



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 495.

2 April 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 11 van 1986: Wysigingswet op Oorlogsgrafte en Nasionale Gedenkwaardighede, 1986.

STATE PRESIDENT'S OFFICE

No. 495.

2 April 1986

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 11 of 1986: War Graves and National Monuments Amendment Act, 1986.

WAR GRAVES AND NATIONAL MONUMENTS AMENDMENT
ACT, 1986

Act No. 11, 1986

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the War Graves and National Monuments Act, 1969, in order to make the "Burgergraftekomitee" and the British War Graves Committee responsible to the National Monuments Council; to authorize the said council to undertake investigations; to provide for the compilation and maintenance of a register of immovable property worthy of conservation; to provide for the designation of conservation areas; to empower the said council to declare any movable property to be a cultural treasure; to make further provision for the granting of financial assistance to a registered person, authority or body; to extend the authority of the Minister of National Education to delegate a power, duty or function; to provide for the conservation of historical sites; to define the said council's powers in respect of wreck and to provide for the issue of a permit for the disturbance or removal of wreck; to extend the said council's power in respect of the issue of a permit for export; to provide for the registration in the Deeds Office of a garden of remembrance; to extend the power of the said council and a local authority to make by-laws; to provide that certain acts shall constitute offences in terms of the said Act; to increase the penalties which may be imposed under the said Act; and to amend the short title of the said Act; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 March 1986.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 1 of the War Graves and National Monuments Act, 1969 (hereinafter referred to as the principal Act), is hereby
5 amended—

- (a) by the insertion before the definition of "badge" of the following definition:
 "'alter' means a structural or any other alteration to a monument;";
- 10 (b) by the insertion after the definition of "badge" of the following definition:
 "'conservation area' means an area referred to in section 5 (9);";
- 15 (c) by the insertion after the definition of "council" of the following definition:
 "'cultural treasure' means any movable property declared under this Act to be a cultural treasure;";

Amendment of section 1 of Act 28 of 1969, as amended by section 1 of Act 35 of 1979 and section 1 of Act 13 of 1981.

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- (c) deur na die omskrywing van "kenteken" die volgende omskrywing in te voeg:
"'kultuurskat' enige roerende goed wat kragtens hierdie Wet tot 'n kultuurskat verklaar is;";
- (d) deur die omskrywing van "register" deur die volgende omskrywing te vervang:
"'register' die register in artikel 5 (1) (cC) of (7) na gelang van die geval [vermeld] bedoel;"; en
- (e) deur na die omskrywing van "teken" die volgende omskrywing in te voeg:
"'verander' 'n strukturele of enige ander verandering aan 'n gedenkwaardigheid;";

Wysiging van
artikel 2A van
Wet 28 van 1969,
soos ingevoeg deur
artikel 2 van
Wet 35 van 1979.

2. Artikel 2A van die Hoofwet word hierby gewysig deur na die woord "gedenkwaardighede", waar dit ook al voorkom, die woorde "en kultuurskatte" in te voeg.

Wysiging van
artikel 3A van
Wet 28 van 1969,
soos ingevoeg deur
artikel 3 van
Wet 13 van 1981.

3. Artikel 3A van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

"(7) Die komitees bedoel in subartikel (1) word vir alle doeleindes geag komitees van die raad te wees."

Wysiging van
artikel 5 van
Wet 28 van 1969,
soos gewysig deur
artikel 3 van
Wet 35 van 1979
en artikel 5 van
Wet 13 van 1981.

4. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat subparagraaf (i) van paragraaf (b) voorafgaan deur die volgende woorde te vervang:
"om op versoek van die Minister, of uit eie beweging, ondersoek in te stel na en verslag aan die Minister te doen oor—";
- (b) deur in subartikel (1) na paragraaf (cB) die volgende paragrawe in te voeg:
"(cC) om 'n register saam te stel en by te hou van onroerende goed wat hy bewarenswaardig ag om die historiese, kulturele of estetiese belang daarvan en om van tyd tot tyd by kennisgewing in die Staatskoerant 'n inskrywing in die register aan te vul, te wysig of te skrap: Met dien verstande dat 'n inskrywing nie gemaak word alvorens hy met die plaaslike bestuur binne wie se regsgebied sodanige onroerende goed geleë is, oorleg gepleeg het nie;
- (cD) om by kennisgewing in die Staatskoerant na oorleg met die eienaar, enige roerende goed tot 'n kultuurskat te verklaar soos in so 'n kennisgewing omskryf;";
- (c) deur na subartikel (6) die volgende subartikel in te voeg:
"(6A) Die Minister kan, op versoek van 'n persoon wie se goed by kennisgewing kragtens subartikel (1) (cD) tot 'n kultuurskat verklaar is, na oorleg met die raad, so 'n verklaring by kennisgewing in die Staatskoerant intrek;"; en
- (d) deur die volgende subartikel by te voeg:
"(9) Die raad kan, na oorleg met die betrokke owerheid, by kennisgewing in die Staatskoerant 'n gebied op grond van sy historiese, estetiese of wetenskaplike belang as 'n bewaringsgebied aanwys: Met dien verstande dat by ontstentenis van 'n ooreenkoms die betrokke owerheid na die Minister kan appèlleer, wat sodanige aanwysing na oorleg met die raad by kennisgewing in die Staatskoerant kan intrek."

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- (d) by the insertion after the definition of "garrison troops" of the following definition:
"'historical site' means any identifiable building or part thereof, marker, milestone, gravestone, landmark or tell older than 50 years;";
- (e) by the insertion after the definition of "monument" of the following definition:
"'planning authority' means an office of the State, a province, a local authority or a regional authority which is invested with a physical planning capacity;"; and
- (f) by the substitution for the second definition of "register" of the following definition:
"'register' means the register [mentioned] referred to in section 5 (1) (cC) or (7) as the case may be;".

2. Section 2A of the principal Act is hereby amended by the insertion after the word "monuments", wherever it occurs, of the words "and cultural treasures".

Amendment of section 2A of Act 28 of 1969, as inserted by section 2 of Act 35 of 1979.

3. Section 3A of the principal Act is hereby amended by the 20 addition of the following subsection:

"(7) The committees referred to in subsection (1) shall for all purposes be deemed to be committees of the council."

Amendment of section 3A of Act 28 of 1969, as inserted by section 3 of Act 13 of 1981.

4. Section 5 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding subparagraph (i) of paragraph (b) of the following words:

"at the request of the Minister, or of its own accord, to investigate and report to the Minister on —";

(b) by the insertion in subsection (1) after paragraph (cB) of the following paragraphs:

"(cC) to compile and maintain a register of immovable property which it regards as worthy of conservation on the ground of its historic, cultural or aesthetic interest and to supplement, amend or delete any entry in the register from time to time by notice in the Gazette: Provided that an entry shall not be made until such time as it has consulted with the local authority in whose area of jurisdiction such immovable property is situated;

(cD) by notice in the Gazette to declare, after consultation with the owner, any movable property to be a cultural treasure as described in such notice;";

(c) by the insertion after subsection (6) of the following subsection:

"(6A) The Minister may, at the request of any person whose property has by notice under subsection (1) (cD) been declared to be a cultural treasure, after consultation with the council, by notice in the Gazette withdraw such a declaration;"; and

(d) by the addition of the following subsection:

"(9) The council may, after consultation with the relevant authority, by notice in the Gazette designate any area of land to be a conservation area on the ground of its historic, aesthetic or scientific interest: Provided that in the absence of any agreement the relevant authority may appeal to the Minister, who may after consultation with the council, revoke such designation by notice in the Gazette."

Amendment of section 5 of Act 28 of 1969, as amended by section 3 of Act 35 of 1979 and section 5 of Act 13 of 1981.

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Vervanging van
artikel 5A van
Wet 28 van 1969,
soos ingevoeg deur
artikel 4 van
Wet 35 van 1979.

5. Artikel 5A van die Hoofwet word hierby deur die volgende artikel vervang:

“Verlening
van geldelike
bystand aan
geregistreer-
de persoon,
gesag of lig-
gaam van
persone.

5A. (1) Behoudens die bepalings van artikel 9 kan die raad met die goedkeuring van die Minister gelde- 5
like bystand verleen aan enige persoon, gesag of lig-
gaam van persone wat gedenkwaardighede restou-
reer en bewaar en wat kragtens hierdie artikel
geregistreer is, vir die **[doeleindes]** bestryding van
[die restourasie en bewaring deur] sodanige uitgawes
van so 'n persoon, gesag of liggaam **[van sodanige ge- 10**
denkwaardighede] as wat die Minister van tyd tot tyd
bepaal.

(2) 'n Persoon, gesag of liggaam van persone wat
kragtens hierdie artikel geregistreer wil word, moet
by die raad aansoek doen en moet in verband met 15
die aansoek die besonderhede wat die raad verlang,
verstrek.”.

Vervanging van
artikel 7A van
Wet 28 van 1969,
soos ingevoeg deur
artikel 5 van
Wet 35 van 1979
en vervang deur
artikel 7 van
Wet 13 van 1981.

6. Artikel 7A van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegering
van bevoegd-
hede deur
Minister.

7A. Die Minister kan 'n bevoegdheid, plig of 20
werksaamheid wat by artikels 5 (1) (f), 5 (2), 5 (4)
(a) en (b), 5 (7), 5A, 6 en 8 (1) aan hom verleen, op-
gelê of opgedra is, aan die Direkteur-generaal **[die**
Adjunk-direkteur-generaal: Nasionale Opvoeding, of
die direkteur van argiewe aangestel kragtens artikel 3 25
van die Argiefwet, 1962 (Wet No. 6 van 1962),] of
aan die bekleër van 'n aangewese pos in die De-
partement van Nasionale Opvoeding, oordra.”.

Wysiging van
artikel 11 van
Wet 28 van 1969,
soos gewysig deur
artikel 10 van
Wet 35 van 1979.

7. Artikel 11 van die Hoofwet word hierby gewysig deur sub-
artikel (2) deur die volgende subartikel te vervang: 30

“(2) Die raad kan te eniger tyd 'n in subartikel (1) be-
doelde kennisgewing intrek of hernieu.”.

Wysiging van
artikel 12 van
Wet 28 van 1969,
soos gewysig deur
artikel 11 van
Wet 35 van 1979
en artikel 11 van
Wet 13 van 1981.

8. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur na subartikel (1) die volgende subartikel in te 35
voeg:

“(1A) 'n Beplanningsowerheid asook die eienaar van
onroerende goed wat in die register bedoel in artikel 5
(1) (cC) verskyn of van 'n bewaringsgebied, moet met
die raad oorleg pleeg ten opsigte van beplanning wat
sodanige onroerende goed of so 'n bewaringsgebied 40
raak.”;

(b) deur paragraaf (f) van subartikel (2A) deur die vol-
gende paragraaf te vervang:

“(f) enige ander geskiedkundige terrein, argeologiese
of paleontologiese vondse, materiaal of voor- 45
werp.”;

(c) deur subartikel (2B) deur die volgende subartikel te
vervang:

“(2B) Niemand mag—

(a) enige skildery, prent, dokument, akte, seël, pos- 50
seël of manuskrip of versameling of groep daar-
van, of 'n voorwerp gemaak van papier, waarvan
dit bekend is of algemeen aanvaar word dat dit
langer as **[80]** 50 jaar in die Republiek is; **[of]**

(b) enige voorwerp of versameling of groep voorwerpe 55
[gemaak van goud, silwer, koper, geelkoper, brons,
yster, glas, hout of porselein,] van enige stof be-
halwe papier, waarvan dit bekend is of algemeen
aanvaar word dat dit langer as 100 jaar in die Re-
publiek is **[, met inbegrip van die territoriale 60**
waters van die Republiek soos omskryf in artikel 2
van die Wet op Territoriale Waters, 1963 (Wet No.
87 van 1963),]

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5. The following section is hereby substituted for section 5A of the principal Act:

Substitution of section 5A of Act 28 of 1969, as inserted by section 4 of Act 35 of 1979.

5 "Rendering of financial assistance to registered person, authority of body of persons.
5A. (1) Subject to the provisions of section 9 the council may with the approval of the Minister render financial assistance to any person, authority or body of persons which restores and preserves monuments and which has been registered under this section, for **[the purposes of the restoration and preservation by]** defraying such expenditure of such person, authority or body **[of such monuments]** as determined by the Minister from time to time.

10 (2) Any person, authority or body of persons desirous of being registered under this section, shall apply to the council and shall in connection with the application furnish such particulars as may be required by the council."

6. The following section is hereby substituted for section 7A of the principal Act:

Substitution of section 7A of Act 28 of 1969, as inserted by section 5 of Act 35 of 1979 and substituted by section 7 of Act 13 of 1981.

20 "Delegation of powers by Minister.
7A. The Minister may delegate any power, duty or function conferred or imposed upon or assigned to him by sections 5 (1) (f), 5 (2), 5 (4) (a) and (b), 5 (7), 5A, 6 and 8 (1) to the Director-General **[, Deputy Director-general: National Education, or the director of archives appointed under section 3 of the Archives Act, 1962 (Act No. 6 of 1962),]** or the incumbent of a designated post in the Department of **National Education.**"

7. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 11 of Act 28 of 1969, as amended by section 10 of Act 35 of 1979.

30 "(2) The council may at any time cancel or renew any notice referred to in subsection (1)."

8. Section 12 of the principal Act is hereby amended—

Amendment of section 12 of Act 28 of 1969, as amended by section 11 of Act 35 of 1979 and section 11 of Act 13 of 1981.

35 (a) by the insertion after subsection (1) of the following subsection:

"(1A) Any planning authority as well as the owner of immovable property appearing in the register referred to in section 5 (1) (cC) or of a conservation area shall consult with the council in respect of planning which affects such immovable property or such a conservation area."

40 (b) by the substitution for paragraph (f) of subsection (2A) of the following paragraph:

"(f) any other historical site, archeological or palaeontological finds, material or object,"

45 (c) by the substitution for subsection (2B) of the following subsection:

"(2B) No person shall destroy, damage, alter or export from the Republic—

50 (a) any painting, print, document, deed, seal, stamp or manuscript or collection or group thereof or an object made of paper in respect of which it is known or generally accepted that it has been in the Republic for longer than **[80] 50** years; **[or]**

55 (b) any object or collection or group of objects **[made of gold, silver, copper, brass, bronze, iron, glass, wood or china]** of any substance except paper, in respect of which it is known or generally accepted that it has been in the Republic **[, including the territorial waters of the Republic as defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963),]** for longer than 100 years;

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- (c) enige roerende voorwerp of versameling voorwerpe van enige stof, met inbegrip van manuskripte, wat deur die raad tot 'n kultuurskat verklaar is;
- (d) enige wrak of gedeelte van wrak, of enige voorwerp van wrak afkomstig, waarvan dit bekend is of algemeen aanvaar word dat dit langer as 50 jaar in Suid-Afrikaanse territoriale waters is; of
- (e) enige begraafplaas of graf in artikel 3A (2) bedoel, vernietig, beskadig, verander, of uit die Republiek uitvoer nie, behalwe kragtens en ooreenkomstig 'n permit kragtens hierdie artikel uitgereik.”;
- (d) deur die volgende subartikel na subartikel (2B) in te voeg:
- “(2C) (a) Niemand mag enige wrak wat 50 jaar oud of ouer is, versteur of verwyder nie behalwe kragtens 'n permit deur die raad uitgereik op sodanige voorwaardes as wat die raad goed ag en kragtens 'n lisensie deur die Kommissaris van Doeane en Aksyns uitgereik.
- (b) 'n Permit in paragraaf (a) bedoel, mag slegs uitgereik word aan 'n persoon wat skriftelike bewys lewer van affiliasie by 'n museum deur die raad goedgekeur.
- (c) (i) 'n Permit in paragraaf (a) bedoel, mag slegs deur die raad uitgereik word nadat hy by kennisgewing in die *Staatskoerant* geleentheid gebied het vir die rig van verhoë tot hom oor die uitreiking van sodanige permit en nadat verhoë daarvoor ontvang deur hom oorweeg is.
- (ii) Die ligging van wrak word nie in die kennisgewing in subparagraaf (i) bedoel, bekend gemaak nie.
- (d) 'n Persoon aan wie die raad 'n permit in paragraaf (a) bedoel, uitreik, verkry daardeur geen ander reg op wrak as die reg wat by sodanige permit aan hom verleen word nie.
- (e) (i) Die raad reik nie 'n permit in paragraaf (a) bedoel uit met betrekking tot wrak in 'n sekuriteitsgebied of 'n bewaringsgebied, of in 'n gebied aangrensend aan 'n sekuriteitsgebied of bewaringsgebied, sonder die voorafverkreë goedkeuring van die departement wat beheer oor sodanige sekuriteitsgebied of bewaringsgebied uitoefen nie.
- (ii) Die betrokke departement kan sy goedkeuring verleen onderworpe aan sekere voorwaardes, wat vir alle betrokke partye bindend is.
- (f) Alle materiaal wat van wrak of 'n wrakterrein herwin word, word in die bewaring van die museum in paragraaf (b) bedoel, geplaas, en die museum besluit, na oorleg met die raad en die houer van die permit, oor die beskikking daarvoor: Met dien verstande dat in die geval van 'n geskil tussen die partye in hierdie paragraaf bedoel, genoemde museum die aangeleentheid na arbitrasie verwys.”;
- (e) deur in subartikel (4) die woord “of” aan die einde van paragraaf (a) te skrap en die volgende paragraaf by te voeg:
- “(c) wrak te versteur of te verwyder soos bedoel in subartikel (2C) (a);” en
- (f) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Wanneer 'n persoon skuldig bevind is weens [beskadiging of verandering van enigiets in stryd met] enige oortreding van subartikel (2), (2A) of (2B), kan die raad—
- (a) by skriftelike kennisgewing aan bedoelde persoon,

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- (c) any movable object or collection of objects of any substance, including manuscripts, declared by the council to be a cultural treasure;
- 5 (d) any wreck or portion of wreck, or any object derived from wreck, known or generally accepted to have been in South African territorial waters longer than 50 years; or
- (e) any burial ground or grave referred to in section 3A (2),
- 10 except under the authority of and in accordance with a permit issued under this section.”;
- (d) by the insertion of the following subsection after subsection (2B):
- 15 “(2C) (a) No person shall disturb or remove any wreck which is 50 years old or older, except by virtue of a permit issued by the council on such conditions as it may deem fit and by virtue of a licence issued by the Commissioner of Customs and Excise.
- 20 (b) A permit referred to in paragraph (a) may only be issued to a person providing written proof of affiliation with a museum approved by the council.
- (c) (i) A permit referred to in paragraph (a) may only be issued by the council after it has by
- 25 notice in the *Gazette* afforded the opportunity for the submission of representations to it on the issuing of such permit and after representations received thereon have been considered by it.
- 30 (ii) The location of wreck shall not be disclosed in the notice referred to in subparagraph (i).
- (d) Any person to whom the council issues a permit referred to in paragraph (a), shall thereby acquire no other right to wreck than the right granted him by such permit.
- 35 (e) (i) The council shall not issue a permit referred to in paragraph (a) with regard to wreck in a security area or nature conservation area, or in an area adjacent to a security area or nature conservation area, without obtaining the prior approval of the department controlling such security area or nature conservation area.
- 40 (ii) The department concerned may grant its approval subject to certain conditions, which shall be binding on all parties concerned.
- 45 (f) All material recovered from wreck or a wreck site shall be placed in the custody of the museum referred to in paragraph (b), and the museum, in consultation with the council and the holder of the permit, shall decide on the disposal thereof: Provided that in the case of a dispute among the parties referred to in this paragraph the said museum shall refer the matter to arbitration.”;
- 50
- 55 (e) by the deletion in subsection (4) of the word “or” at the end of paragraph (a) and the addition of the following paragraph:
- “(c) disturb or remove wreck as referred to in subsection (2C) (a);” and
- 60 (f) by the substitution for subsection (6) of the following subsection:
- “(6) Whenever any person has been convicted of **[damaging or altering anything in]** any contravention of subsection (2), (2A) or (2B), the council may—
- 65 (a) by notice in writing served upon such person by

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per pos of deur oorhandiging aan hom persoonlik bestel, hom gelas om die **[herstelwerk of veranderings daaraan aan te bring]** gevolg van die handeling waaraan hy skuldig bevind is wat in die kennisgewing vermeld word, op die wyse wat aldus 5 vermeld word, reg te stel binne die tydperk wat aldus vermeld word;

- (b) by versuim van bedoelde persoon om aan bedoelde kennisgewing te voldoen, die aldus vermelde **[herstelwerk of veranderings aanbring]** ge- 10 volg van die handeling waaraan hy skuldig bevind is, regstel of laat **[aanbring]** regstel en die koste daarvan op bedoelde persoon verhaal.”.

Wysiging van
artikel 13 van
Wet 28 van 1969.

9. Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) 15 voorafgaan deur die volgende woorde te vervang:

“Wanneer ’n grondgebied of ’n plek of voorwerp op grond tot ’n nasionale gedenkwaardigheid of nasionale gedenktuin verklaar of voorlopig verklaar is of aanbe- 20 veel is om tot ’n nasionale gedenkwaardigheid of nasionale gedenktuin verklaar te word of ingesluit is of aanbeveel is om ingesluit te word by ’n nasionale gedenkwaardigheid of nasionale gedenktuin of wanneer die raad die wenslikheid daarvan ondersoek om ’n 25 grondgebied of ’n plek of voorwerp op grond aldus te laat verklaar of te laat insluit, kan die raad die stappe doen wat hy nodig ag—”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien ’n grondgebied of ’n plek of voorwerp op 30 grond ten opsigte waarvan opmeting ingevolge die bepalings van subartikel (1) plaasgevind het, by kennisgewing in die *Staatskoerant* tot nasionale gedenkwaardigheid of tot nasionale gedenktuin of daarby ingeslote verklaar is of word, verstrek die raad aan die registra- 35 teur van aktes in wie se aktekantoor die betrokke grond geregistreer is, ’n afskrif van bedoelde kennisgewing en besonderhede van die opmeting met inbegrip van ’n kaart wat opgestel is.”.

Wysiging van
artikel 16 van
Wet 28 van 1969,
soos vervang deur
artikel 12 van
Wet 35 van 1979
en gewysig deur
artikel 13 van
Wet 13 van 1981.

10. Artikel 16 van die Hoofwet word hierby gewysig— 40

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) ’n bepaling van artikel 12 (1), (1A), (2), (2A), (2B), (2C) of (3) oortree of versuim om daaraan te 45 voldoen;”;

- (b) deur in subartikel (1) die woord “of” aan die einde van paragraaf (h) te skrap; en

- (c) deur in subartikel (1) die woorde wat op paragraaf (i) volg deur die volgende paragrawe en woorde te vervang: 50

“(j) wrak versteur of verwyder sonder ’n permit bedoel 50 in artikel 12 (2C) (a); of

(k) die houër van ’n permit bedoel in artikel 12 (2C) (a) dwarsboom in die uitoefening van ’n reg by 55 wyse van so ’n permit aan hom verleen,

is aan ’n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van ’n misdryf bedoel in paragraaf (a), (b), (c) **[of]** (d), (j) of (k), met ’n boete van hoogstens **[vyfduisend rand]** R10 000 of met gevangenisstraf vir ’n tydperk van hoogstens **[twaalf maande]** 60 twee jaar of met sowel daardie boete as daardie gevangenisstraf of, in die geval van ’n misdryf bedoel in paragraaf (e), (f), (g), (h) of (i), met ’n boete van hoogstens **[vyfhonderd rand]** R1 000 of, by wanbeta-

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- post or by delivery to him personally, direct him to **[effect such repairs or alterations]** put right the result of the act of which he was found guilty **[to it]** as may be specified in the notice, in the manner thus specified and within such period as may be so specified;
- (b) upon failure of such person to comply with such notice, **[effect]** put right or cause to be **[effected]** put right the **[repairs or alterations]** result of the act of which he was found guilty and recover the cost **[of such repairs and alterations]** thereof from such person.”.

9. Section 13 of the principal Act is hereby amended—

Amendment of
section 13 of
Act 28 of 1969.

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
“Whenever under this Act any area of land or any place or object on any land has been declared or provisionally declared to be or has been recommended to be declared or has been included in or recommended to be included in a national monument or a national garden of remembrance or whenever the council is investigating the desirability of having any area of land or any place or object on land so declared or included, the council may take such steps as it may consider necessary—”; and
- (b) by the substitution for subsection (2) of the following subsection:
“(2) If any area of land or any place or object on any land in respect of which a survey has taken place under the provisions of subsection (1), has been or is declared by notice in the *Gazette* to be or to be included in any national monument or national garden of remembrance, the council shall furnish the registrar of deeds in whose deeds registry the land in question is registered, with a copy of the said notice and particulars of the survey (including any diagram prepared).”.

10. Section 16 of the principal Act is hereby amended—

Amendment of
section 16 of
Act 28 of 1969,
as substituted by
section 12 of
Act 35 of 1979
and amended by
section 13 of
Act 13 of 1981.

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) contravenes or fails to comply with any provision of section 12 (1), (1A), (2), (2A), (2B), (2C) or (3);”;
- (b) by the deletion in subsection (1) of the word “or” at the end of paragraph (h); and
- (c) by the substitution in subsection (1) for the words following on paragraph (i) of the following paragraphs and words:
“(j) disturbs or removes wreck without a permit referred to in section 12 (2C) (a); or
(k) obstructs the holder of a permit referred to in section 12 (2C) (a) in exercising a right granted to him by means of such a permit,
shall be guilty of an offence and liable on conviction, in the case of an offence referred to in paragraph (a), (b), (c) **[or]** (d), (j) or (k), to a fine not exceeding **[five thousand rand]** R10 000 or to imprisonment for a period not exceeding **[twelve months]** two years or to both such fine and such imprisonment or, in the case of an offence referred to in paragraph (e), (f), (g), (h) or (i), to a fine not exceeding **[five hundred rand]** R1 000

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ling van sodanige boete, met gevangenisstraf vir 'n tydperk van hoogstens **[ses]** 12 maande.”.

Wysiging van
artikel 18 van
Wet 28 van 1969,
soos gewysig deur
artikel 13 van
Wet 35 van 1979.

- 11. Artikel 18 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 5
- “(c) ter beveiliging van gedenkwaardighede of bewaringsgebiede teen skade, ontsiering, verandering, vernietiging of bevuiling of ter voorkoming van die ongemagtigde uitvoer van gedenkwaardighede;”;
- (b) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang: 10
- “(e) wat die voorwaardes van gebruik deur iemand van 'n grondgebied wat tot gedenkwaardigheid verklaar en wat onder beheer van die raad is, asook bewaringsgebiede, reël;”;
- (c) deur die volgende paragraaf by subartikel (1) te voeg: 15
- “(g) met betrekking tot die byhou van behoorlike aantekeninge tydens werk aan wrak, die voorlegging van verslae oor sodanige werk en die toepassing van geskikte bewaringsmaatreëls op herwonne materiaal.”; en 20
- (d) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
- “(c) ter beveiliging van bedoelde gedenkwaardighede of bewaringsgebiede teen skade, ontsiering, verandering, vernietiging of bevuiling;”.

Vervanging van
artikel 22 van
Wet 28 van 1969,
soos vervang deur
artikel 16 van
Wet 13 van 1981.

Kort titel.

- 12. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:**
- “Kort titel. **22. Hierdie Wet heet die Wet op [Oorlogsgrafte en] Nasionale Gedenkwaardighede, 1969.**” 30
- 13. Hierdie Wet heet die Wysigingswet op Oorlogsgrafte en Nasionale Gedenkwaardighede, 1986.**

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or, in default of payment of such fine, to imprisonment for a period not exceeding **[six]** 12 months.”.

11. Section 18 of the principal Act is hereby amended—

Amendment of
section 18 of
Act 28 of 1969,
as amended by
section 13 of
Act 35 of 1979.

- 5 (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) safeguarding monuments and conservation areas from damage, disfigurement, alteration, destruction or defilement or for the prevention of unauthorized export of monuments;”;

- 10 (b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) regulating the conditions of use by any person of any area of land which has been declared to be a monument and which is under the control of the council, as well as conservation areas;”;

- 15 (c) by the addition to subsection (1) of the following paragraph:

“(g) regarding the keeping of proper records during work on wreck, the submission of reports on such work and the application of suitable conservation measures on material recovered.”; and

- 20 (d) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) safeguarding such monuments and conservation areas from damage, disfigurement, alteration, destruction or defilement;”.

- 25 12. The following section is hereby substituted for section 22 of the principal Act:

Substitution of
section 22 of
Act 28 of 1969,
as substituted by
section 16 of
Act 13 of 1981.

- 30 “Short title. 22. This Act shall be called the **[War Graves and]** National Monuments Act, 1969.”.

13. This Act shall be called the War Graves and National Monuments Amendment Act, 1986.

Short title.

