

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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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.

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. 25 38 of 1927);
- (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);
- 30 (d) any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 van 1987);
- (e) any local development committee established under section 28A(1) of the Development Act (House of Representatives), 1987 (Act No. 3 of 1987);
- 35 (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);
- (g) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- 40 (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)

Desecration, damaging or destruction of graves

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

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
 40 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—
 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.