



G68G
5.559



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS + 1c AVB 20c PRICE + 1c GST
BUI TELANDS 30c ABROAD
POS VRY · POST FREE

VOL. 188]

KAAPSTAD, 25 FEBRUARIE 1981

[No. 7434

CAPE TOWN, 25 FEBRUARY 1981

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 349.

25 Februarie 1981.

No. 349.

25 February 1981.

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

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

No. 13 van 1981: Wysigingswet op Nasionale Gedenkwaardighede, 1981.

No. 13 of 1981: National Monuments Amendment Act, 1981.

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

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 National Monuments Act, 1969, so as to further regulate the constitution of the National Monuments Council and its committees; to extend the said Council's powers and duties; to vest that Council also with the powers of the South African War Graves Board, and in pursuance hereof to provide for the establishment of a *Burgergraftekomitee* and a British War Graves Committee; to regulate the declaration of certain burial grounds and graves to be national monuments; to make further provision for the delegation of powers; to provide for the transfer of the officers and employees of the said War Graves Board to the said National Monuments Council, and for the vesting in the said National Monuments Council of the assets, rights, liabilities and obligations of the said War Graves Board; to effect the continued existence of the War Graves Trust Fund; to make new provision in respect of National Gardens of Remembrance; to regulate the preservation of certain antiques; and to create additional offences and penalties; to repeal certain laws; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 February 1981.)

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

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

1. Section 1 of the National Monuments Act, 1969 (herein after referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "council" of the following definitions: 5

"'Director-General' means the Director-General:

National Education;

'exile' means any person who, during the Anglo-Boer War (1899-1902), was removed as a prisoner of war from any place now included in the Republic to any place outside South Africa and died there; 10

'garrison troops' means the permanent forces of the former republics and colonies in South Africa and the forces of the United Kingdom of Great Britain stationed in South Africa prior to 1910;" 15

and

(b) by the insertion after the definition of "territory" of the following definition:

"'Voortrekker grave' means the grave of any person who participated in the movement known as the Great Trek and who died between the years 1835 and 1854;" 20

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Nasionale Gedenkwaardighede, 1969, ten einde die samestelling van die Raad vir Nasionale Gedenkwaardighede en sy komitees verder te reël; genoemde Raad se bevoegdhede en pligte uit te brei; dié Raad ook te beklee met die bevoegdhede van die Suid-Afrikaanse Raad vir Oorlogsgrafte, en na aanleiding hiervan vir die instelling van 'n Burgergraftekomitee en 'n *British War Graves Committee* voorsiening te maak; die verklaring van sekere begraafplase en grafte tot nasionale gedenkwaardighede te reël; verdere voorsiening vir die delegering van bevoegdhede te maak; voorsiening te maak vir die oorplasing van genoemde Raad vir Oorlogsgrafte se beamptes en werknemers na genoemde Raad vir Nasionale Gedenkwaardighede, en vir die oorgang van die bates, regte, laste en verpligtings van genoemde Raad vir Oorlogsgrafte op genoemde Raad vir Nasionale Gedenkwaardighede; die voortbestaan van die Oorlogsgrafte-trustfonds te bewerkstellig; nuwe voorsiening ten opsigte van Nasionale Gedenktuine te maak; die behoud van sekere oudhede te reël; en bykomende misdrywe en strawwe te skep; om sekere wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Februarie 1981.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Nasionale Gedenkwaardighede, 1969 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur voor die omskrywing van „gebied” die volgende omskrywings in te voeg:

„banneling” iemand wat gedurende die Anglo-Boereoorlog (1899-1902) as 'n krygsgevangene verwyder is vanaf 'n plek wat nou 'n deel van die Republiek uitmaak na 'n plek buite Suid-Afrika en wat daar gesterf het;

„Direkteur-generaal” die Direkteur-generaal: Nasionale Opvoeding;

„garnisoentroepe” die staande magte van die voormalige republieke en kolonies in Suid-Afrika en die troepemagte van die Verenigde Koninkryk van Groot-Brittanje wat voor 1910 in Suid-Afrika gestasioneer was;” en
 - 10 (b) deur na die omskrywing van „teken” die volgende omskrywing in te voeg:

„Voortrekkergraf” die graf van iemand wat aan die beweging bekend as die Groot Trek deelgeneem het en wat tussen die jare 1835 en 1854 gesterf het;”.

Wysiging van artikel 1 van Wet 28 van 1969, soos gewysig deur artikel 1 van Wet 35 van 1979.

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

Amendment of
section 3 of
Act 28 of 1969.

2. Section 3 of the principal Act is hereby amended—

- (a) by the addition to subsection (1) of the following proviso:

“Provided that the Minister may from time to time appoint not more than two additional members to the council for a particular purpose on the ground of their special knowledge of the matter for the purpose of which they are appointed.”; and

- (b) by the insertion after subsection (2) of the following subsection:

“(2A) A member of the council appointed for a particular purpose shall hold office until the matter for the purpose of which he was appointed has been disposed of by the council.”.

Insertion of
section 3A in
Act 28 of 1969.

3. The following section is hereby inserted in the principal Act after section 3:

“Establish-
ment of
committees.

3A. (1) There are hereby established two committees to be known as—

- (a) the *Burgergraftekomitee*; and
(b) the British War Graves Committee,
respectively.

(2) The object and function of the said committees shall be to identify—

- (a) burial grounds and graves of persons who died in any area now included in the Republic in wars, other than the wars known as the First and Second World Wars, or rebellions which occurred therein;

- (b) burial grounds and graves in the Republic of members of garrison troops who died up to 3 August 1914;

- (c) Voortrekker graves and burial grounds; and
(d) burial grounds and graves of exiles,

in order to enable the council to act in respect of such burial grounds and graves as contemplated in the relevant provisions of section 5, and to report to the council on the desirability of declaring any such burial ground or grave to be a national monument.

(3) The said committees shall each consist of such number of members, but not more than five, as the Minister may determine from time to time.

(4) Such members, of whom only the chairmen may be members of the council, shall be appointed by the Minister.

(5) Every member of each such committee shall hold office for such period, not exceeding five years, as the Minister may determine at the time of his appointment, but shall be eligible for re-appointment: Provided that if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.

(6) A member of each committee designated by the Minister as chairman shall preside at the meetings of the committee for which he has been so designated as chairman: Provided that if the chairman of a committee concerned is absent from any meeting of such committee, a chairman elected by the members from among themselves shall preside at such meeting.”.

Substitution of
section 4 of
Act 28 of 1969.

4. The following section is hereby substituted for section 4 of the principal Act:

“Committees
of council.

4. (1) The council may establish committees to assist it in the exercise of its functions and the performance of its duties, and may appoint in

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

2. Artikel 3 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 3 van
Wet 28 van 1969.(a) deur die volgende voorbehoudsbepaling by subartikel
(1) te voeg:

„Met dien verstande dat die Minister van tyd tot tyd

5 hoogstens twee addisionele lede vir 'n bepaalde doel in
die raad kan aanstel op grond van hul besondere
kennis van die aangeleentheid vir die doel waarvan
hulle aangestel word.”; en10 (b) deur die volgende subartikel na subartikel (2) in te
voeg:„(2A) 'n Lid van die raad wat vir 'n bepaalde doel
aangestel is, bekleë sy amp totdat die aangeleentheid
vir die doel waarvan hy aangestel is, deur die raad
afgehandel is.”.15 3. Die volgende artikel word hierby in die Hoofwet na artikel
3 ingevoeg:Invoeging van
artikel 3A in
Wet 28 van 1969.„Instelling
van komitees. 3A. (1) Daar word hierby twee komitees ingestel
wat onderskeidelik—

20 (a) die Burgergraftekomitee; en

(b) die *British War Graves Committee*,
heet.(2) Die oogmerk en werksaamheid van genoemde
komitees is om—25 (a) begraafplase en grafte van persone wat in 'n
gebied wat nou deel van die Republiek uit-
maak, gesterf het in oorloë, behalwe die oorloë
bekend as die Eerste en die Tweede Wêreld-
oorlog, of opstande wat daarin plaasgevind
het;30 (b) begraafplase en grafte in die Republiek van
lede van garnisoentroepe wat tot 3 Augustus
1914 gesterf het;

(c) Voortrekkergrafte en -begraafplase; en

35 (d) begraafplase en grafte van bannelinge,
te identifiseer ten einde die raad in staat te stel om
ten opsigte van sodanige begraafplase en grafte op
te tree soos in die toepaslike bepalings van artikel 5
beoog, en om aan die raad verslag te doen oor die
wenslikheid om so 'n begraafplaas of graf tot
40 nasionale gedenkwaardigheid te verklaar.(3) Elkeen van genoemde komitees bestaan uit
die getal lede, maar hoogstens vyf, wat die Minister
van tyd tot tyd bepaal.45 (4) Daardie lede, van wie alleen die voorsitters
lede van die raad kan wees, word deur die Minister
aangestel.50 (5) Elke lid van elke sodanige komitee bekleë sy
amp vir die tydperk, maar hoogstens vyf jaar, wat
die Minister ten tyde van sy aanstelling bepaal, maar
kan weer aangestel word: Met dien verstande dat
die Minister, indien daar na sy oordeel gegronde
redes daarvoor bestaan, te eniger tyd die ampster-
myn van 'n lid kan beëindig.55 (6) 'n Lid van elk van die komitees deur die
Minister as voorsitter aangewys, sit voor op die
vergaderings van die komitee waarvoor hy aldus as
voorsitter aangewys is: Met dien verstande dat
indien die voorsitter van 'n betrokke komitee van 'n
vergadering van daardie komitee afwesig is, 'n
60 voorsitter deur die aanwesige lede uit hul middel
verkies op daardie vergadering voorsit.”.4. Artikel 4 van die Hoofwet word hierby deur die volgende
artikel vervang:Vervanging van
artikel 4 van
Wet 28 van 1969.65 „Komitees
van raad. 4. (1) Die raad kan komitees aanstel om hom
behulpzaam te wees by die verrigting van sy werk-
saamhede en die uitvoering van sy pligte, en kan

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

addition to any of its members such other persons as it may deem fit to be members of any such committee: Provided that the council may from time to time appoint not more than two additional members to any such committee for a particular purpose on the ground of their special knowledge of the matter for the purpose of which they are appointed.

(2) A member of any such committee so appointed for a particular purpose shall hold office until the matter for the purpose of which he was appointed has been disposed of by the committee.”.

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

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

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

“(c) by notice in the *Gazette* provisionally to declare any immovable property (including any burial ground and grave referred to in section 3A (2), any garden of remembrance, and any area declared to be a National Garden of Remembrance under section 9C) described in such notice and in respect of which the council is investigating the desirability of recommending it to be declared a national monument, to be a national monument, or by like notice to withdraw any such notice;”;

(b) by the insertion after paragraph (c) of the said subsection (1) of the following paragraphs:

“(cA) to repair, restore, maintain and generally care for burial grounds and graves referred to in section 3A (2);

(cB) subject to the provisions of subsection (4A) or any other law, to exhume and re-inter the remains of any person buried in any grave referred to in section 3A (2) (a), (b) or (c);”;

(c) by the substitution in paragraph (f) of the said subsection (1) for the words preceding the proviso of the following words:

“to preserve, repair or restore anything declared or provisionally declared under this Act to be a national monument or to construct fences, walls or gates around it or on it, if it is under the control of the council or, if it is not under the control of the council, if the owner consents thereto;”;

(d) by the insertion after paragraph (g) of the said subsection (1) of the following paragraphs:

“(gA) to establish gardens of remembrance in respect of any class of persons contemplated in section 3A (2) (a);

(gB) to erect memorials for any such class of persons or any person belonging to any such class of persons;”;

(e) by the substitution for paragraph (k) of the said subsection (1) of the following paragraphs:

“(k) to provide insurance cover—

(i) for the council against any loss, damage, risk or liability which it may suffer or incur; and

(ii) for the members of the council, of any committee of the council and of any committee established by section 3A, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

benewens enigeen van sy lede dié ander persone wat hy goetvind as lede van so 'n komitee aanstel: Met dien verstande dat die raad van tyd tot tyd hoogstens twee addisionele lede vir 'n bepaalde doel in so 'n komitee kan aanstel op grond van hul besondere kennis van die aangeleentheid vir die doel waarvan hulle aangestel word.

(2) 'n Lid van so 'n komitee wat vir 'n bepaalde doel aldus aangestel is, bekleë sy amp totdat die aangeleentheid vir die doel waarvan hy aangestel is, deur die komitee afgehandel is."

5. Artikel 5 van die Hoofwet word hierby gewysig—

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

„(c) om by kennisgewing in die *Staatskoerant* onroerende goed (met inbegrip van 'n begraaftuun deur hom tot stand gebring en 'n gebied tot Nasionale Gedenktuin kragtens artikel 9C verklaar) in die kennisgewing omskryf en ten opsigte waarvan die raad ondersoek instel na die wenslikheid om aan te beveel dat dit tot nasionale gedenkwaardigheid verklaar word, voorlopig tot nasionale gedenkwaardigheid te verklaar, of om by dergelike kennisgewing so 'n kennisgewing in te trek;"

(b) deur na paragraaf (c) van genoemde subartikel (1) die volgende paragrafe in te voeg:

„(cA) om begraaftuine en grafte in artikel 3A (2) bedoel, te herstel, te restoreer, in stand te hou en in die algemeen te versorg;

(cB) om, behoudens die bepalings van artikel (4A) of enige ander wet, die oorskot van iemand wat in 'n graf in artikel 3A (2) (a), (b) of (c) bedoel, begrawe is, op te graaf en te herbegraaf;"

(c) deur in paragraaf (f) van genoemde subartikel (1) die woorde wat die voorbehoudbepaling voorafgaan deur die volgende woorde te vervang:

„om enigiets wat kragtens hierdie Wet tot nasionale gedenkwaardigheid verklaar of voorlopig verklaar is, te bewaar, te herstel of te restoreer of om heinings, mure of hekke daaromheen of daarop aan te bring, indien dit onder die beheer van die raad staan of, indien dit nie onder die beheer van die raad staan nie, indien die eienaar daartoe instem;"

(d) deur na paragraaf (g) van genoemde subartikel (1) die volgende paragrafe in te voeg:

„(gA) om gedenktuine tot stand te bring ten opsigte van

enige klas persone in artikel 3A (2) (a) beoog;

(gB) om gedenktekens op te rig vir enige sodanige klas persone of 'n persoon wat aan enige sodanige klas persone behoort;"

(e) deur paragraaf (k) van genoemde subartikel (1) deur die volgende paragrafe te vervang:

„(k) om by wyse van versekering voorsiening te maak vir dekking—

(i) van die raad teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop; en

(ii) van die lede van die raad, van enige komitee van die raad en van enige komitee by artikel 3A ingestel, ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk

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

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

- in the course of the performance of their duties as such members;
- (kA) subject to the approval of the Minister, to insure such of its officers or employees as are excluded from the definition of "workman" in section 3 of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), without having regard to subsection (1) (b) of the said section, against disablement or death resulting from accidents or scheduled diseases as defined in that Act, either by way of special arrangement with the Workmen's Compensation Commissioner as provided for in the said section, or in some other manner;
- (kB) subject to the approval of the Minister and subject to such conditions as the Minister may determine when granting such approval, insure any of its officers and employees in respect of whom the council considers it necessary to do so, against disablement or death sustained or taking place in the execution of their duties, to supplement any indemnification in accordance with the provisions of the Workmen's Compensation Act, 1941;
- (kC) to inspect or cause to be inspected any grave repaired or maintained by it, any garden of remembrance established by it, any memorial erected by it, or any National Garden of Remembrance mentioned in section 9C;"
- (f) by the addition to the said subsection (1) of the following paragraphs:
- "(m) to make a recommendation referred to in section 7A of the Forestry Act, 1968 (Act No. 72 of 1968), to the Minister of Water Affairs, Forestry and Environmental Conservation;
- (n) if agreed upon between the Government of the Republic and the government of any other state, to perform, with the concurrence of the Minister, in that state any function which it would be capable of performing in the Republic in terms of this Act;"
- (g) by the insertion after subsection (4) of the following subsection:
- "(4A) The council shall not exhume and re-inter the remains of any person if the owner of the land or premises on which such remains happen to be, is a descendant of such person and objects to the exhumation and re-interment.";
- (h) by the insertion after subsection (7) of the following subsection:
- "(7A) The council shall—
- (a) compile and maintain registers of the situation of graves referred to in section 3A (2) and of personal details of persons buried therein;
- (b) establish and keep a register of all graves repaired or maintained, gardens of remembrance established and memorials erected by it;
- (c) publish periodically lists of any graves referred to in section 3A (2) with such particulars of or information relating to such graves as may be determined by the council."

Amendment of
section 6 of
Act 28 of 1969.

6. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsection (2), the council shall out of its funds pay to a member of the council or any committee thereof or any committee established by section 3A, such allowances and afford him such transport

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

wat in die loop van hul pligte as sodanige lede plaasvind;

(kA) om, onderworpe aan die goedkeuring van die Minister, sy beamptes of werknemers wat uitgesluit is van die omskrywing van „werksman” in artikel 3 van die Ongevallewet, 1941 (Wet No. 30 van 1941), sonder inagneming van subartikel (1) (b) van genoemde artikel, te verseker teen arbeidsongeskiktheid of dood as gevolg van ongevallen of vergoedingspligtige siektes soos in daardie Wet omskrywe, hetsy by wyse van ’n spesiale reëling met die Ongevallekommissaris soos in genoemde artikel bepaal, of op ’n ander wyse;

(kB) om, onderworpe aan die goedkeuring van die Minister, en op die voorwaardes wat die Minister by verlening van sodanige goedkeuring bepaal, sy beamptes en werknemers ten opsigte van wie hy dit nodig ag, te verseker teen arbeidsongeskiktheid of dood wat opgedoen word of plaasvind by die uitvoering van hul pligte, ter aanvulling van enige skadeloosstelling ooreenkomstig die bepalinge van die Ongevallewet, 1941;

(kC) om enige graf deur hom herstel of in stand gehou, enige gedenktuin deur hom tot stand gebring, enige gedenkteken deur hom opgerig of enige Nasionale Gedenktuin in artikel 9C genoem, te inspekteer of te laat inspekteer;”;

(f) deur by genoemde subartikel (1) die volgende paragrafe te voeg:

„(m) om aan die Minister van Waterwese, Bosbou en Omgewingsbewing ’n aanbeveling bedoel in artikel 7A van die Boswet, 1968 (Wet No. 72 van 1968), te doen;

(n) om, indien daaromtrent ooreengekom tussen die Regering van die Republiek en die regering van ’n ander staat, met die instemming van die Minister in daardie staat enige werksaamheid te verrig wat hy ingevolge hierdie Wet in die Republiek sou kon verrig;”;

(g) deur na subartikel (4) die volgende subartikel in te voeg:

„(4A) Die oorskot van ’n persoon word nie deur die raad opgegraaf en herbegraaf nie indien die eienaar van die grond of perseel waarop bedoelde oorskot is, ’n afstammeling van bedoelde persoon is en teen die opgraving en herbegrawing beswaar maak.”; en

(h) deur na subartikel (7) die volgende subartikel in te voeg:

„(7A) Die raad moet—

(a) registers saamstel en byhou van die ligging van grafte in artikel 3A (2) bedoel en van persoonlike gegewens van persone wat daarin begrawe is;

(b) ’n register aanlê en hou van alle grafte deur hom herstel of in stand gehou, gedenktuine deur hom tot stand gebring en gedenktekens deur hom opgerig; en

(c) periodiek lyste van grafte in artikel 3A (2) bedoel tesame met die besonderhede omtrent of die inligting met betrekking tot sodanige grafte wat die raad bepaal, publiseer.”

6. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalinge van subartikel (2) betaal die raad aan ’n lid van die raad of ’n komitee daarvan of ’n komitee by artikel 3A ingestel, dié toelaes en verskaf die

Wysiging van
artikel 6 van
Wet 28 van 1969.

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

facilities in respect of his services as such a member as the Minister may with the concurrence of the Minister of Finance determine.”.

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

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

“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 **[Secretary for National Education]** 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).”.

Amendment of section 8 of Act 28 of 1969, as amended by section 6 of Act 35 of 1979.

8. Section 8 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsections:

“(2A) Any person who immediately prior to the date of commencement of the National Monuments Amendment Act, 1981, was under the provisions of section 12A of the War Graves Act, 1967 (Act No. 34 of 1967), in the service of the South African War Graves Board established by section 2 of that Act, shall be deemed to have been appointed under subsection (1) of this section on the said date to the service of the council, on the conditions of service applicable in respect of him and at the remuneration received by him immediately prior to the said date.

(2B) Save in pursuance of disciplinary measures applied by the council, the conditions of service applicable in respect of any such person or his remuneration, referred to in subsection (2A), shall not be altered to his prejudice without his consent.

(2C) Any sick or vacation leave which accrued in favour of any such person on account of his service with the said South African War Graves Board mentioned in subsection (2A), shall be deemed to have accrued in his favour by virtue of service with the council.

(2D) If any such person was immediately prior to the date mentioned in subsection (2A) a member of an applicable pension fund—

- (a) he remains as from that date without a break in his pensionable service a member of that pension fund;
- (b) he retains all the rights which he acquired and remains subject to all the obligations which he incurred in terms of any law relating to that pension fund; and
- (c) he is not entitled to any advantage which would otherwise by reason of the abolition of the post he occupied immediately prior to the date mentioned in paragraph (a) have accrued to him in terms of any such law.

(2E) For the purposes of subsection (2D) ‘applicable pension fund’ means a pension or provident fund administered by or under the control of the Minister of Health, Welfare and Pensions.”.

Amendment of section 9 of Act 28 of 1969, as amended by section 7 of Act 35 of 1979.

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

- (a) by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) moneys which become part of the funds of the council in terms of section 9A (5);”;

- (b) by the substitution for subsection (5) of the following subsection:

“(5) The council shall, in such manner as the **[Secretary for National Education]** Director-General

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

raad aan hom dié vervoergeriewe ten opsigte van sy dienste as so 'n lid, wat die Minister met die instemming van die Minister van Finansies bepaal."

7. Artikel 7A van die Hoofwet word hierby deur die volgende 5 artikel vervang:

„Delegering
van bevoegd-
hede deur
Minister.

7A. Die Minister kan 'n bevoegdheid, plig of werksaamheid wat by artikels 5 (1) (f), 5 (2), 5 (4) (a) en (b), 5 (7), 5A, 6 en 8 (1) aan hom verleen, opgelê of opgedra is, aan die **[Sekretaris van Nasionale Opvoeding]** Direkteur-generaal, die Adjunkdirekteur-generaal: Nasionale Opvoeding, of die direkteur van argiewe aangestel kragtens artikel 3 van die Argiefwet, 1962 (Wet No. 6 van 1962), oordra."

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

8. Artikel 8 van die Hoofwet word hierby gewysig deur na subartikel (2) die volgende subartikels in te voeg:

„(2A) Iemand wat onmiddellik voor die datum van

inwerkingtreding van die Wysigingswet op Nasionale Gedenkwaardighede, 1981, kragtens die bepalings van artikel 12A van die Wet op Oorlogsgrafte, 1967 (Wet No. 34 van 1967), in die diens van die Suid-Afrikaanse Raad vir Oorlogsgrafte ingestel by artikel 2 van daardie Wet was, word geag op genoemde datum op die diensvoorwaardes ten opsigte van hom van toepassing en teen die besoldiging deur hom ontvang onmiddellik voor genoemde datum, kragtens subartikel (1) van hierdie artikel in die diens van die raad aangestel te wees.

(2B) Behalwe ingevolge tugmaatreëls deur die raad toegepas, word die diensvoorwaardes ten opsigte van so iemand van toepassing of sy besoldiging in subartikel (2A) bedoel, nie sonder sy toestemming tot sy nadeel verander nie.

(2C) Siekte- of vakansieverlof wat ten gunste van so iemand vanweë sy diens by genoemde Suid-Afrikaanse Raad vir Oorlogsgrafte in subartikel (2A) genoem, opge-loop het, word geag uit hoofde van diens by die raad ten gunste van hom op te geloop het.

(2D) Indien so iemand onmiddellik voor die datum in subartikel (2A) genoem 'n lid van 'n toepaslike pensioen-fonds was—

(a) bly hy vanaf daardie datum sonder onderbreking in sy pensioengewende diens 'n lid van daardie pensioen-fonds;

(b) behou hy al die regte wat hy verkry het en bly hy onderworpe aan al die verpligtings wat hy opge-loop het ingevolge 'n wet met betrekking tot daardie pensioenfondse; en

(c) is hy nie geregtig nie op 'n voordeel wat hom andersins vanweë die afskaffing van die pos wat hy onmiddellik voor die datum in paragraaf (a) genoem, bekleed het, ingevolge so 'n wet sou toegeval het.

(2E) By die toepassing van subartikel (2D) beteken „toepaslike pensioenfondse" 'n pensioen- of voorsorgfondse wat deur of onder die beheer van die Minister van Gesondheid, Welsyn en Pensioene geadministreer word."

Wysiging van
artikel 8 van
Wet 28 van 1969,
soos gewysig deur
artikel 6 van
Wet 35 van 1979.

9. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf na paragraaf (c) van subartikel (1) in te voeg:

„(cA) gelde wat ingevolge artikel 9A (5) deel van die fondse van die raad word;"

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Die raad moet, op die wyse wat die **[Sekretaris van Nasionale Opvoeding]** Direkteur-generaal gelas,

Wysiging van
artikel 9 van
Wet 28 van 1969,
soos gewysig deur
artikel 7 van
Wet 35 van 1979.

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

may direct, keep records of all property under its control and of all its financial transactions, as well as of all its financial transactions in its capacity of trustee of the War Graves Trust Fund mentioned in section 9A (1)."; and

- (c) by the substitution in subsections (6) and (7) for the expression "Controller and Auditor-General" of the expression "Auditor-General".

Insertion of sections 9A, 9B, 9C and 9D in Act 28 of 1969.

10. The following sections are hereby inserted in the principal Act after section 9:

"Continued existence of War Graves Trust Fund.

9A. (1) The War Graves Trust Fund established by section 13A of the War Graves Act, 1967 (Act No. 34 of 1967), shall, notwithstanding the repeal of that Act by this Act, continue to exist.

(2) The council shall act as trustee of the said fund.

(3) There shall be paid into the said fund—

(a) all moneys collected by the council for the fund; and

(b) all grants and donations made to the fund.

(4) All moneys in the said fund shall be invested by the council in such manner as may be approved by the Minister with the concurrence of the Minister of Finance.

(5) Any income derived from the moneys invested in terms of subsection (4) shall become part of the funds of the council and may, subject to the provisions of subsection (6), be used by it for any of the functions of the council.

(6) In each year not less than R1 000 shall be devoted by the council to the maintenance, repair and general care of the burial grounds and graves of persons who died in the Anglo-Boer War in the Orange Free State or in any concentration camp established in the Cape Province for the reception of inhabitants of the former Republic De Oranje-vrijstaat.

Repair and maintenance of graves situated on land not owned or occupied by council and construction of access roads to graves.

9B. The council may—

(a) enter into an agreement with the owner of any land who or a local authority or other body which controls any land on which is situated any such grave as is referred to in section 3A

(2) in terms of which—

(i) the council acquires a right to repair or maintain such grave; or

(ii) such owner or local authority or other body undertakes to repair or maintain such grave; and

(b) by agreement with the owner of any land acquire or construct and maintain an access road over such land to any such grave as is referred to in section 3A (2), garden of remembrance established by it, memorial erected by it or National Garden of Remembrance and may, with the concurrence of such owner, construct fences, walls and gates across or next to such road.

National Gardens of Remembrance.

9C. (1) The Minister may from time to time, on the recommendation of the council, by notice in the *Gazette* declare any area of land on which any such grave as is referred to in section 3A (2) (a), (b) or (c) is situated, to be a National Garden of Remembrance: Provided that no such recommendation shall be made unless the council has at least one month before making the recommendation notified

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

van alle eiendom onder sy beheer en van al sy geldelike transaksies, asook van al sy geldelike transaksies in sy hoedanigheid van trustee van die Oorlogsgrafte-trustfonds in artikel 9A (1) genoem, boekhou.”;

(c) deur in subartikels (6) en (7) die uitdrukking „Kontroleur en Ouditeur-generaal” deur die uitdrukking „Ouditeur-generaal” te vervang.

10. Die volgende artikels word hierby in die Hoofwet na artikel 9 ingevoeg:

Invoeging van artikels 9A, 9B, 9C en 9D in Wet 28 van 1969.

„Voortbestaan van Oorlogsgrafte-trustfonds.

9A. (1) Die Oorlogsgrafte-trustfonds ingestel by

artikel 13A van die Wet op Oorlogsgrafte, 1967 (Wet No. 34 van 1967), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan.

(2) Die raad tree op as trustee van genoemde fonds.

(3) In genoemde fonds word gestort—

(a) alle gelde wat deur die raad vir die fonds ingesamel word; en

(b) alle toelaes en skenkings wat aan die fonds verleen of gedoen word.

(4) Alle gelde in genoemde fonds word deur die raad belê op 'n wyse wat die Minister met die instemming van die Minister van Finansies goedkeur.

(5) Inkomste verkry uit gelde ingevolge subartikel (4) belê, word deel van die fondse van die raad en kan, behoudens subartikel (6), deur hom aangewend word vir enige van die werksaamhede van die raad.

(6) In elke jaar moet die raad minstens R1 000 bestee aan die instandhouding, herstel en algemene versorging van die begraafplase en grafte van persone wat gesterf het in die Oranje-Vrystaat in die Anglo-Boereoorlog of in 'n konsentrasiekamp wat in die Kaapprovinsie opgerig is vir die ontvangs van inwoners van die voormalige Republiek De Oranje-vrijstaat.

Herstel en instandhouding van grafte geleë op grond wat nie deur raad besit of geëksponeer word nie en bou van toegangspaaie na grafte.

9B. Die raad kan—

(a) met die eienaar van grond of 'n plaaslike bestuur of ander liggaam wat beheer het oor grond waarop 'n graf in artikel 3A (2) bedoel, geleë is 'n ooreenkoms aangaan waarvolgens—

(i) die raad 'n reg verkry om sodanige graf te herstel of in stand te hou; of

(ii) sodanige eienaar of plaaslike bestuur of ander liggaam onderneem om sodanige graf te herstel of in stand te hou; en

(b) by ooreenkoms met die eienaar van grond 'n toegangspad oor sodanige grond na 'n graf in artikel 3A (2) bedoel, 'n gedenktein deur die raad tot stand gebring, 'n gedenkteken deur die raad opgerig of 'n Nasionale Gedenktein, verkry of bou en in stand hou en kan, met die instemming van sodanige eienaar, heinings, mure en hekke op, oor of langs sodanige pad oprig.

Nasionale Gedenktein.

9C. (1) Die Minister kan van tyd tot tyd op aanbeveling van die raad by kennisgewing in die Staatskoerant 'n gebied waarop 'n graf in artikel 3A (2) (a), (b) of (c) bedoel, geleë is tot 'n Nasionale Gedenktein verklaar: Met dien verstande dat geen sodanige aanbeveling gedoen word nie tensy die raad minstens een maand voordat hy die aanbeveling doen, die eienaar van sodanige gebied skriftelik

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

the owner of such area of land in writing that it proposes to make such recommendation and that he is entitled to lodge with the council objections in writing to the proposed recommendation.

(2) When making any such recommendation the council shall submit to the Minister proof that the owner concerned has received the said notice and shall also transmit to the Minister any objections which may have been lodged against such recommendation.

(3) Any area of land in respect of which notice has been given in terms of the proviso to subsection (1), shall, for a period of three months from the date on which such notice was given, or if it is sooner declared to be a National Garden of Remembrance under subsection (1), until it is so declared, for the purposes of section 9D be deemed to have been declared a National Garden of Remembrance under subsection (1).

Alteration of
National Garden
of Remembrance.

9D. (1) No person shall, without the written consent of the council, alter any National Garden of Remembrance.

(2) Any person who feels aggrieved by any decision of the council for the purposes of subsection (1) may appeal against such decision to the Minister.

(3) The decision of the Minister on any appeal lodged with him under this section shall be final and shall be deemed to be a decision of the council.”.

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

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

(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) disfigure, destroy, remove, alter or damage any memorial tablet, the badge or a sign erected or affixed in terms of section 5 (1) (g) or any fence, wall or gate constructed in terms of section 5 (1) (f), except with the written authority of the council.”;

(b) by the insertion after subsection (2A) of the following subsection:

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

(a) any painting, print, document, deed, seal or manuscript or collection or group thereof in respect of which it is known or generally accepted that it has been in the Republic for longer than 80 years; or

(b) any object or collection or group of objects made of gold, silver, copper, brass, bronze, iron, glass, wood or china 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,

except under the authority of and in accordance with a permit issued under this section.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) On application by any person in the manner prescribed by regulation under this Act, the council may in its discretion, but subject to the directions of the Minister, issue to such person free of charge a permit to—

(a) destroy, damage, excavate, alter, **[or]** remove from its original site or export from the Republic

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

in kennis gestel het dat die raad van voorneme is om die aanbeveling te doen en dat hy geregtig is om skriftelik beswaar teen die voorgename aanbeveling by die raad in te dien.

(2) Wanneer die raad so 'n aanbeveling doen, moet hy aan die Minister bewys lewer dat die betrokke eienaar genoemde kennisgewing ontvang het en moet hy ook enige besware teen die aanbeveling ingedien aan die Minister deurstuur.

(3) 'n Gebied ten opsigte waarvan kennis ingevolge die voorbehoudsbepaling by subartikel (1) gegee is, word vir 'n tydperk van drie maande vanaf die datum waarop sodanige kennis gegee is of, indien dit eerder kragtens subartikel (1) tot 'n Nasionale Gedenktuin verklaar word, totdat dit aldus verklaar word, by die toepassing van artikel 9D geag kragtens subartikel (1) van hierdie artikel tot 'n Nasionale Gedenktuin verklaar te gewees het.

Verandering van Nasionale Gedenktuin. 9D. (1) Niemand mag 'n Nasionale Gedenktuin sonder die skriftelike toestemming van die raad verander nie.

(2) Iemand wat hom veronreg ag deur 'n beslissing van die raad by die toepassing van subartikel (1), kan teen daardie beslissing by die Minister appèl aanteken.

(3) Die beslissing van die Minister oor 'n appèl ingevolge hierdie artikel by hom ingedien, is afdoende en word geag 'n beslissing van die raad te wees."

30 11. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) 'n gedenkplaat, kenteken of 'n teken opgerig of aangebring ingevolge artikel 5 (1) (g) of 'n heining, muur of hek aangebring ingevolge artikel 5 (1) (f), ontsier, vernietig, verwyder, verander of beskadig nie, behalwe met die skriftelike goedkeuring van die raad.”;

(b) deur na subartikel (2A) die volgende subartikel in te voeg;

„(2B) Niemand mag—

(a) enige skildery, prent, dokument, akte, seël of manuskrip of versameling of groep daarvan, waarvan dit bekend is of algemeen aanvaar word dat dit langer as 80 jaar in die Republiek is; of

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

vernietig, beskadig, verander of uit die Republiek uitvoer nie, behalwe kragtens en ooreenkomstig 'n permit kragtens hierdie artikel uitgereik”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Op aansoek deur 'n persoon op die wyse wat by regulasie kragtens hierdie Wet voorgeskryf word, kan die raad na goeddunke, maar behoudens die voorskrifte van die Minister, aan bedoelde persoon 'n permit kosteloos uitreik om—

(a) 'n gedenkwaardigheid of 'n ander in subartikel (2) of (2A) bedoelde voorwerp in die permit vermeld, te vernietig of te beskadig of uit te grawe of te

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

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

- any monument or any other object referred to in subsection (2) or (2A), specified in the permit; or
 (b) destroy, damage, alter or export from the Republic any object referred to in subsection (2B) specified in the permit, 5
 at such time or within such period and subject to such terms, conditions and restrictions or directions as may be so specified.”;
 (d) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words: 10
 “Whenever any person has been convicted of damaging or altering anything in contravention of subsection (2), **[or]** (2A) or (2B), the council may—”; and
 (e) by the substitution for subsection (7) of the following 15
 subsection:
 “(7) Whenever any person has been convicted of disfiguring, destroying, removing, altering or damaging any memorial tablet, the badge or any sign, or any fence, wall or gate constructed in terms of section 5 (1) 20
(f), in contravention of paragraph (b) of subsection (2), the council may repair or replace or cause to be repaired or replaced [any] such tablet, badge, [or] sign, fence, wall or gate and recover the cost thereof from such person.” 25

Amendment of
 section 14 of
 Act 28 of 1969.

12. Section 14 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1) thereof:

- “(2) Whenever any burial grounds or graves referred to in section 3A are situated or believed by the council to be situated on any land or premises not belonging to the council, any person authorized thereto by the council in writing may, at all reasonable times but subject to the provisions of any other law, enter upon such land or premises and perform any of the functions of the council in respect of such burial grounds or graves.” 30
 35

Amendment of
 section 16 of
 Act 28 of 1969,
 as substituted by
 section 12 of
 Act 35 of 1979.

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

- (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), (2), (2A), [or] (2B) or (3);” 40
 (b) by the substitution in subsection (1) for the words following upon paragraph (d) of the following paragraphs and words:
 “(e) contravenes the provisions of section 9D; 45
 (f) damages or destroys any such grave as is referred to in section 3A (2) (a), (b) or (c) which has been repaired by the council or is deemed in terms of section 15 (2) of the National Monuments Amendment Act, 1981, to have been repaired by the council, or is being maintained by the council or which has been repaired or is being maintained by any person in terms of an agreement entered into or so deemed to have been entered into under section 9B (a) (ii); 50
 (g) damages or destroys any National Garden of Remembrance or any garden of remembrance established or so deemed to have been established by the council; 55
 (h) damages or destroys any memorial erected or so deemed to have been erected by the council; or 60

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDE, 1981

Wet No. 13, 1981

- verander of van sy oorspronklike ligging te verwyder of uit die Republiek uit te voer; of
- (b) 'n voorwerp in subartikel (2B) bedoel en in die permit vermeld, te vernietig of uit die Republiek uit te voer,
- op die tydstip of binne die tydperk en onderworpe aan die bedinge, voorwaardes, beperkings of voorskrifte wat aldus vermeld word.”;
- (d) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Wanneer 'n persoon skuldig bevind is weens beskadiging of verandering van enigiets in stryd met subartikel (2), **[of]** (2A) of (2B), kan die raad—”; en
- (e) deur subartikel (7) deur die volgende subartikel te vervang:
- „(7) Wanneer 'n persoon skuldig bevind is weens ontsiering, vernietiging, verwydering, verandering of beskadiging van 'n gedenkplaat, die kenteken of 'n teken, of 'n heining, muur of hek ingevolge artikel 5 (1) (f) aangebring, in stryd met paragraaf (b) van subartikel (2), kan die raad sodanige gedenkplaat, kenteken, **[of]** teken, heining, muur of hek herstel of vervang of laat herstel of vervang en die koste daarvan op sodanige persoon verhaal.”.
12. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) daarvan word:
- „(2) Wanneer begraaftplase of grafte in artikel 3A bedoel, geleë is of deur die raad vermoed word geleë te wees op grond of 'n perseel wat nie aan die raad behoort nie, kan iemand wat skriftelik deur die raad daartoe gemagtig is, te alle redelike tye, maar behoudens die bepalinge van enige ander wet, daardie grond of perseel betree of binnegaan en die een of ander werksaamheid van die raad ten opsigte van daardie begraaftplase of grafte verrig.”.
13. Artikel 16 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- „(a) 'n bepaling van artikel 12 (1), (2), (2A), **[of]** (2B) of (3) oortree of versuim om daaraan te voldoen;”; en
- (b) deur in subartikel (1) die woorde wat op paragraaf (d) volg deur die volgende paragrawe en woorde te vervang:
- „(e) die bepalinge van artikel 9D oortree;
- (f) 'n graf in artikel 3A (2) (a), (b) of (c) bedoel, wat deur die raad herstel is of ingevolge artikel 15 (2) van die Wysigingswet op Nasionale Gedenkwaardighede, 1981, geag word deur die raad herstel te gewees het, of deur die raad in stand gehou word of wat deur iemand ingevolge 'n ooreenkoms kragtens artikel 9B (a) (ii) aangegaan of wat aldus geag word kragtens artikel 9B (a) (ii) aangegaan te gewees het, herstel is of in stand gehou word, beskadig of vernietig;
- (g) 'n Nasionale Gedenktuin of 'n gedenktuin wat deur die raad tot stand gebring is of aldus geag word deur die raad tot stand gebring te gewees het, beskadig of vernietig;
- (h) 'n gedenkteken wat deur die raad opgerig is of aldus geag word deur die raad opgerig te gewees het, beskadig of vernietig; of

Wysiging van
artikel 14 van
Wet 28 van 1969.Wysiging van
artikel 16 van
Wet 28 van 1969,
soos vervang deur
artikel 12 van
Wet 35 van 1979.

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

Vesting of assets, rights, liabilities and obligations of South African War Graves Board in council.

(i) damages or destroys any fence, wall or gate constructed or so deemed to have been constructed by the council in terms of section 9B (b), 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), to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding twelve months 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 or, in default of payment of such fine, to imprisonment for a period not exceeding six months."

14. (1) The assets, rights, liabilities and obligations of the South African War Graves Board established by section 2 of the War Graves Act, 1967 (Act No. 34 of 1967), are hereby vested in the council, and any such assets which consist of money shall form part of the funds of the council referred to in section 9 (1) of the principal Act.

(2) The registrar of deeds concerned shall as soon as may be practicable after the commencement of this Act make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him as he may deem necessary in order to give effect to the provisions of subsection (1), and no transfer duty, stamp duty, office fee or other charge shall be payable in respect of any vesting in terms of the said subsection (1) or in respect of any such entry or endorsement.

(3) Unless it would in any particular case obviously be inappropriate, any reference in any law or elsewhere to the South African War Graves Board mentioned in subsection (1) of this section shall be construed as a reference to the council established by section 2 of the principal Act.

Repeal of laws.

15. (1) Subject to the provisions of section 8 and subsection (2) of this section, the laws specified in the Schedule are hereby repealed.

(2) Anything done in terms of a provision of any law repealed by subsection (1) shall be deemed to have been done in terms of the corresponding provision of the principal Act as amended by this Act.

Substitution of section 22 of Act 28 of 1969.

16. The following section is hereby substituted for section 22 of the principal Act:

"Short title. 22. This Act shall be called the War Graves and National Monuments Act, 1969."

Substitution of long title of Act 28 of 1969, as substituted by section 15 of Act 35 of 1979.

17. The following long title is hereby substituted for the long title of the principal Act:

"ACT

To provide for the repair, maintenance and general care of certain burial grounds and graves, the establishment of gardens of remembrance in respect of certain persons, the erection of memorials for certain persons and the preservation of certain immovable or movable property as national monuments and for that purpose to establish the National Monuments Council and to define its powers, functions and duties; [to empower provincial councils to make ordinances for the payment of money in connection with certain national monuments;] to establish a Burgergraftekomitee

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHED, 1981

Wet No. 13, 1981

(i) 'n heining, muur of hek wat ingevolge artikel 9B (b) deur die raad opgerig is of aldus geag word deur die raad ingevolge artikel 9B (b) opgerig te gewees het, beskadig of vernietig,

5 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n misdryf bedoel in paragraaf (a), (b), (c) of (d), met 'n boete van hoogstens vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel

10 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 of, by wanbetaling van sodanige boete, met gevangenisstraf vir 'n tydperk van hoogstens ses

15 maande.".

14. (1) Die bates, regte, laste en verpligtings van die Suid-Afrikaanse Raad vir Oorlogsgrafte, ingestel by artikel 2 van die Wet op Oorlogsgrafte, 1967 (Wet No. 34 van 1967), gaan hierby oor op die raad, en enige van genoemde bates wat

20 uit geld bestaan, maak deel uit van die fondse van die raad bedoel in artikel 9 (1) van die Hoofwet.

Oorgang van bates, regte, laste en verpligtings van Suid-Afrikaanse Raad vir Oorlogsgrafte op raad.

(2) Die betrokke registrateur van aktes moet so gou doenlik na die inwerkingtreding van hierdie Wet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van

25 subartikel (1) gevolg te gee, in of op enige tersaaklike register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, seëlregte, kantoorgelde of ander gelde is ten opsigte van 'n oordrag ingevolge genoemde subartikel (1) of ten opsigte van so 'n inskrywing of aantekening betaalbaar

30 nie.

(3) Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n verwysing in die een of ander wet of elders na die Suid-Afrikaanse Raad vir Oorlogsgrafte in subartikel (1) van hierdie artikel genoem, uitgelê as 'n verwysing na die raad by

35 artikel 2 van die Hoofwet ingestel.

15. (1) Behoudens die bepalings van artikel 8 en subartikel (2) van hierdie artikel, word die wette in die Bylae vermeld hierby herroep.

Herroeping van wette.

(2) Iets wat gedoen is ingevolge 'n bepaling van 'n wet wat

40 deur subartikel (1) herroep is, word geag ingevolge die ooreenstemmende bepaling van die Hoofwet soos deur hierdie Wet gewysig, gedoen te wees.

16. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 22 van Wet 28 van 1969.

45 „Kort titel. 22. Hierdie Wet heet die Wet op Oorlogsgrafte en Nasionale Gedenkwaardighede, 1969.".

17. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van lang titel van Wet 28 van 1969, soos vervang deur artikel 15 van Wet 35 van 1979.

„WET

50 Om voorsiening te maak vir die herstel, instandhouding en algemene versorging van sekere begraafters en grafte, die totstandbrenging van gedenktuine ten opsigte van sekere persone, die oprigting van gedenktekens vir sekere persone en die behoud van sekere onroerende of roerende goed as

55 nasionale gedenkwaardighede en om vir daardie doel die Raad vir Nasionale Gedenkwaardighede in te stel en om sy bevoegdhede, werksaamhede en pligte te bepaal; [om provinsiale rade te magtig om ordonnansies aan te neem vir die besteding van geld in verband met sekere nasionale gedenkwaardighede;] om 'n Burgergraftekomitee en 'n

60 British War Graves Committee in te stel om genoemde Raad in verband met sekere aangeleenthede behulpsaam te

Act No. 13, 1981

NATIONAL MONUMENTS AMENDMENT ACT, 1981

and a British War Graves Committee to assist the said Council in connection with certain matters; to provide for National Gardens of Remembrance and for the continued existence of the War Graves Trust Fund established by the War Graves Act, 1967; to repeal certain laws relating to natural and historical monuments, relics and antiques; and to provide for incidental matters.”.

Short title
and commence-
ment.

18. This Act shall be called the National Monuments Amendment Act, 1981, and shall come into operation on 1 April 1982.

Schedule

LAWS REPEALED

Number and year of law	Short title
Act No. 34 of 1967	War Graves Act, 1967
Act No. 35 of 1968	War Graves Amendment Act, 1968
Act No. 8 of 1969	War Graves Amendment Act, 1969
Act No. 38 of 1970	War Graves Amendment Act, 1970
Act No. 53 of 1977	War Graves Amendment Act, 1977

WYSIGINGSWET OP NASIONALE
GEDENKWAARDIGHEDI, 1981

Wet No. 13, 1981

- 5 wees; om voorsiening te maak vir Nasionale Gedenktuine en vir die voortbestaan van die Oorlogsgrafte-trustfonds by die Wet op Oorlogsgrafte, 1967, ingestel; om sekere wette met betrekking tot natuurlike en historiese gedenkwaardighede, oudheidsoorblyfsels en oudhede te herroep; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.”.

18. Hierdie Wet heet die Wysigingswet op Nasionale Gedenkwaardighede, 1981, en tree op 1 April 1982 in werking.

Kort titel
en inwerkingtre-
ding.

Bylae

WETTE HERROEP

Nommer en jaar van wet	Kort titel
Wet No. 34 van 1967	Wet op Oorlogsgrafte, 1967
Wet No. 35 van 1968	Wysigingswet op Oorlogsgrafte, 1968
Wet No. 8 van 1969	Wysigingswet op Oorlogsgrafte, 1969
Wet No. 38 van 1970	Wysigingswet op Oorlogsgrafte, 1970
Wet No. 53 van 1977	Wysigingswet op Oorlogsgrafte, 1977

