePhondo phantsi kwecandelo 23 loMthetho ngeSaziso sePhondo 336/2002, somhla wama-25 kweyeDwarha 2002;

“umphathi kamasipala” uthetha umntu otyunjwe ngokwecandelo 82 loMthetho iLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998);

“iPhondo” lithetha iPhondo leNtshona Koloni;

“uMphathiswa wePhondo” uthetha uMEC njengoko kuchaziwe kuMthetho;

“uMthetho” uthetha uMthetho iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999).

Ukucebisana nabanikazi ngokubhekiselele ekubhalisweni kwezinto ezililifa lemveli kwirejista yezeLifa leMveli leNtshona Koloni

2. (1) Ukuba iLifa leMveli leNtshona Koloni liphakamise ukuba makubhaliswe izinto ezililifa lemveli kwirejista yezelifa lemveli lePhondo, kufuneka lidibane nomnikazi waloo ndawo—

(a) ngokwazisa umnikazi ngembalelwano—

(i) ngeposi ebhalisiweyo ayithumele kwidilesi yeposi yomnikazi;

(ii) ngeimeyili ayithumele kwidilesi yeimeyili yomnikazi, ukuba ikhona;

(iii) uyise ngesandla kumnikazi, ukuba kuyenzeka; okanye

(iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkcukacha zazo naziphi na izibonelelo eziza kusungulwa phantsi kwecandelo 30(11) loMthetho ukwenzela ukhuseleko lwendawo; kwaye

(b) licele izimvo ezibhaliweyo kumnikazi wendawo ngokubhekiselele kubhaliso oluphakanyisiweyo kwirejista yezelifa lemveli nobhaliso oluphakanyisiweyo nezibonelelo eziza kusungulwa phantsi kwecandelo 30(11) loMthetho ukwenzela ukhuseleko lwendawo, ngomhla uchazwe kupapasho oluchazwe kumhlathi (a).

(2) Phambi kokuba iLifa leMveli leNtshona Koloni licebisane nomnikazi njengoko kuchaziwe kumgaqwana (1) kufunele lidibane nabasemagunyeni bengingqi ngazo naziphi na izibonelelo eziphakanyisiweyo ukwenzela ukhuseleko lwendawo ephakanyiselwe ukubhaliswa kwirejista yezelifa lemveli echazwe kwicandelo 30(11) loMthetho, ngokuthathela ingqalelo icandelo 24(3) lomthetho i*Local Government: Municipal Systems Act, 2000* (uMthetho 32 ka-2000).

(3) Ukuba iLifa leMveli leNtshona Koloni liphakamisa ulungiso okanye ukucinywa kwesingeniso kwirejista yezelifa lemveli elibhekiselele kwindawo, inkqubo echazwe kumgaqwana (1) no-(2), oluneenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukucebisana ngokubhekiselele ekumiselweni kwendawo elilifa lemveli ngabasemagunyeni bengingqi

3. (1) Ukuba abasemagunyeni bengingqi baphakamisa ukumiselwa kwendawo yezelifa lemveli kufuneka badibane—

- (a) nezeLifa leMveli leNtshona Koloni ngokulazisa ngembalelwano;
- (b) naluphi na uluntu oluchaphazelekayo ngokupapasha isaziso—
 - (i) kwi*Gazethi yePhondo*; kunye
 - (ii) nakwiphaphandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile, kwiphaphandaba elinye ubuncinane elifundwa ngabantu bendawo leyo; kunye
- (c) nabanikazi bepropathi ngokubazisa ngembalelwano—
 - (i) ngeposi ebhalisiweyo kwidilesi yeposi yabanikazi;
 - (ii) ngeimeyili ayithumele kwidilesi yeimeyili yomnikazi, ukuba ikhona;
 - (iii) uyise ngesandla kumnikazi, ukuba kuyenzeka; okanye
 - (iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkukacha zazo naziphi na izibonelelo eziza kusungulwa phantsi kwecandelo 31(7) loMthetho ukwenzela ukhuseleko lwendawo; kwaye

(2) Licele izimvo ezibhaliweyo kumnikazi wendawo ngokubhekiselele kubhaliso oluphakanyisiweyo kwirejista yezelifa lemveli nobhaliso oluphakanyisiweyo nezibonelelo eziza kusungulwa phantsi kwecandelo 31(7) loMthetho ukwenzela ukhuseleko lwendawo, ngomhla uchazwe kupapasho, mhla lowo ekungamelanga ube nganeno kwiintsuku ezingama-30 emva kokupapashwa kwesaziso.

(3) Ukongeza kwisaziso esichazwe kumgaqwana (1)(b), abasemagunyeni bengingqi bangasipapasha isaziso nakweliphi na ijelo lezosasazo abalibona lifanelekile.

(4) Isaziso esibhaliweyo esisesikweni esichazwe kumgaqwana (1)(b) no-(c) kufuneka—

- (a) sibhalwe ngazo zontathu iilwimi ezisesikweni zePhondo; kwaye
- (b) sicacise ukuba ziyafumaneka iinkukacha zendawo elilifa lemveli ephakanyisiweyo ukuze ihlolwe—
 - (i) kwiwebhusayithi esesikweni yabasemagunyeni bengingqi;
 - (ii) kwii-ofisi zomphathi kamasipala wabasemagunyeni bengingqi; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso ngabasemagunyeni bengingqi.

(5) Abasemagunyeni bengingqi kufuneka baqinisekise ukuba ziyafumaneka iinkukacha zendawo ephakanyiselwa ukuba lilifa lemveli njengoko kuchaziwe kumgaqwana (4)(b) kunye neenkukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwendawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho ukuze zihlolwe.

(6) Ukuba abasemagunyeni bengingqi baphakamisa ulungiso okanye ukurhoxiswa kwendawo yezelifa lemveli, inkqubo echazwe kumgaqwana (1), (2), (3), (4) no-(5), ngeenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukuncediswa ekukhupheleni izimvo

4. Nawuphi na umntu ongakwaziyo ukubhala, ngexesha lokusebenza naphambi komhla ochazwe kumgaqwana 2(1)(b) no-3(2), angacela umsebenzi kwii-ofisi zeLifa leMveli leNtshona Koloni okanye labasemagunyeni bengingqi, xa kunokuba njalo, ukuba amncede ngokubhala kakuhle izimvo ezithethwa nguloo mntu.

Ukucebisana

5. Xa iLifa leMveli leNtshona Koloni okanye ubasemagunyeni bengingqi, xa kunokuba njalo, kufuneka licebisane naye nawuphi umntu njengoko kuchaziwe kumgaqo 2 okanye 3, okokucebisana kuthathwa njengokonelisayo ukuba isaziso esibhaliweyo esisesikweni nakowuphi na umgaqo kuleyo sinikwe loo mntu kwaye akukho mpendulo ifunyenweyo ngomhla ochazwe kwisaziso.

Isaziso esiya kumaqumrhu olondolozo

6. Xa iLifa leMveli leNtshona Koloni lidibana nomnikazi njengoko kuchaziwe kumgaqo 2 okanye xa abasemagunyeni bengingqi bacebisana neLifa leMveli leNtshona Koloni, naluphi na uluntu oluchaphazelekayo kunye nabanikazi njengoko kuchaziwe kumgaqo 3, xa kunokuba njalo, kufuneka lazise nalo naliphi na iqumrhu lolondolozo elichaphazelekayo ngokuthumela isaziso—

(a) ngeposi ebhalisiweyo kwidilesi yeposi yequmrhu lolondolozo; kunye

(b) nangeimeyili ayithumele kwidilesi yequmrhu lolondolozo, ukuba ikhona,

ukwenzela ubukho balo ukuzokuhlola nangezimvo ezinxulumene—

(i) neenkukacha zendawo ephakanyisiweyo ukuze ibandakanywe kwirejista yezelifa lemveli, njengoko kuchaziwe kumgaqo 2; okanye

(ii) iinkukacha zendawo yezelifa lemveli ephakanyisiweyo njengoko kuchaziwe kumgaqo 3.

Ukuthathelwa ingqalelo kwezimvo

7. Xa iLifa leMveli leNtshona Koloni licebisana nomnikazi njengoko kuchaziwe kumgaqo 2 okanye xa abasemagunyeni bengingqi becebisana neLifa leMveli leNtshona Koloni, nalo naluphi na uluntu oluchaphazelekayo nabanikazi njengoko kuchaziwe kumgaqo 3, xa kunokuba njalo, kufuneka—

(a) linike ingqalelo efanelekileyo zonke izimvo, imiboniso okanye izigxeko ezifunyenweyo phambi kokuba—

(i) iLifa leMveli leNtshona Koloni libandakanye indawo kwirejista yelifa lemveli; okanye

(ii) abasemagunyeni bengingqi bamisele indawo yelifa lemveli; kwaye

(b) ligcine iirekhodi ezibhaliweyo zesigqibo esithathiweyo kunye nezizathu zeso sigqibo, zirekhodi ezo kufuneka zifumaneka xa zithe zacelwa ngamaqela anomdla nachaphazelekayo.

Isibheno

8. Umntu onqwenela ukwenza isibheno esichasene nokubandakanywa kwendawo liLifa leMveli leNtshona Koloni kwirejista yezelifa lemveli kufuneka afake isibheno sakhe ngokwecandelo 49 loMthetho.

Isihloko esifutshane

9. Le Migaqo ibizwa ngokuba yiMigaqo eNxulumene neNkqubo yokuCebisana ngoku-Bhekiselele kwiZinto eziLifa leMveli nokuMiselwa kweeNdawo eziliLifa leMveli eyenziwe ngabaseMagunyeni beNgingqi, 2019.