



G-68G
8.559
18 MAR 1992
LIBRARIES

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)

R0,80 Prys • Price
R0,08 Plus 10% BTW • VAT

R0,88 Verkoopprys • Selling price
Buitelands **R1,10** Other countries
Post free • Posvry

Vol. 321

KAAPSTAD, 11 MAART 1992

No. 13822

CAPE TOWN, 11 MARCH 1992

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 774.

11 Maart 1992

No. 774.

11 March 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg 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. 8 van 1992: Wet op Statebond-Oorlogsgrafte, 1992.

No. 8 of 1992: Commonwealth War Graves Act, 1992.

WET

Om die skending, beskadiging of vernietiging van Statebond-oorlogsgrafte te verbied; die opgraving, verwydering, herbegrawing of verassing van Statebond-oorlogsbegrawings en die verwydering, verandering, herstel of instandhouding van Statebond-oorlogsgrafte te reël; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1992.)*

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

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) “begraafplaas” enige openbare of private begraafplaas, of enige plek 5
hoegenaamd waarin een of meer lyke begrawe, bygesit of veras is of
waarin op ’n ander wyse daarvoor beskik is, of wat bedoel is vir die
begrawing, bysetting of verassing van of beskikking op ander wyse oor
een of meer lyke; (i)
 - (ii) “Kommissie” die Statebond-oorlogsgraftekommissie, en ook sy Suid- 10
Afrikaanse Agentskap; (ii)
 - (iii) “plaaslike owerheid” ’n instelling of liggaam beoog in artikel 84(1)(f)
van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), en
ook—
 - (a) ’n plaaslike owerheid soos omskryf in artikel 1(1) van die Wet op 15
Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);
 - (b) ’n plaaslike bestuursliggaam ingestel uit hoofde van die bepalings
van artikel 30(2)(a) van die Swart Administrasie Wet, 1927 (Wet
No. 38 van 1927);
 - (c) ’n bestuursraad of raad bedoel in artikel 1 van die Wet op Landelike 20
Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van
1987);
 - (d) ’n plaaslike raad ingestel kragtens artikel 2 van die Wet op Plaaslike
Rade (Volksraad), 1987 (Wet No. 94 van 1987);
 - (e) ’n plaaslike ontwikkelingskomitee ingestel kragtens artikel 28A(1) 25
van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987
(Wet No. 3 van 1987);
 - (f) die Raad op Plaaslike Bestuursaangeleenthede ingestel by artikel 2
van die Wet op die Raad op Plaaslike Bestuursaangeleenthede
(Volksraad), 1989 (Wet No. 84 van 1989); 30
 - (g) ’n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op
Streeksdiensteraad, 1985 (Wet No. 109 van 1985);
 - (h) ’n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet
op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84
van 1990); (v) 35
 - (iv) “Statebond-oorlogsbegrawing” ’n begrawing van enige lid van die see-,
militêre of lugmagte van die Statebond wat gesterf het as gevolg van
beserings of siektes opgedoen in die loop van aktiewe diens verrig tydens
die Eerste Wêreldoorlog (1914 tot 1921) of die Tweede Wêreldoorlog
(1939 tot 1947); (iii) 40
 - (v) “Statebond-oorlogsgraf” ’n graf, grafsteen, monument of gedenkteken
wat met ’n Statebond-oorlogsbegrawing in verband staan. (iv) 35

Skending, beskadiging of vernietiging van grafte

2. Niemand mag ’n Statebond-oorlogsgraf skend, beskadig of vernietig nie.

ACT

To prohibit the desecration, damaging or destruction of Commonwealth war graves; to regulate the disinterment, removal, reinterment or cremation of Commonwealth war burials and the removal, alteration, repair or maintenance of Commonwealth war graves; and to provide for matters connected therewith.

(English text signed by the State President.)

(Assented to 3 March 1992.)

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

Definitions

1. In this Act, unless the context otherwise indicates—

- 5 (i) “burial place” means any burial ground, whether public or private, or any place whatsoever in which one or more bodies are buried, interred, cremated or otherwise disposed of or intended to be buried, interred, cremated or otherwise disposed of; (i)
- 10 (ii) “Commission” means the Commonwealth War Graves Commission and includes its South African Agency; (ii)
- (iii) “Commonwealth war burial” means a burial of any member of the naval, military or air forces of the Commonwealth who died as a result of injuries sustained or illnesses contracted in the course of active duty during the First World War (1914 to 1921) or the Second World War (1939 to 1947); (iv)
- 15 (iv) “Commonwealth war grave” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial; (v)
- (v) “local authority” means any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and includes—
- 20 (a) any local authority as defined in section 1(1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (b) any local government body established by virtue of the provisions of section 30(2)(a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
- 25 (c) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (d) any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 van 1987);
- 30 (e) any local development committee established under section 28A(1) of the Development Act (House of Representatives), 1987 (Act No. 3 of 1987);
- (f) the Local Government Affairs Council established by section 2 of the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989);
- 35 (g) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- (h) any joint services board established under section 4 of the Kwa-Zulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990). (iii)
- 40

Desecration, damaging or destruction of graves

2. No person shall desecrate, damage or destroy a Commonwealth war grave.

Opgraving, verwydering, herbegraving of verassing van Statebond-oorlogsbegrawings en verwydering of verandering van Statebond-oorlogsgrafte

3. (1) Geen eienaar van grond waarop 'n Statebond-oorlogsgraf geleë is, en geen plaaslike owerheid of ander liggaam in beheer van 'n begraafplaas, mag—
- (a) 'n Statebond-oorlogsbegrawing opgrawe, verwyder, herbegrawe of veras nie; of
- (b) 'n Statebond-oorlogsgraf verwyder of verander nie,
- tensy sodanige eienaar, plaaslike owerheid of liggaam minstens drie maande voor enige voorgenome optrede beoog in paragraaf (a) of (b) die Kommissie skriftelik per aangetekende pos van sodanige voorgenome optrede in kennis gestel het.
- (2) 'n Kennisgewing bedoel in subartikel (1) moet—
- (a) die voorgenome optrede beskryf;
- (b) die ligging van die betrokke Statebond-oorlogsbegrawing of oorlogsgraf aandui;
- (c) die adres aangee waar 'n skriftelike beswaar teen die voorgenome optrede ingedien kan word.
- (3) Die betrokke eienaar, plaaslike owerheid of liggaam moet enige skriftelike beswaar van die Kommissie teen die voorgenome optrede oorweeg en die Kommissie van sy beslissing in kennis stel.
- (4) Ondanks die bepalings van subartikel (1) mag niemand, behalwe die Kommissie, 'n Statebond-oorlogsgraf wat deur die Kommissie gegrawe of opgerig is, verwyder of verander nie, tensy die Kommissie skriftelik tot sodanige verwydering of verandering ingestem het.

Bevoegdheid om grond of perseel te betree of binne te gaan

4. 'n Persoon wat skriftelik deur die Kommissie daartoe gemagtig is, kan te alle redelike tye, maar behoudens die bepalings van enige ander wet, grond of 'n perseel waarop 'n Statebond-oorlogsgraf geleë is, betree of binnegaan met die doel om sodanige graf te inspekteer, te herstel of in stand te hou.

Herstel en instandhouding van Statebond-oorlogsgrafte en bou van toegangspaaie na grafte

5. Die Kommissie kan—
- (a) met die eienaar van grond of 'n plaaslike owerheid of ander liggaam wat beheer het oor grond waarop daar 'n Statebond-oorlogsgraf geleë is, 'n ooreenkoms aangaan waarvolgens—
- (i) die Kommissie die reg verkry om sodanige graf te herstel of in stand te hou; of
- (ii) sodanige eienaar of plaaslike owerheid 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 Statebond-oorlogsgraf 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.

Misdrywe en strawwe

6. 'n Persoon wat—
- (a) 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen; of
- (b) 'n heining, muur of hek wat ingevolge artikel 5(b) deur die Kommissie opgerig is, beskadig of vernietig,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens 12 maande.

Kort titel

7. Hierdie Wet heet die Wet op Statebond-oorlogsgrafte, 1992.

Disinterment, removal, reinterment or cremation of Commonwealth war burials and removal or alteration of Commonwealth war graves

3. (1) No owner of land on which a Commonwealth war grave is situated, and no local authority or other body in control of any burial place, may—
- 5 (a) disinter, remove, reinter or cremate a Commonwealth war burial; or
(b) remove or alter a Commonwealth war grave,
- unless such owner, local authority or body has at least three months before any intended action contemplated in paragraph (a) or (b) notified the Commission in writing per registered mail of such intended action.
- 10 (2) A notice referred to in subsection (1) shall—
- (a) describe the intended action;
- (b) indicate the situation of the Commonwealth war burial or war grave concerned;
- 15 (c) state the address where a written objection against the intended action may be lodged.
- (3) The owner, local authority or body concerned shall consider any written objection of the Commission against the intended action and notify the Commission of its decision.
- 20 (4) Notwithstanding the provisions of subsection (1), no person, except the Commission, shall remove or alter a Commonwealth war grave dug or erected by the Commission, unless the Commission has in writing agreed to such removal or alteration.

Power of entry upon land or premises

4. Any person authorized thereto by the Commission in writing may, at all
- 25 reasonable times but subject to the provisions of any other law, enter upon land or premises on which a Commonwealth war grave is situated, in order to inspect, repair or maintain such grave.

Repair and maintenance of Commonwealth war graves and construction of access roads to graves

- 30 5. The Commission 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 a Commonwealth war grave is situated and in terms of which—
- 35 (i) the Commission 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 Commonwealth war
- 40 grave and may, with the concurrence of such owner, construct fences, walls and gates on, across or next to such road.

Offences and penalties

6. (1) Any person who—
- 45 (a) contravenes or fails to comply with any provision of this Act; or
(b) damages or destroys any fence, wall or gate constructed by the Commission in terms of section 5(b),
- shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Short title

- 50 7. This Act shall be called the Commonwealth War Graves Act, 1992.

Disinterment, removal, reinterment or cremation of Commonwealth war burials and removal or alteration of Commonwealth war graves

3. (1) No owner of land on which a Commonwealth war grave is situated, and no local authority or other body in control of any burial place, may—

(a) disinter, remove, reinter or cremate a Commonwealth war burial; or

(b) remove or alter a Commonwealth war grave,

unless such owner, local authority or body has at least three months before any intended action contemplated in paragraph (a) or (b) notified the Commission in writing per registered mail of such intended action.

10. (2) A notice referred to in subsection (1) shall—

(a) describe the intended action;

(b) indicate the situation of the Commonwealth war burial or war grave concerned;

(c) state the address where a written objection against the intended action may be lodged.

15. (3) The owner, local authority or body concerned shall consider any written objection of the Commission against the intended action and notify the Commission of its decision.

(4) Notwithstanding the provisions of subsection (1), no person, except the Commission, shall remove or alter a Commonwealth war grave dug or erected by the Commission, unless the Commission has in writing agreed to such removal or alteration.

Power of entry upon land or premises

4. Any person authorized thereto by the Commission in writing may, at all reasonable times but subject to the provisions of any other law, enter upon land or premises on which a Commonwealth war grave is situated, in order to inspect, repair or maintain such grave.

25. Repair and maintenance of Commonwealth war graves and construction of access roads to graves

5. The Commission 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 a Commonwealth war grave is situated and in terms of which—

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

(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 Commonwealth war grave and may, with the concurrence of such owner, construct fences, walls and gates on, across or next to such road.

Offences and penalties

6. (1) Any person who—

(a) contravenes or fails to comply with any provision of this Act; or

(b) damages or destroys any fence, wall or gate constructed by the Commission in terms of section 5(b),

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Short title

7. This Act shall be called the Commonwealth War Graves Act, 1992.

