



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Thingahangwi Tshivhase

Tel: 012 941 4964

Email: ttshivhase@sahra.org.za

CaseID: 13095

Date: Friday March 31, 2023

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Letter

In terms of Section 36(3) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mr Jaco van der Walt
Heritage Contracts and Archaeological Consulting
PO Box 524
Auckland Park
2006

Helderfontein K56 Grave Relocation Project

SAHRA issued a permit for exhumation and relocation of graves protected under section 36(3) of the NHRA. The permit eventually expired and an extension permit was issued which expires in July 2023. A complaint has since been received which alleges that exhumation was undertaken without consent by families. The grave in question is younger than 60 years and would have been permitted under the Human Tissue Act as the permit issued by SAHRA specified that graves that fall outside the NHRA must be permitted by the responsible authorities. As standard procedure, SAHRA hereby suspends Permit 3292 issued under Case13095. While SAHRA is only mandated to authorize exhumation and relocation of graves that are 60 years old and above, we recommend the following:

1. All exhumation activities must be suspended until the complaint is resolved.
2. The complainant, Mr Mthembu must be consulted to find an amicable solution regarding mitigation of his graves(s).
3. Proof of consultation and agreement must be forwarded to SAHRA.
4. It must be established whether such a grave was permitted under the NHRA legislation or the Health Act.

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5. Adequate and irrefutable information must be submitted to SAHRA for consideration regarding lifting of the permit.

6. It is strongly emphasized that SAHRA will only lift the suspension if satisfied that all outstanding issues with the custodians of the grave(s) in question have been concluded. It remains the responsibility of the appointed Heritage specialist to ensure that the prescribed Public consultation is conducted and that all related complaints are effectively resolved.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Thingahangwi Tshivhase
Heritage Officer: Permitting
South African Heritage Resources Agency

Ngqabutho Madida
Acting Manager: Burial Grounds & Graves Unit
South African Heritage Resources Agency

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ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/514105>

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.