

NATIONAL MONUMENTS ACT 28 OF 1969

[ASSENTED TO 21 MARCH, 1969]

[DATE OF COMMENCEMENT: 1 JULY, 1969]

as amended by

National Monuments Amendment Act 22 of 1970

National Monuments Amendment Act 30 of 1971

Expropriation Act 63 of 1975

National Monuments Amendment Act 35 of 1979

ACT

To provide for 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 council to make ordinances for the payment of money in connection with certain national monuments: to repeal certain laws relating to natural and historical monuments, relics and antiques; and to provide for incidental matters.

1 Definitions

In this Act, unless the context otherwise indicates-

'badge' means the badge of the council registered in terms of the Heraldry Act, 1962 (Act 18 of 1962);

[**'badge'** inserted by s. 1 (a) of Act 35 of 1979.]

'council' means the council established by section 2;

'local authority' means an institution or a body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);

'Minister' means the Minister of National Education;

'monument' means any property declared under this Act to be a national monument and includes, for the purposes of section 12, any property provisionally so declared for a period of five years from the date of the provisional declaration;

[**'monument'** substituted by s. 1 (b) of Act 35 of 1979.]

'register', as a verb, means to register as contemplated in section 5A (1);

[**'register'** inserted by s. 1 (c) of Act 35 of 1979.]

'register' means the register mentioned in section 5 (7);

[**'register'** inserted by s. 1 (c) of Act 35 of 1979.]

'Republic' includes the territory;

'sign' means a sign determined from time to time by the council which indicates that an object has been declared to be a monument;

[**'sign'** inserted by s. 1 (d) of Act 35 of 1979.]

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'territory' means the territory of South-West Africa.

'wreck' means any wreck as defined in section 112 (1) of the Customs and Excise Act, 1964 (Act 91 of 1964);

[**'wreck'** inserted by s. 1 (e) of Act 35 of 1979.]

2 Establishment of National Monuments Council

There is hereby established a council to be known as the National Monuments Council, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties.

2A Object of the council

The object of the council shall be to preserve and protect the historical and cultural heritage, to encourage and to promote the preservation and protection of that heritage, and to co-ordinate all activities in connection with monuments in order that monuments will be retained as tokens of the past and may serve as an inspiration for the future.

[S. 2A inserted by s. 2 of Act 35 of 1979.]

3 Constitution of council

(1) The council shall consist of not less than seven members to be appointed by the Minister by notice in the *Gazette*.

(2) A member of the council shall hold office for such period, not exceeding five years, as the Minister may determine at the time of the 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.

(3) A member of the council designated by the Minister as chairman shall preside at any meeting of the council: Provided that if the chairman is absent from any meeting of the council, a chairman elected by the members present from among themselves, shall preside at such meeting.

4 Committees of council

The council may establish committees to assist it in the exercise of its functions and the performance of its duties, and may appoint in addition to any of its members such other persons as it may deem fit to be members of any such committee.

5 Powers functions and duties of council

(1) The council shall, subject to the provisions of this Act, have power, in addition to any other power conferred on it by this Act or any other Act-

- (a) to make such recommendations as may be required to be made in order to enable the Minister to exercise any of his powers under this Act;
- (b) at the request of the Minister, to investigate and report on-
 - (i) any matter relating to a monument;
 - (ii) the desirability of declaring anything to be a national monument;

- (iii) any application for a State subsidy in respect of the purchase, restoration or maintenance of a monument ;
- (c) Any notice in the *Gazette* provisionally to declare any immovable property 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;
- (d) to invest, lend or borrow money;
- (e) to purchase or otherwise acquire, hold, let, hire, receive in trust, make over to any person to hold in trust, or sell, exchange or otherwise alienate, or hypothecate, burden with a servitude or otherwise confer any real right in any property movable or immovable;
- (f) to preserve, repair or restore anything declared or provisionally declared under this Act to be a national monument, 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: Provided that if the owner fails to maintain properly any monument, the council may, with the concurrence of the Minister, after reasonable notice to such owner, take such steps as may be necessary for the maintenance thereof;

[Para. (f) substituted by s. 3 (b) of Act 35 of 1979.]

- (g) (i) to take steps for the erection in suitable places of memorial tablets giving information in both official languages and, if the council considers it to be desirable, in any other language, about historical events relating to such places;
- (ii) to affix to any monument the badge or a sign;

[Para. (g) substituted by s. 3 (c) of Act 35 of 1979.]

- (h) to lend any monument under its control to any museum or other public institution;
- (i) by agreement with the owner of any land, to acquire or construct and maintain an access road over such land to any monument, or to construct upon such land fences, walls or gates upon, across or next to such road;
- (j) by means of the news media or in any other manner-
 - (i) to publish and distribute or to cause to be published and distributed any knowledge and information directly or indirectly relating to any monument;
 - (ii) to encourage and to promote the preservation of monuments;

[Para. (j) substituted by s. 3 (d) of Act 35 of 1979.]

- (k) to insure any property under its control or to insure itself against any risk arising out of the exercise of its powers or the performance of its functions or duties;
- (l) to perform such functions relating to the preservation of any property as a national monument as the Minister may from time to time determine.

[Sub-s. 1 amended by s. 3 (a) of Act 35 of 1979.]

(2) The council shall not invest, lend or borrow any money without the consent of the Minister in writing given in consultation with the Minister of Finance.

(3) The council may acquire immovable property by way of purchase, only if it has been or is about to be declared under this Act to be a national monument and if the council has the necessary funds at its disposal.

(4) The council shall not let, make over to any person to hold in trust, or sell, exchange or otherwise alienate, or hypothecate, burden with a servitude or otherwise confer any real right in-

- (a) immovable property, without the consent in writing of the Minister given in consultation with the Minister of Finance;
- (b) movable property being a monument, without the consent in writing of the Minister.

(5) The council shall not by notice under subsection (1) (c) provisionally declare to be a national monument-

- (a) any property belonging to the State, unless the Minister consents thereto;
- (b) any property belonging to any person other than the State or the council, without the consent of such person, unless the council has, at least one month before the date of such notice, served upon the owner of such property, by post or by delivery to him personally, a notice in writing advising him of the proposed declaration and calling upon him to lodge objections thereto with the council within one month of the date of service of such last-mentioned notice.

(6) The Minister may, at the request of any person whose property has by notice under subsection (1) (c) been provisionally declared to be a national monument, after consultation with the council by notice in the *Gazette* withdraw such first-mentioned notice in so far as it relates to such property.

[Sub-s. (6) substituted by s. 3 (e) of Act 35 of 1979.]

(7) The council shall keep a register of all monuments and shall record therein such particulars as the Minister may from time to time determine, and may make such register available for inspection by any person during the council's normal office hours.

[Sub-s. (7) substituted by s. 3 (e) of Act 35 of 1979.]

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- (8) (a) The council shall-
- (i) endeavour to ensure that land surrounding or in the immediate vicinity of a monument is not developed in such a manner that the aspect of, or the view from, that monument is obstructed;
 - (ii) as far as may be practicable, mark each monument by affixing its badge or a sign thereto.
- (b) The council may in order to comply with the provisions of paragraph (a) (i), enter into an agreement with the owner of the land in question.

[Sub-s. (8) added by s. 3 (f) of Act 35 of 1979.]

5A Rendering of financial assistance to registered authority or body of persons

(1) Subject to the provisions of section 9 the council may with the approval of the Minister render financial assistance to any authority or body of persons which restores and preserves monuments and which has been registered under this section, for the purpose of the restoration and preservation by such authority or body of such monuments.

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

[S. 5A inserted by s. 4 of Act 35 of 1979.]

6 Allowances to members of council or committees

(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 such allowances and afford him such transport facilities in respect of his services as such a member as the Minister in consultation with the Minister of Finance may determine.

(2) In respect of his services as a member of the council or any committee thereof, any person in the full-time service of the State shall not be paid any allowances exceeding those payable to him in respect of his work in the service of the State.

7 Delegation of powers of council

The council may delegate to any of its members, committees or officers any of its powers other than the power to purchase immovable property, but shall not thereby be divested of any power which it may so have delegated and may amend or withdraw any decision by a member, committee or officer.

7A Delegation of powers by Minister

The Minister may delegate any power, duty or function conferred or imposed upon or assigned to him by sections 5 (2), 5 (4) (a) and (b), 5 (7) and 8 (1) to the Secretary for National Education or the director of archives appointed under section 3 of the Archives Act, 1962 (Act 6 of 1962).

[S. 7A inserted by s. 5 of Act 35 of 1979.]

8 Officers and employees of council

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(1) (a) The council may from time to time appoint to such posts and on such conditions and at such remuneration as may be approved by the Minister in consultation with the Minister of Finance, such officers and employees as may be required to assist it in the performance of its functions and duties.

(b) The council shall designate one of its officers or employees as director-

(i) in addition to any other function or duty assigned to or imposed upon him in terms of this Act, to manage the affairs of the council and to carry out its decisions; and

(ii) to furnish the council with an annual report on the activities and financial position of the council.

(c) The council shall designate one of its officers or employees as acting director when the office of director is vacant or when the director is absent.

[Sub-s. (1) substituted by s. 6 of Act 35 of 1979.]

(2) Any person who, on the day immediately preceding the date of commencement of this Act, was employed under the provisions of section 6 (1) (a) of the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act 4 of 1934), or section 5 (1) (a) of the Natural and Historical Monuments, Relics and Antiques Ordinance, 1948 (Ordinance 13 of 1948 of the territory), shall be deemed to have been appointed under subsection (1) 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 on the said day.

(3) The council shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act 41 of 1963), be deemed to be an associated institution.

9 Finances of council

(1) The funds of the council shall consist of-

(a) moneys appropriated by Parliament to enable the council to perform its functions;

(b) fees received under its by-laws;

(c) interest derived from investments;

(d) moneys received from any other source.

(1A) The Minister may with the concurrence of the Minister of Finance guarantee the repayment of any loan made by the council and of the interest payable thereon.

[Sub-s. (1A) inserted by s. 7 (a) of Act 35 of 1979.]

(2) The council shall not incur any expenditure except in accordance with an estimate of expenditure approved in terms of subsection (3).

[Sub-s. (2) substituted by s. 7 (b) of Act 35 of 1979.]

(3) Once during every financial year, at such time as the Minister may direct, the council shall submit to the Minister for his approval, with the

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concurrence of the Minister of Finance, estimates of the income and expenditure of the council during the ensuing financial year, and the council may also during the course of a financial year, submit to the Minister for his approval, with the concurrence of the Minister of Finance, supplementary estimates of expenditure for that financial year.

[Sub-s. (3) substituted by s. 7 (b) of Act 35 of 1979.]

(4) The council shall open one or more accounts with any bank approved by the Minister and shall deposit therein any moneys received.

(5) The council shall, in such manner as the Secretary for National Education may direct, keep records of all property under its control and of all its financial transactions.

[Sub-s. (5) substituted by s. 7 (b) of Act 35 of 1979.]

(6) The accounts of the council shall be audited by the Controller and Auditor-General.

(7) The council shall furnish the Minister with such information as he may call for from time to time in respect of its activities or financial position, and shall in addition submit to the Minister, before the thirty-first day of December of each year, a report on its activities, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General, for the year ending on the last preceding thirty-first day of March.

(8) The Minister shall lay the said report upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

10 Declaration of national monuments by Minister

(1) Whenever the Minister considers it to be in the national interest that any immovable or movable property of aesthetic, historical or scientific interest be preserved, protected and maintained he may, subject to the provisions of subsection (3), on the recommendation of the council, by notice in the *Gazette* declare any such property described in the notice to be a national monument.

[Sub-s. (1) substituted by s. 8 of Act 35 of 1979.]

(2) The Minister may, subject to the provisions of subsection (3), by notice in the *Gazette*-

- (a) on the recommendation of the council amend any notice issued under subsection (1), by including in or excluding from any area of land, declared by such notice to be a national monument, any area of land described in the amending notice;
- (b) withdraw any notice issued under subsection (1) or paragraph (a) of this subsection.

(3) The Minister shall not give effect to any recommendation made under subsection (1) or (2) in respect of any property belonging to any person other than the State or the council, without the consent of such person, unless the

Minister is satisfied-

- (a) that the council has, at least one month before making the recommendation, served upon the owner of such property, by post or by delivery to him personally, a notice in writing advising him of the proposed recommendation and calling upon him to lodge objections with the council within one month of the date of service of the notice;
- (b) that the council has submitted to him all objections lodged with it by the owner of such property; and
- (c) that, in the case of movable property, such property has been in the Republic for more than fifty years.

[Para. (c) substituted by s. 1 of Act 30 of 1971.]

10A Declaration of wreck to be monument

(1) The council may in respect of any wreck in the Republic, including the 'sea', as defined in section 1 of the Sea-shore Act, 1935 (Act 21 of 1935), which is fifty years old or older or which the council upon reasonable grounds believes to be fifty years old or older, perform or carry out any power, function or duty assigned to or imposed upon it in terms of this Act: Provided that the council shall not exercise any power in relation to any wreck on the 'sea-shore', as defined in section 1 of the Sea-shore Act, 1935, or in the 'sea', as so defined, unless the council has consulted with the Minister of Agriculture.

(2) The declaration of any wreck to be a monument in terms of subsection (1) does not preclude the exercise in respect of that wreck of any power referred to in section 304A of the Merchant Shipping Act, 1951 (Act 57 of 1951), or in paragraph (26) of section 2 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act 70 of 1957).

(3) The council may in order to enable it to decide whether any wreck is suitable to be declared or provisionally declared to be a national monument, require any person whom the council is satisfied possesses information relating to such wreck, to furnish the council with such information.

(4) Any abandoned wreck which in terms of this Act has been declared or is about to be declared to be a national monument, may in such manner and subject to such conditions, including the payment of compensation (if any), as may be determined by the Secretary for Customs and Excise, be placed at the disposal of the council or a declared institution referred to in section 1 of the Cultural Institutions Act, 1969 (Act 29 of 1969).

[S. 10A inserted by s. 9 of Act 35 of 1979.]

11 Effect of and cancellation of notice of proposed declaration or provisional declaration of monument

(1) Whenever any notice under section 5 (5) (b) or 10 (3) (a) has been served in respect of any property, such property shall for the purpose of the application of section 12 in respect of any person who is aware of such notice, be deemed to be a monument from the date of service of such notice, for a period of

six months or for the period expiring on the date of cancellation of the notice under subsection (2), or on the date on which such property may under this Act be declared or provisionally declared to be a national monument, whichever may be the shorter period.

[Sub-s. (1) substituted by s. 10 of Act 35 of 1979.]

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

12 Alienation protection removal or export of monuments and certain other objects

(1) Any person who sells, exchanges or otherwise alienates, or pledges or lets any monument shall forthwith inform the council of the name and address of the person to whom it has been alienated, pledged or let.

(2) No person shall-

- (a) destroy, damage, excavate, alter, remove from its original site or export from the Republic any monument except under the authority of and in accordance with a permit issued under this section; or
- (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), except with the written authority of the council.

[Sub-s. (2) substituted by s. 11 (a) of Act 35 of 1979.]

(2A) No person shall destroy, damage, excavate, alter, remove from its original site or export from the Republic-

- (a) any meteorite or fossil; or
- (b) any drawing or painting on stone or a petroglyph known or commonly believed to have been executed by Bushmen; or
- (c) any drawing or painting on stone or a petroglyph known or commonly believed to have been executed by any other people who inhabited or visited the Republic before the settlement of the Europeans at the Cape; or
- (d) any implement, ornament or structure known or commonly believed to have been made, used or erected by people referred to in paragraphs (b) and (c); or
- (e) the anthropological or archaeological contents of graves, caves, rock shelters, middens, shell mounds or other sites used by such people; or
- (f) any other archaeological or palaeontological finds, material or object,

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

[Sub-s. (2A) inserted by s. 11 (b) of Act 35 of 1979.]

(3) (a) The provisions of subsection (2A) shall not apply to the removal of anything other than deposits in any cave or midden, in the normal course of mining, engineering or agricultural activities: Provided that if anything referred to in section (2A) is found in the normal course of the said activities, the finder thereof or the owner of the land where it is found or the person who performs such activities, shall report that fact immediately to an institution referred to in the Cultural Institutions Act, 1969 (Act 29 of 1969).

(b) The council or any person in the employment of the State authorized thereto by the Minister may enter into an agreement with such finder, owner or other person in connection with the removal and safe custody of such thing: Provided that the council and the State shall not be liable in respect of any loss arising out of such removal or custody unless with the consent of the Minister it is otherwise agreed.

[Sub-s. (3) substituted by s. 11 (c) of Act 35 of 1979.]

(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 destroy, damage, excavate, alter or remove from its original site or export from the Republic any monument or any other object referred to in subsection (2) or (2A), specified in the permit, at such time or within such period and subject to such terms, conditions and restrictions or directions as may be so specified.

[Sub-s. (4) substituted by s. 11 (d) of Act 35 of 1979.]

(5) Whenever the council has refused an application made under this section, or has granted such application subject to any terms, conditions, restrictions or directions, the applicant may appeal against the decision of the council to the Minister who may confirm such decision or direct the council to grant the application subject to such terms, conditions, restrictions or directions as the Minister may determine.

(6) Whenever any person has been convicted of damaging or altering anything in contravention of subsection (2) or (2A), the council may-

(a) by notice in writing served upon such person by post or by delivery to him personally, direct him to effect such repairs or alterations to it as may be specified in the notice, within such period as may so be specified;

(b) upon failure of such person to comply with such notice, effect or cause to be effected, the repairs or alterations so specified and recover the cost of such repairs or alterations from such person.

[Sub-s. (6) amended by s. 11 (e) of Act 35 of 1979.]

(7) Whenever any person has been convicted of disfiguring, destroying, removing, altering or damaging any memorial tablet, the badge or sign in contravention of subparagraph (b) of subsection (2), the council may repair or replace or cause to be repaired or replaced any such tablet, badge or sign and recover the cost thereof from such person.

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[Sub-s. (7) added by s. 11 (f) of Act 35 of 1979.]

13 Noting of certain particulars in deeds office

(1) Whenever under this Act any area of land or any place or object on any land has been declared or provisionally declared to be or has been recommended to be declared or has been included in or recommended to be included in a national monument or whenever the council is investigating the desirability of having any area of land or any place or object on land so declared or included, the council may take such steps as it may consider necessary-

- (a) for erecting beacons on the corners of and surveying and preparing a diagram of such area of land; or
- (b) for determining by survey the location of such place or object in relation to the beacons and boundaries of the land upon which it is situate.

(2) If any area of land or any place or object on any land in respect of which a survey has taken place under the provisions of subsection (1), has been or is declared by notice in the *Gazette* to be or to be included in any national monument the council shall furnish the registrar of deeds in whose deeds registry the land in question is registered, with a copy of the said notice and particulars of the survey (including any diagram prepared).

(3) The registrar of deeds shall endorse upon the title deed of the land in question filed in his office, and in the appropriate registers, and upon the owner's title deed, as soon as it may for any reason be lodged in his office, a reference to any notice and particulars furnished to him under subsection (2).

(4) Whenever any notice is issued under section 10 (2) whereby any area of land is excluded from an area declared to be a national monument or whereby any notice is withdrawn, the council shall, if such first-mentioned notice relates to any land in respect of which any endorsements have been made under subsection (3) of this section, furnish a copy of such first-mentioned notice to the registrar of deeds in question who shall make the necessary endorsements upon the relevant title deeds and in the appropriate registers.

14 Powers of entry upon land or premises for inspection or other purposes

Subject to the provisions of any other law, any person authorized by the council in writing may at all reasonable times enter upon any land or premises for the purpose of inspecting any property to which the prohibition under section 12 (2) applies or in respect of which the council is investigating the desirability of having it declared or provisionally declared under this Act to be a national monument or the desirability of including it in any area of land so declared to be a national monument, or for the purpose of performing in relation to any such property any act authorized under section 13.

14A . . .

[S. 14A inserted by s. 1 of Act 22 of 1970 and repealed by s. 95 of Act 63 of 1975.]

15 Exemption from duties taxes and fees

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Notwithstanding anything to the contrary in any other law contained, no duty, tax or fees, other than duty, tax or fees under the laws relating to customs and excise, shall be payable by the council to the State in respect of anything done or any transaction under this Act or in respect of any document required in connection with anything so done or any such transaction.

16 Offences and penalties and jurisdiction of magistrate's court

(1) Any person who-

- (a) contravenes or fails to comply with any provision of section 12 (1), (2), (2A) or (3);
- (b) for the purpose of obtaining, whether for himself or for any other person, any permit or authority under this Act, makes any statement or representation knowing it to be false or not knowing or believing it to be true;
- (c) fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions subject to which any permit has been issued to him under this Act;
- (d) hinders or obstructs any person in the exercise of his powers under section 14,

shall be guilty of an offence and liable on conviction 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.

(2) A magistrate's court shall, notwithstanding the provisions of any other Act, be competent to impose any punishment referred to in this section.

[S. 16 substituted by s. 12 of Act 35 of 1979.]

17 Regulations by Minister

The Minister may make regulations relating to-

- (a) the calling of and procedure and quorum at meetings of the council or committees thereof;
- (b) the manner in which any application shall be made under this Act, including the particulars or information to be furnished in the application and any documents, drawings or photographs which shall accompany such application,

and generally, relating to all matters which the Minister considers it to be necessary or expedient to prescribe for achieving the objects of this Act.

18 By-laws by council or local authority

(1) The council may, with the approval of the Minister, make by-laws-

- (a) regulating admission of members of the public to monuments under its control;
- (b) fixing fees payable to the council for such admission;
- (c) safeguarding monuments from damage, disfigurement, alteration,

destruction or defilement or for the prevention of unauthorized export of monuments;

- (d) regulating the excavation, removal or export of any object or group or collection of objects which in the opinion of the council may be declared under this Act to be national monuments.
- (e) regulating the conditions of use by any person of any area of land which has been declared to be a monument and which is under the control of the council;

[Para. (e) inserted by s. 13 (1) (a) of Act 35 of 1979.]

- (f) regulating the conditions for the erection of any building structure on any area of land declared to be a monument.

[Para. (f) inserted by s. 13 (1) (a) of Act 35 of 1979.]

(2) Any local authority may with the approval of the Minister and of the council make by-laws-

- (a) regulating admission of members of the public to monuments under its control;
- (b) fixing fees payable to the local authority for such admission;
- (c) safeguarding such monuments from damage, disfigurement, alteration, destruction or defilement;
- (d) for the control of members of the public or the prevention of any nuisance at such monuments;
- (e) regulating the conditions of use by any person of any area of land which is under the control of the local authority and which has been declared to be a monument;

[Para. (e) inserted by s. 13 (1) (c) of Act 35 of 1979.]

- (f) regulating the procedure and conditions for the erection of any building structure on any such area of land declared to be a monument;

[Para. (f) inserted by s. 13 (1) (c) of Act 35 of 1979.]

- (g) generally, for the proper management and control of such monuments.

[Sub-s. (2) amended by s. 13 (1) (b) of Act 35 of 1979.]

(3) Any by-laws made under this section may prescribe fines not exceeding one hundred rand for any contravention thereof or failure to comply therewith.

19 Transfer of certain assets and liabilities to council

- (1) The commissions referred to in the laws repealed by this Act are

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hereby abolished and all their assets, rights, liabilities and obligations shall devolve upon the council without formal transfer and without payment of any taxes, duties, fees or other charges.

(2) Unless it would in any particular case obviously be inappropriate, any reference in any law, including a law as defined in the Interpretation of Laws Proclamation, 1920 (Proclamation 37 of 1920 of the territory), or in any document or register, to any of the said commissions or to an officer thereof, shall be construed as a reference to the council or to an officer thereof performing functions or exercising powers similar to those of the first-mentioned officer, as the case may be.

20 Repeal of laws

(1) Subject to the provisions of section 19 and subsections (2) and (3) of this section, the laws specified in the Schedule are hereby repealed.

(2) Any notice issued under any law repealed by this Act whereby anything has been proclaimed to be a monument, relic or antique shall be deemed to be a notice issued under this Act whereby any such thing has been declared to be a national monument.

(3) Any by-law made by any local authority under any provision of any law repealed by this Act, shall be deemed to have been made under the corresponding provision of this Act, and any reference in any such by-law to a monument, relic or antique shall be deemed to be a reference to a monument as defined in this Act.

21 Application of Act to South-West Africa

This Act shall apply also in the territory, including that portion of the territory known as the Eastern Caprivi Zipfel and defined in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Proclamation 147 of 1939).

22 Short title

This Act shall be called the National Monuments Act, 1969, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

**SCHEDULE
LAWS REPEALED**

NO. AND YEAR OF LAW	SHORT TITLE
Act 4 of 1934.....	Natural and Historical Monuments, Relics and Antiques Act, 1934
Act 9 of 1937.....	Natural Monuments Amendment Act, 1937
Act 13 of 1967.....	Monuments Amendment Act, 1967
Ordinance 13 of 1948 of the territory.....	Natural and Historical Monuments, Relics and Antiques Ordinance, 1948
Proclamation 45 of 1950 of the territory.....	Natural and Historical Monuments, Relics and Antiques Amendment Proclamation, 1950
Ordinance 12 of 1960 of the territory.....	Natural and Historical Monuments, Relics and Antiques Amendment Ordinance, 1960
Ordinance 19 of 1962 of the	Natural and Historical Monuments, Relics and Antiques Amendment

territory.....

Ordinance, 1962
