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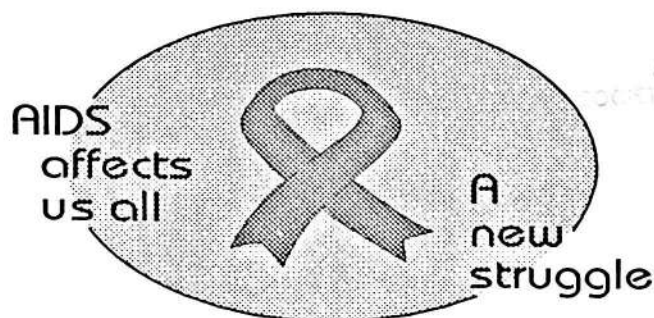
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DEPARTMENT OF HEALTH



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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>GENERAL NOTICE</b>		
103	National Heritage Resources Act (25/1999): .....	3	908

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## GENERAL NOTICE

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### NOTICE 103 OF 2003

#### LIMPOPO PROVINCIAL GOVERNMENT DEPARTMENT OF SPORT, ARTS AND CULTURE

#### LIMPOPO HERITAGE REGULATIONS, 2003

1. It is hereby notified that the Member of the Executive Council of the Department of Sport, Arts and Culture has in terms of sections 23, 26 and 49 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), made the regulations in the Schedule.
2. It is further notified that the regulations published in the Provincial Gazette No. 891 of 25 April 2003; GN 70 of 2003 is hereby withdrawn.

**MEMBER OF THE EXECUTIVE COUNCIL**  
**DEPARTMENT OF SPORT, ARTS AND CULTURE**

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## DEPARTMENT OF SPORT, ARTS AND CULTURE

### REGULATIONS

The Member of the Executive Council responsible for Sport, Arts and Culture in Limpopo, has in terms of sections 23, 26 and 49 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), promulgated the regulations contained in the Schedule hereto.

### SCHEDULE

#### ARRANGEMENT OF REGULATIONS

1. Definitions
2. Establishment of Limpopo Heritage Authority
3. Constitution of Council for Limpopo Heritage Authority
4. Finances
5. Chairperson of Council
6. Committees of Council
7. Declaration of interest by members
8. Meetings of Council and Committees of Council
9. Reimbursement of expenses for members
10. Functions of Council
11. Delegation of functions and assignment of powers
12. Appeals
13. Transitional arrangements
14. Short Title

#### 1. Definitions

In these regulations unless the context indicates otherwise-

"Council" means the Council of the Limpopo Heritage Authority constituted in terms of regulation 3;

"Committees" means Committees of Council established in terms of regulation 6;

"Department" means the department responsible for heritage matters in the Province;

"LHA" means the Limpopo Heritage Authority;

**"MEC"** means the Member of the Executive Council responsible for heritage matters in the Province;

**"member"** means a member of Council or a Committee; and

**"the Act"** means the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

## **2. Establishment of Limpopo Heritage Authority**

- (1) The Limpopo Heritage Authority is hereby established.
- (2) The LHA is responsible for the management of heritage resources in the Province and shall be governed by a Council constituted in terms of these regulations.

## **3. Constitution of Council of LHA**

- (1) To constitute the Council, the MEC must invite the general public to nominate persons for appointment as members of the Council.
- (2) Once such nominations have been received, the MEC must -
  - (a) compile a shortlist of candidates from the nominees; and
  - (b) appoint the members of the Council from the shortlist of candidates submitted in accordance with the principles of transparency and representivity and with due regard to-
    - (i) the principles of cost-effectiveness and efficiency; and
    - (ii) the need to build capacity in the management of heritage resources in the province.
- (3) Members of the Council must-
  - (a) be South African citizens;
  - (b) be permanently resident in the Province; and
  - (c) possess a broad range of experience, expertise and skills on the business of the Council, including one or more of the following:

- (i) archaeology;
  - (ii) architecture;
  - (iii) living culture;
  - (iv) palaeontology;
  - (v) financial management;
  - (vi) law;
  - (vii) social history;
  - (viii) urban planning; and
  - (ix) traditional practises and indigenous knowledge systems.
- (4) The Council shall consist of at least nine, but not more than 14 members. The MEC must determine the number of members that will form the Council.
- (5) A member must vacate office if the member-
- (a) resigns in writing; or
  - (b) has been absent from three consecutive meetings of the Council without leave of the MEC or on good cause shown; or
  - (c) is declared insolvent by a court of law; or
  - (d) is declared insane by a court of law; or
  - (e) is convicted of an offence involving dishonesty; or
  - (f) becomes incapable to perform Council or Committee duties.
- (6) The term of office of members of the Council is three years.
- (7) A member is eligible for reappointment once only.
- (8) The MEC must appoint new members to the Council and these members must assume their Council functions on the day after the expiry of the term of existing members.
- (9) The MEC may on good cause shown, remove a member from office.
- (10) If a member of the Council dies, vacates office, or becomes incapable to perform Council duties, another person may be appointed to fill the vacancy for the unexpired period of that term.



- (3) A Chairperson of a Committee must vacate office if he or she has been absent from three consecutive Committee meetings without good cause shown.
- (4) In the case of an Appeal Committee, the Council may appoint additional persons on the basis of their qualifications and expertise in, or knowledge of heritage resources management, to assist the Committee in considering appeals.

## **7. Declaration of interest by members**

- (1) A member of the Council or of a Committee must declare any interest that member has in relation to a matter that the Council or the Committee has to consider.
- (2) A member referred to in subsection (1) must not participate in the discussions, recommendations or decisions of the Council or a Committee concerning that particular matter.

## **8. Meetings**

- (1) The Council must determine proceedings and procedures of Council and of Committees by determining rules for-
  - (a) convening of meetings;
  - (b) procedure at meetings; and
  - (c) frequency of meetings: Provided that the Council must meet at least four times per year.
- (2) A quorum for a meeting of the Council and Committees is a simple majority of the appointed members.
- (3) Decisions at meetings are taken by resolution of a majority of all the members present. In the event of an equality of votes the Chairperson shall in addition to a deliberate vote as a member of the Council, have a deciding vote.



## **9. Re-imbursement of expenses for members**

Any member who is not in the full-time employ of the State-

- (a) may be paid an allowance from funds of the Department as may be determined by the MEC after consultation with the provincial Treasury; and
- (b) may be reimbursed in respect of expenses incurred by such member in the performance of the functions of the Council and of the Committees.

## **10. Functions of Council**

- (1) Designated officials in the employ of the Department may perform the daily administrative functions of the Council as mutually agreed upon between the Council and the MEC.
- (2) Such functions may include but are not limited to-
  - (a) the identification of and research into heritage and heritage resources;
  - (b) strategic management;
  - (c) the protection and management of heritage resources;
  - (d) financial and administrative support;
  - (e) secretarial services to the Council; and
  - (f) the establishment and maintenance of databases and other resources.

## **11. Delegation of functions and assignment of powers**

- (1) The Council may by resolution delegate any of the functions or assign any of the powers of the Council to-
  - (a) a member of the Council;
  - (b) a Committee or a member of a Committee;

- (c) a designated staff member employed in the Department;
  - (d) a heritage inspector as envisaged in section 50 of the Act;
  - (e) a local authority that is competent in terms of the Act to perform such functions, by agreement with such local authority; and
  - (f) specified office bearers or members of a conservation body registered with the LHA in terms of section 25(1)(b) of the Act and who are competent to perform such functions.
- (2) Such delegation-
- (a) must be in writing and clearly state the functions delegated and the powers assigned, any conditions attached to the delegation or assignment and the period of such delegation or assignment; and
  - (b) must be revoked in writing.

## 12. Appeals

- (1) Persons and bodies with interest in or are affected by a decision of a Committee or other delegated representative of the LHA, may lodge an appeal with the Council against such decision.
- (2) Such appeal must-
  - (a) set out the grounds of the appeal;
  - (b) be lodged with the Council within 14 working days of the date on which the decision was made known in writing to the applicant; and
  - (c) be considered by the Council or an Appeal Committee appointed by Council, within 21 working days of receipt of the appeal.
- (3) The Appeal Committee must consist of-
  - (a) at least three members of the Council who were not present when the original decision was taken; and

- (b) not more than three additional persons.
- (4) In considering an appeal, the Appeal Committee must have due regard to-
  - (a) the significance of the heritage resource in question;
  - (b) the principles set out in section 5 of the Act; and
  - (c) any other relevant factor brought to the attention of the Appeal Committee by the applicant, the LHA or any other person or body directly affected by the decision.

### 13. Transitional arrangements

A decision of the LHA taken in terms of the regulations promulgated in the *Provincial Gazette* No.891 of 25 April 2003, GN 70 of 2003 before the promulgation of these regulations-

- (a) remains valid and in force; and
- (b) is deemed to have been taken by the LHA in terms of these regulations.

### 14. Short Title

These regulations are called the Limpopo Heritage Regulations, 2003.

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