



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
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IZIQUATHO

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(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following Provincial Notice is published for general comment:

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer:

Esi saziso silandelayo sipapashelwe ukunika izimvo:

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4 Erfenis Wes-Kaap: Konsepregulasies rakende die Proses van Oorlegpleging vir Opname van Erfenishulpbronne in die Erfenisregister en vir die Aanwysing van Erfenisgebiede, 2018 6

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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 19 February 2018—

Enige persoon of organisasie wat kommentaar oor die Konsepregulasies wil lewer, word versoek om die kommentaar skriftelik te lewer voor of op 19 Februarie 2018—

Nawuphi na umntu okanye umbutho onqwenela ukunika izimvo ngeMigaqo equlunqwayo uyacela ukuba afake izimvo zakhe ngembalelwano phambi okanye ngomhla we-19 kweyoMdumba 2018—

(a) by posting it to
The Chief Executive Officer
Heritage Western Cape
Private Bag X9067
Cape Town 8000

(a) deur dit te pos aan:
Die Hoof Uitvoerende Beampte
Erfenis Wes-Kaap
Privaatsak X9067
Kaapstad 8000

(a) Ngokuziposela:
Igosa leSigqeba eliyiNtloko
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

(b) deur dit per hand af te lewer aan:
Die Hoof Uitvoerende Beampte
Erfenis Wes-Kaap
3de Vloer, Protea Assuransie-gebou
Groentemarkplein
Kaapstad 8001

(b) Ngokuzizisa ngokwakho:
Igosa leSigqeba eliyiNtloko
Heritage Western Cape
3rd Floor, Protea Assurance Building
Green Market Square
Cape Town 8001

(c) by emailing it to:
Penelope.Meyer@westerncape.gov.za
For attention: Ms Penelope Meyer

(c) deur dit per e-pos te stuur na:
Penelope.Meyer@westerncape.gov.za
Vir aandag: Me. Penelope Meyer

(c) Ngokuzi-imeyilela ku—:
Penelope.Meyer@westerncape.gov.za
Iya ku-Penelope Meyer

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaaipstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

ADV. B. GERBER,
UMLAWULI JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 4/2018

12 January 2018

WESTERN CAPE HERITAGE

**DRAFT REGULATIONS RELATING TO THE CONSULTATION PROCESS FOR LISTING
HERITAGE RESOURCES IN THE HERITAGE REGISTER AND FOR THE DESIGNATION OF
HERITAGE AREAS, 2017**

The Provincial Minister responsible for cultural matters in the Western Cape, under sections 30(8) and 31(6), read with 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;
 - “**Council of Heritage Western Cape**” means the Council of Heritage Western Cape as contemplated in regulation 2 of the regulations made by the Provincial Minister under Provincial Notice 336/2002, dated 25 October 2002;
 - “**heritage area**” means a place 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).

Publication of notice concerning listing of heritage resources in heritage register

2. (1) Heritage Western Cape must, by notice in the *Provincial Gazette* and—
 - (a) at least one other newspaper in general circulation in the Province; or
 - (b) if the heritage resources proposed for inclusion in the heritage register affects only a specific area, in at least one newspaper distributed in that area,
 inform the public of the availability for inspection and comment of a list of heritage resources that are proposed for inclusion in the heritage register of the Province.
- (2) In addition to a notice contemplated in subregulation (1), Heritage Western Cape may publish the notice in any other media it regards necessary.
- (3) A notice contemplated in subregulation (1) must—
 - (a) be published in all three official languages of the Province;
 - (b) invite comments by the public;
 - (c) specify that the comments must be submitted in writing;

- (d) specify the date by which the public must submit comments to Heritage Western Cape, which date may not be less than 30 days after the publication of the notice;
 - (e) contain the details of any proposed provisions for the protection of the heritage resources as contemplated in section 30(11) of the Act;
 - (f) contain the details of any public meetings or workshops contemplated in regulation 5; and
 - (g) specify that a copy of the list of the heritage resources proposed for inclusion in the heritage register is available for inspection—
 - (i) on the official Heritage Western Cape website;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape may specify in the notice.
- (4) Heritage Western Cape must ensure that the list of heritage resources is made available for inspection as contemplated in subregulation (3)(g).

Publication of notice concerning designation of heritage area

3. (1) Heritage Western Cape or the local authority, as the case may be, must, by notice in the *Provincial Gazette* and—
- (a) at least one other newspaper in general circulation in the Province; or
 - (b) if the proposed heritage area affects only a specific area, in at least one newspaper distributed in that area,
- inform the public of the availability for inspection and comment of the proposal to designate a heritage area.
- (2) In addition to a notice contemplated in subregulation (1), Heritage Western Cape or the local authority, as the case may be, may publish the notice in any other media it regards necessary.
- (3) A notice contemplated in subregulation (1) must—
- (a) be published in all three official languages of the Province;
 - (b) invite comments by the public;
 - (c) specify that the comments must be submitted in writing;
 - (d) specify the date by which the public must submit comments to Heritage Western Cape or the local authority, as the case may be, which date may not be less than 30 days after the publication of the notice;
 - (e) contain the details of any proposed provisions for the protection of the heritage area as contemplated in section 31(7) of the Act;
 - (f) contain the details of any public meetings or workshops contemplated in regulation 5; and
 - (g) specify that the details of the proposed heritage area are available for inspection—
 - (i) if Heritage Western Cape is the proposer of the designation of the heritage area—
 - (aa) on the official website of Heritage Western Cape;
 - (bb) at the offices of Heritage Western Cape; and
 - (cc) at any other place that Heritage Western Cape may specify in the notice; or
 - (ii) if the local authority is the proposer of the designation of the heritage area—
 - (aa) on the official website of the local authority;
 - (bb) at the offices of the municipal manager of the local authority; and
 - (cc) at any other place that the local authority may specify in the notice.
- (4) Heritage Western Cape or the local authority, as the case may be, must ensure that the details of the proposed heritage area are made available for inspection as contemplated in subregulation (3)(g).

Notice to conservation bodies

4. (1) Heritage Western Cape must, when it publishes a notice contemplated in regulation 2, notify any affected conservation body of the availability for inspection and comment of the list of heritage resources proposed for inclusion in the heritage register, by sending the notice—
 - (a) by registered post to the postal address of the conservation body; or
 - (b) by fax or e-mail to the fax number or e-mail address, as the case may be, of the conservation body.
- (2) Heritage Western Cape or the local authority, as the case may be, must, when it publishes a notice contemplated in regulation 3, notify any affected conservation body of the availability for inspection and comment of the details of the proposed heritage area, by sending the notice—
 - (a) by registered post to the postal address of the conservation body; or
 - (b) by fax or e-mail to the fax number or e-mail address, as the case may be, of the conservation body.

Public meetings and workshops

5. (1) Heritage Western Cape or the local authority, as the case may be, may in appropriate circumstances hold public meetings or workshops before the period of comment contemplated in regulations 2 and 3 and invite the public to present oral or written representations or objections to the proposed inclusion of heritage resources in the heritage register or the designation of a proposed heritage area.
- (2) Heritage Western Cape or the local authority, as the case may be, must hold a public meeting after the expiration of the period for comment contemplated in regulations 2 and 3 if comments or objections were received.

Consideration of comments

6. (1) Heritage Western Cape must, when it publishes a notice contemplated in regulation 2—
 - (a) give due consideration to all comments, representations or objections received; 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,before it includes a heritage resource in the heritage register.
- (2) Heritage Western Cape or the local authority, as the case may be, must, when it publishes a notice contemplated in regulation 3—
 - (a) give due consideration to all comments, representations or objections received; 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,before it designates a heritage area.

Publication of notices in terms of sections 30(2) and 31(4) and (5) of the Act

7. (1) Heritage Western Cape must by notice in the *Provincial Gazette* list the heritage resources to be included in the heritage register of the Province.
- (2) Heritage Western Cape or the local authority, whichever proposed the designation of a heritage area, must by notice in the *Provincial Gazette* designate the heritage area.
- (3) A notice contemplated in subregulation (1) and (2) must—
 - (a) be published in all three official languages of the Province;

- (b) list all heritage resources to be included in the heritage register or fully describe the area to be designated a heritage area by means of a map or any technology that will clearly identify the heritage area.

Appeal

- 8. (1) A person wishing to appeal against—
 - (a) the inclusion of a heritage resource in the heritage register as contemplated in regulation 7(1); or
 - (b) the designation of a heritage area as contemplated in regulation 7(2),must lodge the appeal with the Council of Heritage Western Cape in writing within 30 days of the publication of the notice in terms of regulation 7.
- (2) The Council of Heritage Western Cape, or an appeal committee appointed by the Council of Heritage Western Cape, must consider the appeal and make a decision within 21 days of receiving the appeal.
- (3) Any person wishing to appeal against a decision made in terms of subregulation (2) may appeal to the Minister in terms of section 49 of the Act.

Short title

- 9. 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, 2018.

ERFENIS WES-KAAP

KONSEPREGULASIES RAKENDE DIE PROSES VAN OORLEGPLEGING VIR OPNAME VAN ERFENISHULPBRONNE IN DIE ERFENISREGISTER EN VIR DIE AANWYSING VAN ERFENISGEBIEDE, 2017

Die Provinsiale Minister verantwoordelik vir kultuursake in die Wes-Kaap is van voorneme om, kragtens artikels 30(8) en 31(6), gelees met 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 by Provinsiale Kennisgewing 298/2003, gedateer 29 Augustus 2003;
 - “**die Wet**” die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);
 - “**erfenisgebied**” ’n plek in artikel 31 van die Wet beoog;
 - “**Erfenis Wes-Kaap**” die provinsiale erfenishulpbronowerheid ingestel kragtens artikel 23 van die Wet deur die Provinsiale Minister by Provinsiale Kennisgewing 336/2002, gedateer 25 Oktober 2002;
 - “**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;
 - “**Raad van Erfenis Wes-Kaap**” die Raad van Erfenis Wes-Kaap soos beoog in regulasie 2 van die regulasies gemaak deur die Provinsiale Minister by Provinsiale Kennisgewing 336/2002, gedateer 25 Oktober 2002.

Publikasie van kennisgewing rakende opname van erfenishulpbronne in erfenisregister

2. (1) Erfenis Wes-Kaap moet, by kennisgewing in die *Provinsiale Koerant* en—
 - (a) ten minste een ander koerant in algemene omloop in die Provinsie; of
 - (b) indien die erfenishulpbronne wat voorgestel word vir insluiting in die erfenisregister net ’n spesifieke gebied raak, in ten minste een koerant wat in daardie gebied versprei word,
 die publiek in kennis stel van die beskikbaarheid vir insae en kommentaar van ’n lys erfenishulpbronne wat voorgestel word vir insluiting in die erfenisregister van die Provinsie.
- (2) Benewens ’n kennisgewing beoog in subregulasie (1) kan Erfenis Wes-Kaap die kennisgewing in enige ander media publiseer wat hy nodig ag.
- (3) ’n Kennisgewing beoog in subregulasie (1) moet—
 - (a) in al drie amptelike tale van die Provinsie gepubliseer word;
 - (b) kommentaar van die publiek versoek;
 - (c) vermeld dat die kommentaar skriftelik voorgelê moet word;
 - (d) die datum vermeld waarteen die publiek kommentaar aan Erfenis Wes-Kaap moet voorlê, welke datum nie minder as 30 dae na publikasie van die kennisgewing mag wees nie;
 - (e) die besonderhede bevat van enige voorgestelde bepalings vir die beskerming van die erfenishulpbronne soos in artikel 30(11) van die Wet beoog;

- (f) die besonderhede bevat van enige openbare vergaderings of werksinkels beoog in regulasie 5; en
 - (g) vermeld dat 'n eksemplaar van die lys erfenishulpbronne wat voorgestel word vir insluiting in die erfenisregister ter insae beskikbaar is—
 - (i) op die amptelike Erfenis Wes-Kaap-webwerf;
 - (ii) by die kantore van Erfenis Wes-Kaap; en
 - (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.
- (4) Erfenis Wes-Kaap moet toesien dat die lys erfenishulpbronne ter insae beskikbaar gestel word soos beoog in subregulasie (3)(g).

Publikasie van kennisgewing rakende aanwysing van erfenisgebied

3. (1) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet, by kennisgewing in die *Provinsiale Koerant* en—
- (a) ten minste een ander koerant in algemene omloop in die Provinsie; of
 - (b) indien die voorgestelde erfenisgebied net 'n spesifieke gebied raak, ten minste een koerant wat in daardie gebied versprei word;
- die publiek inlig oor die beskikbaarheid vir insae en kommentaar van die voorstel om 'n erfenisgebied aan te wys.
- (2) Benewens 'n kennisgewing in subregulasie (1) beoog, kan Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, die kennisgewing in enige ander media publiseer wat hy nodig ag.
- (3) 'n Kennisgewing beoog in subregulasie (1) moet—
- (a) in al drie amptelike tale van die Provinsie gepubliseer word;
 - (b) kommentaar van die publiek versoek;
 - (c) vermeld dat die kommentaar skriftelik voorgelê moet word;
 - (d) die datum vermeld waarteen die publiek kommentaar aan Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet voorlê, welke datum nie minder as 30 dae na die publikasie van die kennisgewing mag wees nie;
 - (e) die besonderhede bevat van enige voorgestelde bepalings vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet;
 - (f) die besonderhede bevat van enige openbare vergaderings of werksinkels beoog in regulasie 5; en
 - (g) vermeld dat die besonderhede van die voorgestelde erfenisgebied ter insae beskikbaar is—
 - (i) indien Erfenis Wes-Kaap die voorsteller van die aanwysing van die erfenisgebied is—
 - (aa) op die amptelike webwerf van Erfenis Wes-Kaap;
 - (bb) by die kantore van Erfenis Wes-Kaap; en
 - (cc) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing kan vermeld; of
 - (ii) indien die plaaslike owerheid die voorsteller van die aanwysing van die erfenisgebied is—
 - (aa) op die amptelike webwerf van die plaaslike owerheid;
 - (bb) by die kantore van die munisipale bestuurder van die plaaslike owerheid; en
 - (cc) op enige ander plek wat die plaaslike owerheid in die kennisgewing kan vermeld.
- (4) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet toesien dat die besonderhede van die voorgestelde erfenisgebied ter insae beskikbaar gestel word soos beoog in subregulasie (3)(g).

Kennisgewing aan bewaringsliggame

4. (1) Erfenis Wes-Kaap moet, wanneer hy 'n kennisgewing beoog in regulasie 2 publiseer, enige geraakte bewaringsliggaam in kennis stel van die beskikbaarheid vir insae en kommentaar van die lys erfenishulpbronne voorgestel vir insluiting in die erfenisregister, deur die kennisgewing—
 - (a) per geregistreerde pos na die posadres van die bewaringsliggaam te stuur; of
 - (b) per faks of e-pos na die faksnommer of e-posadres, na gelang van die geval, van die bewaringsliggaam te stuur.
- (2) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet, wanneer hy 'n kennisgewing bedoel in regulasie 3 publiseer, enige geraakte bewaringsliggaam in kennis stel van die beskikbaarheid vir insae en kommentaar van die besonderhede van die voorgestelde erfenisgebied, deur die kennisgewing—
 - (a) per geregistreerde pos na die posadres van die bewaringsliggaam te stuur; of
 - (b) per faks of e-pos na die faksnommer of e-posadres, na gelang van die geval, van die bewaringsliggaam te stuur.

Openbare vergaderings en werksessies

5. (1) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, kan in gepaste omstandighede openbare vergaderings of werksinkels hou voor die tydperk vir kommentaar beoog in regulasies 2 en 3 en kan die publiek uitnoui om mondelinge of skriftelike verdoë of besware teen die voorgestelde insluiting van erfenishulpbronne in die erfenisregister of die aanwysing van 'n voorgestelde erfenisgebied te rig.
- (2) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet 'n openbare vergadering hou na die verstryking van die tydperk vir kommentaar beoog in regulasies 2 en 3 indien kommentaar of besware ontvang is.

Oorweging van kommentaar

6. (1) Erfenis Wes-Kaap moet, wanneer hy 'n kennisgewing beoog in regulasie 2 publiseer—
 - (a) alle kommentaar, verdoë of besware wat ontvang is, behoorlik oorweeg; en
 - (b) 'n skriftelike rekord hou van die besluit wat geneem is en die redes vir die besluit, welke rekord aan belanghebbende en geraakte partye beskikbaar gestel moet word op versoek,voordat hy 'n erfenishulpbron in die erfenisregister insluit.
- (2) Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, moet, wanneer hy 'n kennisgewing beoog in regulasie 3 publiseer—
 - (a) alle kommentaar, verdoë of besware wat ontvang is, behoorlik oorweeg; en
 - (b) 'n skriftelike rekord hou van die besluit wat geneem is en die redes vir die besluit, welke rekord aan belanghebbende en geraakte partye beskikbaar gestel moet word op versoek,voordat hy 'n erfenisgebied aanwys.

Publikasie van kennisgewings ingevolge artikels 30(2) en 31(4) en (5) van die Wet

7. (1) Erfenis Wes-Kaap moet by kennisgewing in die *Provinsiale Koerant* die erfenishulpbronne lys wat in die erfenisregister van die Provinsie ingesluit staan te word.
- (2) Erfenis Wes-Kaap of die plaaslike owerheid, watter een ook al voorgestel het dat 'n erfenisgebied aangewys word, moet die erfenisgebied by kennisgewing in die *Provinsiale Koerant* aanwys.

- (3) 'n Kennisgewing beoog in subregulasies (1) en (2) moet—
- (a) in al drie amptelike tale van die Provinsie gepubliseer word;
 - (b) alle erfenishulpbronne lys wat by die erfenisregister ingesluit staan te word of die gebied wat as 'n erfenisgebied aangewys staan te word, volledig beskryf deur middel van 'n kaart of enige tegnologie wat die erfenisgebied duidelik sal identifiseer.

Appèl

8. (1) Iemand wat wil appelleer teen—
- (a) die insluiting van 'n erfenishulpbron in die erfenisregister soos beoog in regulasie 7(1); of
 - (b) die aanwysing van 'n erfenisgebied soos beoog in regulasie 7(2),
- moet binne 30 dae vanaf die publikasie van die kennisgewing ingevolge regulasie 7 die appèl skriftelik by die Raad van Erfenis Wes-Kaap indien.
- (2) Die Raad van Erfenis Wes-Kaap, of 'n appèlkomitee aangestel deur die Raad van Erfenis Wes-Kaap, moet die appèl oorweeg en binne 21 dae vanaf ontvangs van die appèl 'n besluit neem.
- (3) Enigiemand wat teen 'n besluit geneem ingevolge subregulasie (2) wil appelleer, kan ingevolge artikel 49 van die Wet by die Minister appelleer.

Kort titel

9. Hierdie regulasies heet die Regulasies rakende die Proses van Oorlegpleging vir Opname van Erfenishulpbronne in die Erfenisregister en vir die Aanwysing van Erfenisgebiede, 2018.

ILIFA LEMVELI LENTSHONA KOLONI

IMIGAQO ESAQULUNQWAYO EPHATHELE KWINKQUBO YOTHETHWANO NGOKUBHALISA IZINTO EZILILIFA LEMVELI KWIREJISTA YEZELIFA LEMVELI NOKUMISELA IINDAWO EZILILIFA LEMVELI, 2017

UMphathiswa onoxanduva lwemicimbi yezenkcubeko kwiPhondo leNtshona Koloni, ngokwecandelo 30(8) necandelo 31(6), ngokuhambelana necandelo 25(2)(h), loMthetho iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999), wenza imigaqo echazwe kwiShedyuli.

ISHEDYULI

linkcazo-magama

1. Kule migaqo igama elintsingiselo ikwiNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999), linentsingiselo ekwafana nayo, ngaphandle kokuba kusingswe kwenye into—
 - “**iqumrhu lolondolozo**” lithetha umbutho obhaliswe njengebhodi yolondolozo ngokwemigaqo eyenziwe liLifa leMveli leNtshona Koloni phantsi kweSaziso sePhondo 298/2003, somhla wama-29 kweyeThupha 2003;
 - “**iBhunga lezeLifa leMveli leNtshona Koloni**” lithetha iBhunga lezeLifa leMveli leNtshona Koloni njengoko kuchaziwe kumgaqo 2 wemigaqo eyenziwe nguMphathiswa wePhondo phantsi kweSaziso sePhondo 336/2002, somhla wama-25 kweyeDwarha 2002;
 - “**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).

Ukupapashwa kwesaziso esingokubhaliswa kwezinto ezililifa lemveli kwirejista yezelifa lemveli

2. (1) ILifa leMveli leNtshona Koloni kufuneka, ngesaziso *kwiGazethi yePhondo*—
 - (a) nakwiphepha-ndaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye
 - (b) ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile, kwiphepha-ndaba elinye ubuncinane elifundwa ngabantu bendawo leyo, lazise uluntu ngokuvumeleka kokuhlolwa nokwenza iziphakamiso ngoluhlu lwezinto ezililifa lemveli eziphakanyiselwa ukuba zifakwe kwirejista yezelifa lemveli yePhondo.
- (2) Ukongeza kwisaziso esichazwe kumgaqwana (1), iLifa leMveli leNtshona Koloni lisenokupapasha isaziso nakweliphi na elinye ijelo lezosasazo elilibona lifanelekile.
- (3) Isaziso esichazwe kumgaqwana (1) kufuneka—
 - (a) sipapashwe ngazo zontathu iilwimi ezisemthethweni zePhondo;
 - (b) simeme uluntu lwenze iziphakamiso;
 - (c) sicacise ukuba iziphakamiso mazifakwe ngokubhaliweyo;
 - (d) sichaze umhla uluntu omalufake ngawo iziphakamiso zalo kwiLifa leMveli leNtshona Koloni, nekufuneka umhla lowo ungabikho ngaphantsi kweentsuku ezingama-30 emva kokupapashwa kwesaziso;
 - (e) sibe neenkukacha malunga namalungiselelo okukhusela into elilifa lemveli achazwe kwicandelo 30(11) loMthetho;

- (f) sibe neenkukacha ngayo nayiphi na intlanganiso yoluntu okanye amacweyo achazwe kumgaqo 5; kwaye
 - (g) sichaze ukuba ikopi yoluhlu lwezinto ezililifa lemveli ekuphakanyiswa ukubhaliswa kwazo kwirejista yezelifa lemveli iyafumaneka ukuba ihlolwe—
 - (i) kwiwebhusayithi yeLifa leMveli leNtshona Koloni;
 - (ii) kwii-ofisi zeLifa leMveli leNtshona Koloni;
 - (iii) nakuyo nayiphi na enye indawo enokuchazwa liLifa leMveli leNtshona Koloni kwisaziso.
- (4) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba uluhlu lwezinto ezililifa lemveli lwenziwa lufumaneka ukuba luhlolwe njengoko kuchaziwe kumgaqwana (3)(g).

Ukupapashwa kwesaziso ngokumiselwa kwendawo emayibe lilifa lemveli

3. (1) ILifa leMveli leNtshona Koloni okanye umasipala wendawo, kuxhomekeka kwimeko leyo, kufuneka, ngesaziso *kwiGazethi yePhondo*—
- (a) nakwiphapha-ndaba elinye ubuncinane elifundwa kwiPhondo ngokubanzi; okanye
 - (b) ukuba indawo ephakanyiswa ukuba ibe lilifa lemveli ichaphazela indawo ethile, kwiphapha-ndaba elinye ubuncinane elifundwa ngabantu bendawo leyo,
- lazise uluntu ngokuvumeleka kokuhlolwa nokwenza iziphakamiso ngokumiselwa kwendawo njengelifa lemveli.
- (2) Ukongeza kwisaziso esichazwe kumgaqwana (1), iLifa leMveli leNtshona Koloni lisenokupapasha isaziso nakweliphi na elinye ijelo lezosasazo elilibona lifanelekile.
- (3) Isaziso esichazwe kumgaqwana (1) kufuneka—
- (a) sipapashwe ngazo zontathu iilwimi ezisemthethweni zePhondo;
 - (b) simeme uluntu lwenze iziphakamiso;
 - (c) sicacise ukuba iziphakamiso mazifakwe ngokubhaliweyo;
 - (d) sichaze umhla uluntu omalufake ngawo iziphakamiso zalo kwiLifa leMveli leNtshona Koloni, nekufuneka umhla lowo ungabikho ngaphantsi kweentsuku ezingama-30 emva kokupapashwa kwesaziso;
 - (e) sibe neenkukacha malunga namalungiselelo okukhusela into elilifa lemveli achazwe kwicandelo 30(11) loMthetho;
 - (f) sibe neenkukacha ngayo nayiphi na intlanganiso yoluntu okanye amacweyo achazwe kumgaqo 5; kwaye
 - (g) sichaze ukuba ikopi yoluhlu lwezinto ezililifa lemveli ekuphakanyiswa ukuba zibhaliswe kwirejista yezelifa lemveli iyafumaneka ukuba ihlolwe—
 - (i) ukuba liLifa leMveli leNtshona Koloni elenza isiphakamiso sokumiselwa kwendawo ukuba ibe lilifa lemveli—
 - (aa) kwiwebhusayithi yeLifa leMveli leNtshona Koloni;
 - (bb) kwii-ofisi zeLifa leMveli leNtshona Koloni
 - (cc) nakweyiphi na enye indawo enokuchazwa liLifa leMveli leNtshona Koloni kwisaziso; okanye
 - (ii) ukuba ngumasipala wendawo owenza isiphakamiso sendawo elilifa lemveli—
 - (aa) kwiwebhusayithi kamasipala wendawo;
 - (bb) kwii-ofisi zomphathi womasipala wendawo;
 - (cc) nakweyiphi na enye indawo enokuchazwa ngumasipala wendawo kwisaziso.
- (4) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba uluhlu lwezinto ezililifa lemveli lwenziwa lufumaneka ukuba luhlolwe njengoko kuchaziwe kumgaqwana (3)(g)

Isaziso kumaqumrhu olondolozo

4. (1) ILifa leMveli leNtshona Koloni kufuneka, xa lisenza isaziso esichazwe kumgaqo 2, lazise naliphi na iqumrhu lolondolozo elichaphazelekayo malunga nokufumaneka koluhlu lwezinto ezililifa lemveli eziphakanyiswayo ukuba luhlolwe kwenziwe neziphakamiso zokubhaliswa kwazo kwirejista yezinto ezililifa lemveli, ngokuthumela isaziso—
- (a) ngeposi ebhalisiweyo kwidilesi yeposi yequmrhu lolondolozo; okanye
- (b) ngefeksi okanye nge-imeyile kwidilesi yefeksi okanye ye-imeyile, kuxhomekeka kwimeko leyo, yequmrhu lolondolozo.
- (2) ILifa leMveli leNtshona Koloni kufuneka, xa lisenza isaziso esichazwe kumgaqo 3, lazise naliphi na iqumrhu lolondolozo elichaphazelekayo malunga nokufumaneka koluhlu lwezinto ezililifa lemveli eziphakanyiswayo ukuba luhlolwe kwenziwe neziphakamiso, ngokuthumela isaziso—
- (a) ngeposi ebhalisiweyo kwidilesi yeposi yequmrhu lolondolozo; okanye
- (b) ngefeksi okanye nge-imeyile kwidilesi yefeksi okanye ye-imeyile, kuxhomekeka kwimeko leyo, yequmrhu lolondolozo.

Iintlanganiso zoluntu namacweyo

5. (1) ILifa leMveli leNtshona Koloni okanye umasipala wendawo, kuxhomekeka kwimeko leyo, lisenokuthi xa kudingeka njalo libambe iintlanganiso zoluntu okanye amacweyo ngaphambi kwexesha lokwenza iziphakamiso ezichazwe kumgaqo 2 nakumgaqo 3 kwaye limeme uluntu ukuba lunikele iintetho ngomlomo okanye ngokubhaliweyo okanye izikhalazo ngezinto ezililifa lemveli eziphakanyiswayo ukuba zibhaliswe kwirejista yezelifa lemveli okanye eziphakanyiswa ukuba zimiselwe njengeendawo ezililifa lemveli.
- (2) ILifa leMveli leNtshona Koloni okanye umasipala, kuxhomekeka kwimeko leyo, kufuneka libambe iintlanganiso yoluntu emva kokuphela kwexesha lokwenza iziphakamiso ezichazwe kumgaqo 2 nakumgaqo 3 ukuba kukho iziphakamiso okanye izikhalazo ezifunyenweyo.

Ukunika ingqwalasela iziphakamiso

6. (1) ILifa leMveli leNtshona Koloni kufuneka, xa lipapasha isaziso esichazwe kumgaqo 2—
- (a) linike ingqwalasela efanelekileyo zonke iziphakamiso, iintetha okanye izikhalazo ezifunyenweyo; kwaye
- (b) ligcine iinkcukacha ngokubhaliweyo malunga nezigqibo ezenziweyo nezizathu zezo zigqibo, nkcukacha ezo kufuneka zenziwe zibe nokufumaneka kwabanomdla nakumaqumrhu achaphazelekayo xa ezifuna, ngaphambi kokuba into elilifa lemveli ibandakanywe kwirejista yezelifa lemveli.
- (2) ILifa leMveli leNtshona Koloni okanye umasipala, kuxhomekeka kwimeko leyo, kufuneka, xa lipapasha isaziso esichazwe kumgaqo 3—
- (a) linike ingqalelo efanelekileyo zonke iziphakamiso, iintetho neziikhalazo ezifunyenweyo; kwaye
- (b) ligcine iinkcukacha ngokubhaliweyo malunga nezigqibo ezenziweyo nezizathu zezo zigqibo, nkcukacha ezo kufuneka zenziwe zibe nokufumaneka kwabanomdla nakumaqumrhu achaphazelekayo xa ezifuna, ngaphambi kokuba limisele indawo njengelilifa lemveli.

Ukupapasha izaziso ngokwecandelo 30(2), necandelo 31(4) no-(5) loMthetho

7. (1) ILifa leMveli leNtshona Koloni kufuneka ngesaziso *kwiGazethi yePhondo* lidwelise izinto ezililifa lemveli emazifakwe kwirejista yezelifa lemveli yePhondo.

- (2) ILifa leMveli leNtshona Koloni okanye umasipala wendawo, nokuba nguwuphi na owenza isiphakamiso sokumiselwa kwendawo njengelilifa lemveli, kufuneka enze isaziso *kwiGazethi yePhondo* amisele indawo njengelilifa lemveli.
- (3) Isaziso esichazwe kumgaqwana (1) nakumgaqwana (2) kufuneka—
 - (a) sipapashwe ngazo zontathu iilwimi ezisemthethweni zePhondo;
 - (b) sidwelise izinto ezililifa lemveli emazifakwe kwirejista yezelifa lemveli okanye sinike ingcaciso ephelleleyo ngendawo emayimiselwe njengendawo elilifa lemveli ngemephu okanye nangayiphi na enye indlela yezobuchwephetshe eza kuyibonisa ngokucacileyo indawo elilifa lemveli.

Isibhenho

8. (1) Umntu onqwenela ukwenza isibhenho—
 - (a) ngokubhaliswa kwento elilifa lemveli kwirejista yezelifa lemveli njengoko kuchaziwe kumgaqo 7(1); okanye
 - (b) ngokumiselwa kwendawo njengendawo elilifa lemveli njengoko kuchaziwe kumgaqo 7(2),
 kufuneka enze isibhenho kwiBhunga leLifa leMveli leNtshona Koloni ngokuthi asibhale kwiintsuku ezingama-30 zokupapashwa kwesaziso ngokomgaqo 7.
- (2) IBhunga leLifa leMveli leNtshona Koloni, okanye ikomiti yezibhenho emiselwe liBhunga leLifa leMveli leNtshona Koloni, kufuneka lithathele ingqalelo isibhenho eso ze lenze izigqibo kwiintsuku ezingama-21 emva kokufunyanwa kwesibhenho eso.
- (3) Nawuphi na umntu onqwenela ukwenza isibhenho ngesigqibo esenziweyo ngokwecandelwana (2) usenokwenza isibhenho kuMphathiswa ngokwecandelo 49 loMthetho.

Isihloko esifutshane

9. Le migaqo ibizwa ngokuba yiMigaqo ephathele kwiNkqubo yoThethwano ngokuBhalisa izinto eziliLifa leMveli kwiRejista yezeLifa leMveli nokuMisela iiNdawo eziliLifa leMveli, 2018.

