



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 406

CAPE TOWN, 23 APRIL 1999

KAAPSTAD, 23 APRIL 1999

No. 19961

OFFICE OF THE PRESIDENT

No. 493.

23 April 1999

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

No. 11 of 1999: National Heritage Council Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 493.

23 April 1999

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

No. 11 van 1999: Wet op die Nasionale Erfenisraad, 1999.

(English text signed by the President.)
(Assented to 14 April 1999.)

ACT

To establish a juristic person to be known as the National Heritage Council; to determine its objects, functions and method of work; to prescribe the manner in which it is to be managed and governed; to regulate its staff matters and financial affairs; and to provide for matters connected therewith.

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

Application and interpretation

1. This Act binds the State.

Definitions

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2. In this Act, unless the context requires otherwise—

- (i) “Council” means the National Heritage Council established by section 3; (vi)
- (ii) “*Gazette*” means the *Government Gazette*; (viii)
- (iii) “living heritage” means the intangible aspects of inherited culture, and may include—
 - (a) cultural tradition;
 - (b) oral history;
 - (c) performance;
 - (d) ritual;
 - (e) popular memory;
 - (f) skills and techniques;
 - (g) indigenous knowledge systems; and
 - (h) the holistic approach to nature, society and social relationships; (ii)
- (iv) “MEC” means the member of the executive council of a province responsible for cultural matters; (iii)
- (v) “Minister” means the Minister of the national department responsible for arts and culture; (iv)
- (vi) “orature” means oral tradition; (v)
- (vii) “prescribe” means prescribed by regulation made under this Act; (ix)
- (viii) “regulation” means any regulation made under this Act; (vii)
- (ix) “this Act” includes the regulations. (i)

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Establishment of Council

3. There is hereby established a juristic person to be known as the National Heritage Council.

Objects of Council

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4. The objects of the Council are—

(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)

WET

Om 'n regspersoon in te stel wat as die Nasionale Erfenisraad bekend staan; om die oogmerke, funksies en werkwyse daarvan te bepaal; om die wyse waarop dit bestuur en beheer moet word, voor te skryf; om sy personeelaangeleenthede en finansiële sake te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Toepassing en uitleg

1. Hierdie Wet bind die Staat.

5 Woordomskrywing

2. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

- (i) “hierdie Wet” ook die regulasies; (ix)
- (ii) “lewende erfenis” die ontasbare aspekte van oorgeërfde kultuur, en ook—
 - (a) kulturele tradisie;
 - 10 (b) mondelinge geskiedenis;
 - (c) prestasie;
 - (d) rituele;
 - (e) populêre geheue;
 - (f) vaardighede en tegnieke;
 - 15 (g) inheemse kennisstelsels; en
 - (h) die holistiese benadering tot die natuur, die samelewing en maatskaplike verhoudings; (iii)
- (iii) “LUR” die lid van die uitvoerende raad van 'n provinsie verantwoordelik vir kulturele aangeleenthede; (iv)
- 20 (iv) “Minister” die Minister van die nasionale departement verantwoordelik vir kuns en kultuur; (v)
- (v) “oratuur” mondelinge tradisie; (vi)
- (vi) “Raad” die Nasionale Erfenisraad by artikel 3 ingestel; (i)
- (vii) “regulasie” enige regulasie kragtens hierdie Wet uitgevaardig; (viii)
- 25 (viii) “Staatskoerant” die nasionale *Staatskoerant*; (ii)
- (ix) “voorskryf” voorgeskryf by regulasie uitgevaardig kragtens hierdie Wet. (vii)

Instelling van Raad

3. Daar word hierby 'n regspersoon ingestel wat as die Nasionale Erfenisraad bekend staan.

30 Oogmerke van Raad

4. Die oogmerke van die Raad is—

- (a) to develop, promote and protect the national heritage for present and future generations;
- (b) to co-ordinate heritage management;
- (c) to protect, preserve and promote the content and heritage which reside in orature in order to make it accessible and dynamic; 5
- (d) to integrate living heritage with the functions and activities of the Council and all other heritage authorities and institutions at national, provincial and local level;
- (e) to promote and protect indigenous knowledge systems, including but not limited to enterprise and industry, social upliftment, institutional framework and liberatory processes; and 10
- (f) to intensify support for the promotion of the history and culture of all our peoples and particularly to support research and publication on enslavement in South Africa.

Composition of Council

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5. (1) The Council consists of—

- (a) at least five members, appointed by the Minister;
- (b) a representative of each province to be nominated by the MEC concerned; and
- (c) the chairpersons of each of—
 - (i) the Council of the South African Heritage Resources Agency; 20
 - (ii) the National Archives Commission;
 - (iii) the Heraldry Council;
 - (iv) the Board of the National Library;
 - (v) the Council of the Northern Flagship Institution;
 - (vi) the Council of the Southern Flagship Institution, 25
 and/or any other body or institution the Minister considers relevant.

(2) Members of the Council referred to in subsection (1)(a) must be appointed by the Minister in the prescribed manner, and the regulations prescribing the manner of appointment must apply the principles of transparency and representivity and must take into account special competence, experience and interest in the field of heritage. 30

(3) Members of the Council referred to in subsection (1)(b) must be nominated by the MEC concerned in the prescribed manner, and the regulations prescribing the manner of nomination must apply the principles of transparency and must take into account special competence, experience and interest in the field of heritage.

Term of Office

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6. (1) Members of the Council other than those referred to in section 5(1)(c) are appointed for a period of three years, and may be re-appointed for a further period of three years.

(2) If a member dies, or otherwise vacates his or her office, the Minister must appoint another person in the manner in which that person was appointed to fill that vacancy for the remaining portion of the term of office of that member. 40

(3) The members of the Council shall, as the occasion arises, elect—

- (a) a chairperson from among the members who are appointed in terms of section 5(1)(a); and
- (b) a vice-chairperson from among all the members. 45

(4) If the chairperson is absent from a meeting of the Council, the vice-chairperson shall preside at that meeting, and if both the chairperson and the vice-chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting.

(5) The Minister may terminate a person's membership of the Council— 50

- (a) if that member has been absent from three consecutive meetings of the Council without sufficient reasons; or
- (b) on the recommendation of the Council, for reasons of incompetence, misconduct or incapacity.

(6) A member of the Council shall not hold office in any political party or political organisation. 55

- (a) om die nasionale erfenis vir huidige en toekomstige geslagte te ontwikkel, te bevorder en te beskerm;
- (b) om erfenisbestuur te koördineer;
- 5 (c) om die inhoud en erfenis wat oratuur is, te beskerm, te bewaar en te bevorder ten einde dit toeganklik en dinamies te maak;
- (d) om lewende erfenis te integreer met die funksies en bedrywighede van die Raad en alle ander erfenisowerhede en -instellings op nasionale, provinsiale en plaaslike vlak;
- 10 (e) om inheemse kennisstelsels te bevorder en te beskerm, met inbegrip van, maar nie beperk nie tot, onderneming en nywerheid, maatskaplike opheffing, institusionele raamwerk en bevrydende prosesse; en
- (f) om ondersteuning vir die bevordering van die geskiedenis en kultuur van al ons mense te versterk en om in die besonder navorsing en publiserings van slawerny in Suid-Afrika te ondersteun.

15 Samestelling van Raad

5. (1) Die Raad bestaan uit—
- (a) ten minste vyf lede deur die Minister aangestel;
 - (b) 'n verteenwoordiger van elke provinsie deur die betrokke LUR benoem; en
 - (c) die voorsitters van elk van—
- 20 (i) die Raad van die Suid-Afrikaanse Erfenishulpbronagentskap;
 - (ii) die Nasionale Argiefkommissie;
 - (iii) die Raad vir Heraldiek;
 - (iv) die Raad van die Nasionale Biblioteek;
 - (v) die Raad van die Noordelike Vlagskipinstelling;
 - 25 (vi) die Raad van die Suidelike Vlagskipinstelling,
- en/of enige ander liggaam of instelling wat die Minister as tersaaklik beskou.
- (2) Lede van die Raad in subartikel (1)(a) bedoel, moet op die voorgeskrewe wyse deur die Minister aangestel word, en die regulasies wat die wyse van aanstelling voorskryf, moet die beginsels van deursigtigheid en verteenwoordigendheid nakom en
- 30 moet spesiale bekwaamheid, ondervinding en belangstelling op erfenisgebied in aanmerking neem.
- (3) Lede van die Raad in subartikel (1)(b) bedoel, moet op die voorgeskrewe wyse deur die betrokke LUR benoem word, en die regulasies wat die wyse van benoeming voorskryf, moet die beginsels van deursigtigheid en verteenwoordigendheid nakom en
- 35 moet spesiale bekwaamheid, ondervinding en belange op erfenisgebied in aanmerking neem.

Ampstermyn

6. (1) Ander lede van die Raad as dié in artikel 5(1)(c) bedoel, word vir 'n tydperk van drie jaar aangestel en kan vir 'n verdere tydperk van drie jaar heraangetel word.
- 40 (2) Indien 'n lid sterf, of andersins sy of haar pos ontruim, moet die Minister 'n ander persoon aanstel op die wyse waarop daardie lid aangestel is, om daardie vakature te vul vir die oorblywende gedeelte van daardie lid se ampstermyn.
- (3) Die lede van die Raad moet, wanneer die geleentheid hom voordoen—
- 45 (a) 'n voorsitter kies uit die geledere van die lede wat ingevolge artikel 5(1)(a) aangestel is; en
 - (b) 'n ondervoorsitter uit die geledere van al die lede kies.
- (4) Indien die voorsitter van 'n vergadering van die Raad afwesig is, moet die ondervoorsitter op daardie vergadering voorsit, en indien beide die voorsitter en die ondervoorsitter van 'n vergadering van die Raad afwesig is, moet die aanwesige lede
- 50 uit hulle geledere 'n lid kies om op daardie vergadering voor te sit.
- (5) Die Minister kan 'n lid se lidmaatskap van die Raad beëindig—
- (a) indien daardie lid sonder voldoende redes van drie agtereenvolgende vergaderings van die Raad afwesig was; of
 - (b) op die aanbeveling van die Raad, om redes van onbevoegdheid, wangedrag of onbekwaamheid.
- 55 (6) 'n Lid van die Raad mag nie 'n amp in enige politieke party of politieke organisasie beklee nie.

Meetings of Council

7. (1) The Council may meet as often as necessary, but at least twice a year.
- (2) The chairperson may at any time convene a special meeting of the Council, which shall be held at such time and place as the chairperson may direct.
- (3) A quorum for a meeting of the Council shall be a majority of its members. 5
- (4) Any decision of the Council shall be taken by resolution of the majority of the members present at any meeting of the Council, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his or her deliberative vote as a member of the Council.
- (5) A member of the Council shall not vote or in any manner participate in the 10 proceedings at any meeting of the Council nor be present at the venue where such a meeting is held, if, in relation to any matter before the Council, he or she has any interest which precludes him or her from performing his or her functions as a member of the Council in a fair, unbiased and proper manner.

Committees of Council

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8. The Council may establish committees to assist it in the performance of its functions and, in addition to any members, it may appoint to such committees persons whom the Council considers competent or who possess specific skills and expertise.

Reimbursement of expenses in respect of members of Council and committees

9. The Minister may, with the concurrence of the Minister of Finance, determine 20 criteria for reimbursement of expenses incurred by members of the Council, and members of any committee of the Council who are not in the full-time employ of the State.

Functions, powers and duties of Council

10. (1) The Council must— 25
- (a) advise the Minister on—
- (i) national policies on heritage matters, including indigenous knowledge systems, living treasures, restitution and other relevant matters; and
- (ii) any other matter concerning heritage which the Minister may from time to time determine; 30
- (b) advise the Minister on the allocation of core funding to declared cultural institutions;
- (c) investigate ways and means of effecting the repatriation of South African heritage objects presently being held by foreign governments, public and private institutions and individuals; 35
- (d) make grants to any person, organisation or institution in order to promote and develop national heritage activities and resources;
- (e) co-ordinate the activities of public institutions involved in heritage management in an integrated manner to ensure optimum use of State resources;
- (f) monitor and co-ordinate the transformation of the heritage sector, with special 40 emphasis on the development of living heritage projects;
- (g) consult and liaise with relevant stakeholders on heritage matters;
- (h) generally support, nurture and develop access to institutions and programmes that promote and bring equity to heritage management;
- (i) promote an awareness of the history of all our peoples, including the history 45 of enslavement in South Africa;
- (j) lobby in order to secure funding for heritage management and to create a greater public awareness of the importance of our nation's heritage; and
- (k) perform such duties in respect of its objects as the Minister may assign to it.
- (2) The Council may on its own initiative advise the Minister on any matter 50 concerning heritage.

Vergaderings van Raad

7. (1) Die Raad kan so dikwels vergader as wat nodig is, maar moet ten minste twee keer per jaar vergader.

(2) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die Raad belê, wat 5 gehou moet word op sodanige tyd en plek as wat die voorsitter kan gelas.

(3) 'n Kworum vir 'n vergadering van die Raad is 'n meerderheid van sy lede.

(4) 'n Besluit van die Raad word geneem by resoluë van die meerderheid van die lede aanwesig op 'n vergadering van die Raad, en in die geval van 'n staking van stemme oor enige aangeleentheid het die persoon wat op die onderhawige vergadering 10 voorsit, 'n beslissende stem benewens sy of haar beraadslagende stem as 'n lid van die Raad.

(5) 'n Lid van die Raad mag nie stem of op enige wyse deelneem aan die verrigtinge op enige vergadering van die Raad of aanwesig wees op die plek waar so 'n vergadering gehou word nie indien, met betrekking tot enige aangeleentheid voor die 15 Raad, hy of sy 'n belang het wat hom of haar uitsluit van die verrigting van sy of haar funksies as 'n lid van die Raad op 'n billike, onbevooroordeelde en behoorlike wyse.

Komitees van Raad

8. Die Raad kan komitees instel om hom met die verrigting van sy funksies by te staan, en benewens lede kan hy persone in sodanige komitees aanstel wat die Raad as 20 bevoeg beskou of wat oor spesifieke vaardighede en kundigheid beskik.

Terugbetaling van lede van Raad en komitees vir uitgawes

9. Die Minister kan, met die instemming van die Minister van Finansies, die maatstawwe bepaal vir toelaes wat betaalbaar is aan lede van die Raad en van enige komitees wat die Raad instel wat nie in die voltydse diens van die Staat is nie.

25 Funksies, bevoegdhede en pligte van Raad

10. (1) Die Raad moet—

- (a) die Minister adviseer oor—
 - (i) nasionale beleid oor erfenissake, insluitende inheemse kennisstelsels, lewende skatte, restitusie en ander tersaaklike aangeleenthede; en
 - 30 (ii) enige ander aangeleentheid rakende erfenis wat die Minister van tyd tot tyd bepaal;
- (b) die Minister adviseer oor die toewysing van kernbefondsing aan verklaarde kulturele instellings;
- (c) wyses en maniere ondersoek om die repatriasie van Suid-Afrikaanse erfenis- 35 voorwerpe wat tans deur buitelandse regerings en openbare en provinsiale instellings en individue gehou word, teweeg te bring;
- (d) skenkings doen aan enige persoon, organisasie of instelling ten einde nasionale erfenisbedrywighede en -hulpbronne te bevorder en te ontwikkel;
- (e) die bedrywighede van openbare instellings betrokke by erfenisbestuur op 'n 40 geïntegreerde wyse koördineer om optimum gebruik van Staatshulpbronne te verseker;
- (f) die transformasie van die erfenissektor moniteer en koördineer, met spesiale klem op die ontwikkeling van lewende erfenis-projekte;
- (g) met belanghebbendes oorleg pleeg en skakel oor erfenisaangeleenthede;
- 45 (h) toegang tot instellings en programme wat erfenisbestuur bevorder en billikheid daarin in die hand werk, oor die algemeen ondersteun, koester en ontwikkel;
- (i) 'n bewustheid van die geskiedenis van al ons mense, insluitende die geskiedenis van slawerny in Suid-Afrika, bevorder;
- 50 (j) steun werf ten einde befondsing vir erfenisbestuur te verkry en om groter openbare bewustheid van die belangrikheid van die nasie se erfenis teweeg te bring; en
- (k) sodanige pligte ten opsigte van sy oogmerke verrig as wat die Minister aan hom opdra.

55 (2) Die Raad kan die Minister uit eie beweging adviseer oor enige aangeleentheid rakende erfenis.

- (3) In respect of subsections (1) and (2), the Minister must—
- (a) consider the advice of the Council; and
 - (b) provide reasons in writing to the Council if the Minister does not accept the advice.

Employees of Council

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11. (1) (a) The Council may appoint such employees as are necessary to perform the functions of the Council.

(b) (i) The Council must appoint a chief executive officer who must be responsible for the management of the affairs of the Council, and who must report on those affairs to the Council as often as may be required by the Council.

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(ii) The chief executive officer is also the accounting officer charged with the responsibility of accounting for all money received and the utilisation thereof and is responsible for the property of the Council.

(2) The Council shall out of its own funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Council may determine in consultation with the Department of Public Service and Administration and with the approval of the Minister granted with the concurrence of the Minister of Finance.

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(3) The determination of the remuneration and other conditions of service of persons appointed under subsection (1) must be in accordance with a scheme approved by the Minister in consultation with the Minister of Finance.

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Financing

12. (1) The funds of the Council shall consist of—

- (a) money appropriated by Parliament to enable it to perform its functions and exercise its powers;
- (b) donations or contributions received from any source;
- (c) trust funds vested in it;
- (d) interest derived from investments; and
- (e) money received from any other source.

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(2) (a) The Council shall utilise its funds to defray expenses in connection with the performance of its functions.

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(b) The Council shall utilise any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, subject to paragraph (a), the Council may utilise any amount or portion of any amount required to be so utilised for a particular purpose in connection with a specified matter, for any other purpose in connection with such matter: Provided further that the Council may with the approval of the Minister utilise any balance of such money remaining at the end of the financial year of the Council for any expenses in connection with the performance of its functions.

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(c) The Council shall utilise any donations or contributions contemplated in subsection (1)(b) in accordance with the conditions, if any, imposed by the donor or contributor concerned.

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(3) (a) The Council shall in each financial year, at such time as the Minister may direct, submit a statement of the Council's estimated income and expenditure during the following financial year, and the Council may also during the course of a financial year submit supplementary statements of the Council's estimated expenditure for that financial year, to the Minister for approval, granted with the concurrence of the Minister of Finance.

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(b) The Council shall not incur any expenditure in excess of the total amount approved under paragraph (a).

(4) The Council may invest any unexpended portion of its funds in accordance with the directions determined by the Minister in consultation with the Minister of Finance.

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(5) The Council may only lend or borrow moneys with the prior approval of the Minister in concurrence with the Minister of Finance.

(6) The Council may establish such reserve funds and deposit therein such amounts as the Minister may approve, with the concurrence of the Minister of Finance.

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(3) Ten opsigte van subartikels (1) en (2) moet die Minister—

(a) die advies van die Raad oorweeg; en

(b) die Raad skriftelik van redes voorsien indien hy of sy nie die advies aanvaar nie.

5 Werknemers van Raad

11. (1) (a) Die Raad kan sodanige werknemers aanstel as wat nodig is om die funksies van die Raad te verrig.

(b) (i) Die Raad moet 'n hoof- uitvoerende beampte aanstel wat verantwoordelik moet wees vir die bestuur van die sake van die Raad en wat oor daardie sake aan die Raad verslag moet doen so dikwels as wat die Raad verlang.

(ii) Die hoof- uitvoerende beampte is ook die rekenpligtige beampte belas met die verantwoordelikheid om rekenskap te gee van alle geld wat ontvang en benut word, en is verantwoordelik vir die eiendom van die Raad.

(2) Die Raad moet uit sy eie fondse sodanige besoldiging, toelaes, subsidies en ander voordele aan sy werknemers betaal as wat die Raad in oorleg met die Departement van Staatsdiens en Administrasie en met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, bepaal.

(3) Die bepaling van die besoldiging en ander diensvoorwaardes van persone wat kragtens subartikel (1) aangestel is, moet in ooreenstemming wees met 'n skema wat deur die Minister in oorleg met die Minister van Finansies goedgekeur is.

Finansiering

12. (1) Die fondse van die Raad bestaan uit—

(a) geld wat deur die Parlement bewillig word om hom in staat te stel om sy funksies te verrig en sy bevoegdhede uit te oefen;

(b) skenkings of bydraes wat uit enige bron ontvang word;

(c) trustfondse wat by die Raad berus;

(d) rente verkry uit beleggings; en

(e) geld wat uit enige ander bron ontvang word.

(2) (a) Die Raad moet sy fondse benut om uitgawes in verband met die verrigting van sy funksies te bestry.

(b) Die Raad moet enige geld in subartikel (1)(a) beoog, benut in ooreenstemming met die staat van sy geraamde inkomste en uitgawe in subartikel (3) bedoel, soos deur die Minister goedgekeur: Met dien verstande dat, behoudens paragraaf (a), die Raad enige bedrag of gedeelte van enige bedrag wat vir 'n bepaalde doel in verband met 'n gespesifiseerde aangeleentheid gebruik moet word, vir enige ander doel in verband met sodanige aangeleentheid kan gebruik: Met dien verstande voorts dat die Raad met die goedkeuring van die Minister enige saldo van sodanige geld wat aan die einde van die boekjaar van die Raad oorbly, kan benut vir enige uitgawes in verband met die verrigting van sy funksies.

(c) Die Raad moet enige skenkings of bydraes in subartikel (1)(b) beoog, benut in ooreenstemming met die voorwaardes, as daar is, wat deur die betrokke skenker of bydraer gestel is.

(3) (a) Die Raad moet in elke boekjaar, op 'n tyd wat die Minister gelas, 'n staat van die Raad se geraamde inkomste en uitgawe vir die volgende boekjaar voorlê, en die Raad kan in die loop van 'n boekjaar aanvullende state van die Raad se geraamde uitgawe vir daardie boekjaar aan die Minister vir goedkeuring voorlê, wat met die instemming van die Minister van Finansies gegee word.

(b) Die Raad mag nie uitgawes aangaan wat die totale bedrag kragtens paragraaf (a) goedgekeur, te bowe gaan nie.

(4) Die Raad kan enige onbestede gedeelte van sy fondse belê ooreenkomstig die aanwysings deur die Minister bepaal in oorleg met die Minister van Finansies.

(5) Die Raad kan slegs geld leen of uitleen met die vooraf goedkeuring van die Minister in ooreenstemming met die Minister van Finansies.

(6) Die Raad kan sodanige reserwefondse instel en sodanige bedrae daarin deponeer as wat die Minister goedkeur, met die instemming van die Minister van Finansies.

Audit, annual and financial report

13. (1) The Auditor-General shall audit the accounts and balance sheet of the Council.

(2) The Council shall—

- (a) furnish to the Minister such information as he or she may call for in connection with the activities and financial position of the Council; 5
- (b) submit to the Minister an annual report containing a balance sheet, a statement of income and expenditure certified by the Auditor-General and such other particulars as the Minister may require.

(3) The Minister shall table the report referred to in subsection (2)(b) in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after commencement of the next ordinary session. 10

Exercise of powers outside Republic

14. The Council may, on such terms and conditions as may be agreed upon, and subject to legislation regarding international co-operation, support heritage activity by any South African citizen in any territory outside the Republic. 15

Regulations

15. (1) The Council may, subject to the approval of the Minister and by notice in the *Gazette*, make regulations regarding—

- (a) the procedure at meetings of the Council; 20
- (b) a code of conduct for members of the Council and of its committees in order to prevent conflicts of interest and bringing the Council into disrepute; and
- (c) in general, any matter in respect of which the Council deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) The Minister may, by notice in the *Gazette*, make regulations regarding— 25

- (a) any matter which may or shall be prescribed in terms of this Act;
- (b) any other matter which may be necessary or expedient in order to achieve the objects of this Act.

(3) No regulation relating to State revenue or expenditure shall be made by the Council or the Minister except with the concurrence of the Minister of Finance. 30

(4) Any regulation made under this section may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Premier to designate member of executive council

16. The Premier of every province shall designate a member of the executive council to perform any function entrusted to such member by or under this Act. 35

Short title and commencement

17. This Act shall be called the National Heritage Council Act, 1999, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Oudit-, jaar- en finansiële verslag

13. (1) Die Ouditeur-generaal moet die rekeninge en balansstaat van die Raad ouditeer.

(2) Die Raad moet—

- 5 (a) die Minister voorsien van sodanige inligting as wat hy of sy verlang in verband met die bedrywigheide en finansiële posisie van die Raad;
- (b) 'n jaarverslag aan die Minister voorlê wat 'n balansstaat, 'n staat van inkomste en uitgawes deur die Ouditeur-generaal gesertifiseer en sodanige ander besonderhede as wat die Minister vereis, bevat.
- 10 (3) Die Minister moet die verslag in subartikel (2)(b) bedoel, in die Parlement ter tafel lê binne 14 dae na ontvangs daarvan indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die begin van die volgende gewone sessie.

Uitoefening van bevoegdhede buite Republiek

- 15 14. Die Raad kan, op sodanige bepalinge en voorwaardes waaroor ooreengekom word en behoudens wetgewing rakende internasionale samewerking, erfenisbedrywigheid deur enige Suid-Afrikaanse burger in enige gebied buite die Republiek steun.

Regulasies

- 20 15. (1) Die Raad kan, behoudens die goedkeuring van die Minister en by kennisgewing in die *Staatskoerant*, regulasies uitvaardig betreffende—
- (a) die prosedure op vergaderings van die Raad;
- (b) 'n gedragskode vir lede van die Raad en van sy komitees ten einde te voorkom dat daar belangebotsings ontstaan en dat die Raad 'n slegte naam kry; en
- 25 (c) enige aangeleentheid ten opsigte waarvan die Raad dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.
- (2) Die Minister kan, by kennisgewing in die *Staatskoerant*, regulasies uitvaardig betreffende—
- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word;
- 30 (b) enige ander aangeleentheid wat nodig of dienstig mag wees om die oogmerke van hierdie Wet te bereik.
- (3) Geen regulasie betreffende Staatsinkomste of -uitgawes mag deur die Raad of die Minister uitgevaardig word nie, behalwe met die instemming van die Minister van
- 35 Finansies.
- (4) Enige regulasie kragtens hierdie artikel uitgevaardig, kan bepaal dat enige persoon wat enige sodanige regulasie oortree of versuim om daaraan te voldoen, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

40 Premier moet lid van uitvoerende raad aanwys

16. Die Premier van elke provinsie moet 'n lid van die uitvoerende raad aanwys om enige funksie te verrig wat by of kragtens hierdie Wet aan sodanige lid opgedra word.

Kort titel en inwerkingtreding

17. Hierdie Wet heet die Wet op die Nasionale Erfenisraad, 1999, en tree in werking
- 45 op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

