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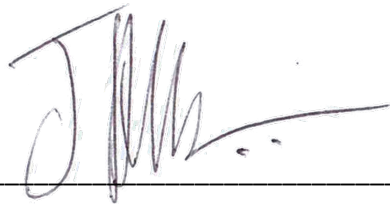
Declaration of Independence

PGS Heritage, an appointed Heritage Specialist for Sino Rock, has compiled the report. The views stipulated in this report are purely objective and no other interests are displayed during the decision making processes discussed in the Heritage Impact Assessment Process.

HERITAGE CONSULTANT: PGS Heritage

CONTACT PERSON: Dr Jeremy C. Hollman
Tel: ()
Email: wouter@pgsheritage.co.za

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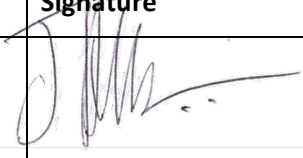
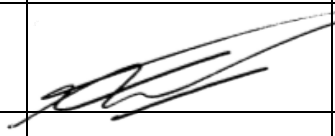


ACKNOWLEDGEMENT OF RECEIPT

CLIENT: Sino Rock

CONTACT PERSON: Dr Johan van Rijn
Email:
Tel:

SIGNATURE:

Date:	January		
Document Title:	Report on the protection of rock art sites on portion of Driekuil IP North-West Province, South Africa		
Control	Name	Signature	Designation
Authors	J.C. Hollmann		Principal Investigator
Reviewed	W. Fourie		Heritage Specialist
Client:	Dr Johan van Rijn		Sino Rock

EXECUTIVE SUMMARY

- . Dr Johan van Rijn, Managing Director of Sino Rock, contracted with Dr Jeremy Hollmann, representing PGS Heritage, to assess the archaeological sites on portion of Driekuul and to recommend steps to be taken to protect the archaeological sites from further damage.
- . A large pit, approximately m and c. m at its deepest point, had been excavated within the legally prescribed m exclusion zone of the rock art site. Dr Van Rijn confirmed that the new excavation was carried out without the necessary permit from the South African Heritage Resources Agency (SAHRA).
- . Dr Van Rijn expressed a willingness to take whatever action is necessary to protect the archaeological sites on portion from any further damage and to rehabilitate the damage caused by the excavation, which was carried out by employees of Sino Rock.
- . Dr Hollmann demarcated a m exclusion zone around all three outcrops and has made recommendations regarding the fencing of the outcrops, provision of signage and rehabilitation of the excavated pits at the foot of Outcrop .
- . No further activities are to be carried out by the permit holder or his proxies on portion of Driekuul until the recommendations in this report have been approved by SAHRA and the necessary permits have been obtained.
- . The installation of the fence should be supervised by a suitably qualified heritage professional to ensure that the rock art and the area within the protective m zone is not damaged in any way.

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1 INTRODUCTION

PGS Heritage (PGS) was appointed by Sino Rock to undertake an archaeological assessment of the archaeological sites on portion of Driekuil and to recommend steps to be taken to further protect the archaeological sites.

2 SCOPE OF THE STUDY

The aim of the study is to identify and assess the archaeological sites on portion of Driekuil and to recommend steps to be taken to further protect the archaeological sites.

2.1 Specialist Qualifications

PGS Heritage (PGS) compiled this report.

The staff at PGS have a combined experience of nearly years in the heritage consulting industry. PGS and its staff have extensive experience in managing HIA processes and will only undertake heritage assessment work where they have the relevant expertise and experience to undertake that work competently.

Dr Jeremy Hollman, Principal Rock Art Specialist for this project, is registered as a Professional Archaeologist with the Association of Southern African Professional Archaeologists (ASAPA) and has CRM accreditation within the said organisation.

Wouter Fourie, Principal Heritage Specialist for this project, is registered as a Professional Archaeologist with the Association of Southern African Professional Archaeologists (ASAPA) and has CRM accreditation within the said organisation, as well as being accredited as a Professional Heritage Practitioner with the Association of Professional Heritage Practitioners – Western Cape (APHP).

2.2 Assumptions and Limitations

Not detracting in any way from the comprehensiveness of the fieldwork undertaken, it is necessary to realise that the heritage resources located during the fieldwork do not necessarily represent all the possible heritage resources present within the development area. Various factors account for this, including the subterranean nature of some archaeological sites. As such, should any heritage

features and/or objects not included in the present inventory be located or observed, a heritage specialist must immediately be contacted.

Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist has been able to make an assessment as to the significance of the site (or material) in question. This applies to graves and cemeteries as well. In the event that any graves or burial places are located during the development, the procedures and requirements pertaining to graves and burials will apply as set out below.

2.3 Legislative Context

The identification, evaluation and assessment of any cultural heritage site, artefact or find in the South African context is required and governed by the following legislation:

- i. National Environmental Management Act (NEMA) Act of
- ii. National Heritage Resources Act (NHRA) Act of
- iii. Minerals and Petroleum Resources Development Act (MPRDA) Act of

The following sections in each Act refer directly to the identification, evaluation and assessment of cultural heritage resources.

- i. National Environmental Management Act (NEMA) Act of
 - a. Basic Environmental Assessment (BEA) – Section ()(d)
 - b. Environmental Scoping Report (ESR) – Section ()(d)
 - c. Environmental Impacts Assessment (EIA) – Section ()(d)
 - d. Environmental Management Plan (EMP) – Section ()(b)
- ii. National Heritage Resources Act (NHRA) Act of
 - a. Protection of Heritage Resources – Sections to ; and
 - b. Heritage Resources Management – Section
- iii. Minerals and Petroleum Resources Development Act (MPRDA) Act of
 - a. Section ()

The NHRA stipulates that cultural heritage resources may not be disturbed without authorization from the relevant heritage authority. Section () of the NHRA states that, “no person may alter or demolish any structure or part of a structure which is older than years without a permit issued by

the relevant provincial heritage resources authority...". The NEMA (Act No of) states that an integrated EMP should, (: (b)) "...identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage". In accordance with legislative requirements and EIA rating criteria, the regulations of SAHRA and ASAPA have also been incorporated to ensure that a comprehensive legally compatible HIA report is compiled.

2.4 Terminology and Abbreviations

Archaeological resources

This includes:

- i. material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than years including artefacts, human and hominid remains and artificial features and structures;
- ii. rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than years, including any area within m of such representation;
- iii. wrecks, being any vessel or aircraft, or any part thereof which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the republic as defined in the Maritimes Zones Act, and any cargo, debris or artefacts found or associated therewith, which is older than years or which SAHRA considers to be worthy of conservation;
- iv. features, structures and artefacts associated with military history which are older than years and the site on which they are found.

Cultural significance

This means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance

Development

This means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of the heritage authority in any way result in a change to the

nature, appearance or physical nature of a place or influence its stability and future well-being, including:

- i. construction, alteration, demolition, removal or change in use of a place or a structure at a place;
- ii. carrying out any works on or over or under a place;
- iii. subdivision or consolidation of land comprising a place, including the structures or airspace of a place;
- iv. constructing or putting up for display signs or boards;
- v. any change to the natural or existing condition or topography of land; and
- vi. any removal or destruction of trees, or removal of vegetation or topsoil

Early Stone Age

The archaeology of the Stone Age, between and years ago.

Fossil

Mineralised bones of animals, shellfish, plants and marine animals. A trace fossil is the track or footprint of a fossil animal that is preserved in stone or consolidated sediment.

Heritage

That which is inherited and forms part of the National Estate (Historical places, objects, fossils as defined by the National Heritage Resources Act of).

Heritage resources

This means any place or object of cultural significance.

Holocene

The most recent geological time period which commenced years ago.

Late Stone Age

The archaeology of the last years, associated with fully modern people.

Late Iron Age (Early Farming Communities)

The archaeology of the last years up to the s, associated with people who carried out iron working and farming activities such as herding and agriculture.

Middle Stone Age

The archaeology of the Stone Age between - years ago, associated with early modern humans.

Palaeontology

Any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

Abbreviations	Description
AIA	Archaeological Impact Assessment
ASAPA	Association of Southern African Professional Archaeologists
CRM	Cultural Resource Management
DEA	Department of Environmental Affairs
EIA practitioner	Environmental Impact Assessment Practitioner
EIA	Environmental Impact Assessment
ESA	Early Stone Age
GPS	Global Positioning System
HIA	Heritage Impact Assessment
I&AP	Interested & Affected Party
LSA	Late Stone Age
LIA	Late Iron Age
MSA	Middle Stone Age
MIA	Middle Iron Age
NEMA	National Environmental Management Act
NHRA	National Heritage Resources Act
PHRA	Provincial Heritage Resources Authority
ROD	Record of Decision
SADC	Southern African Development Community
SAHRA	South African Heritage Resources Agency

Refer to **Appendix A** for further discussions on heritage management and legislative frameworks.

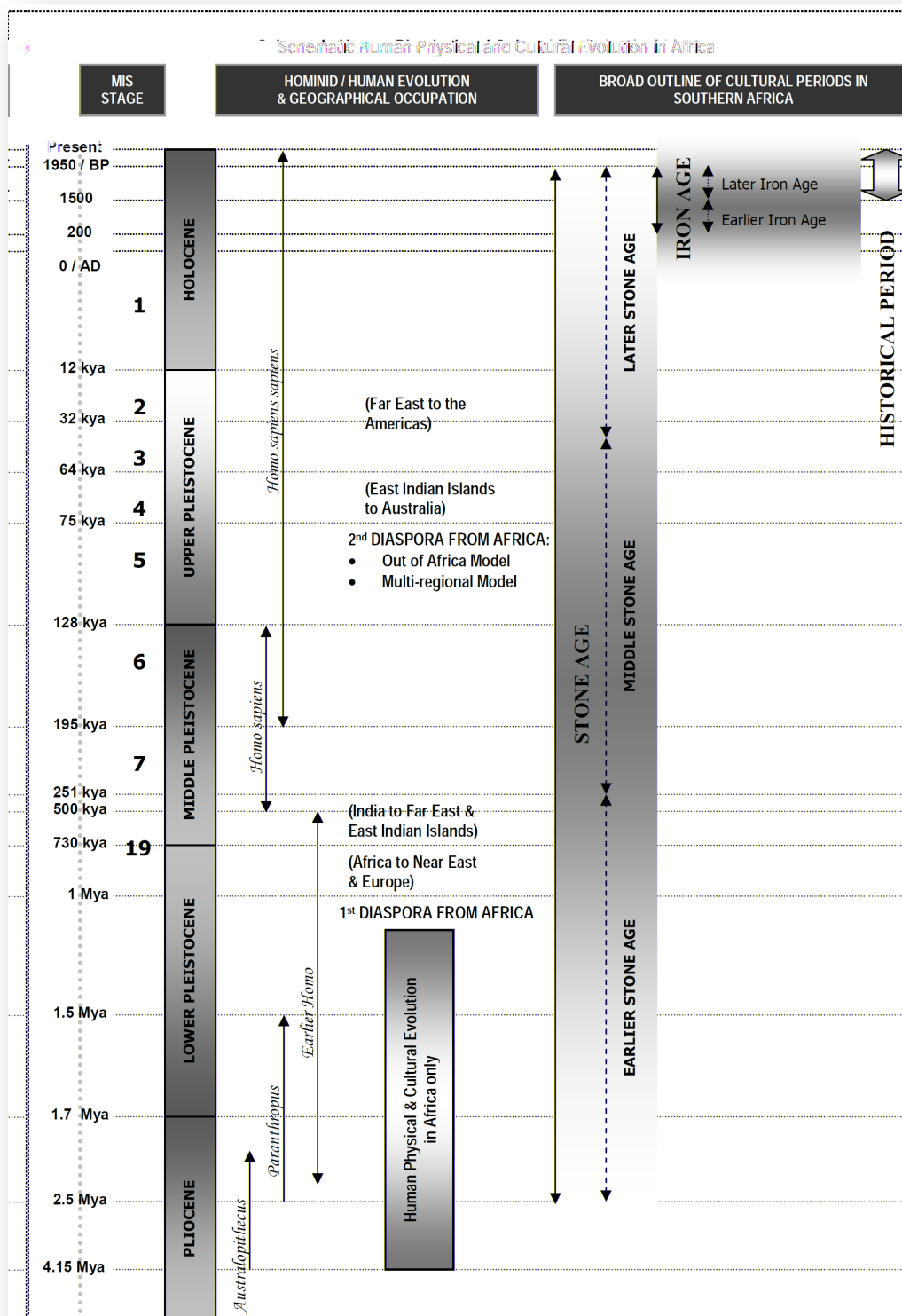


Figure 1 - Human and Cultural Time line in Africa (Morris, 2009).

3 TECHNICAL DETAILS OF THE PROJECT

3.1 Site Location

The site, portion 5 of the farm Driekuil IP, is approximately 10 km north east of the town of Ottosdal, on the Boschpoort Road (no road number), which is accessed via Koster Street in Ottosdal.

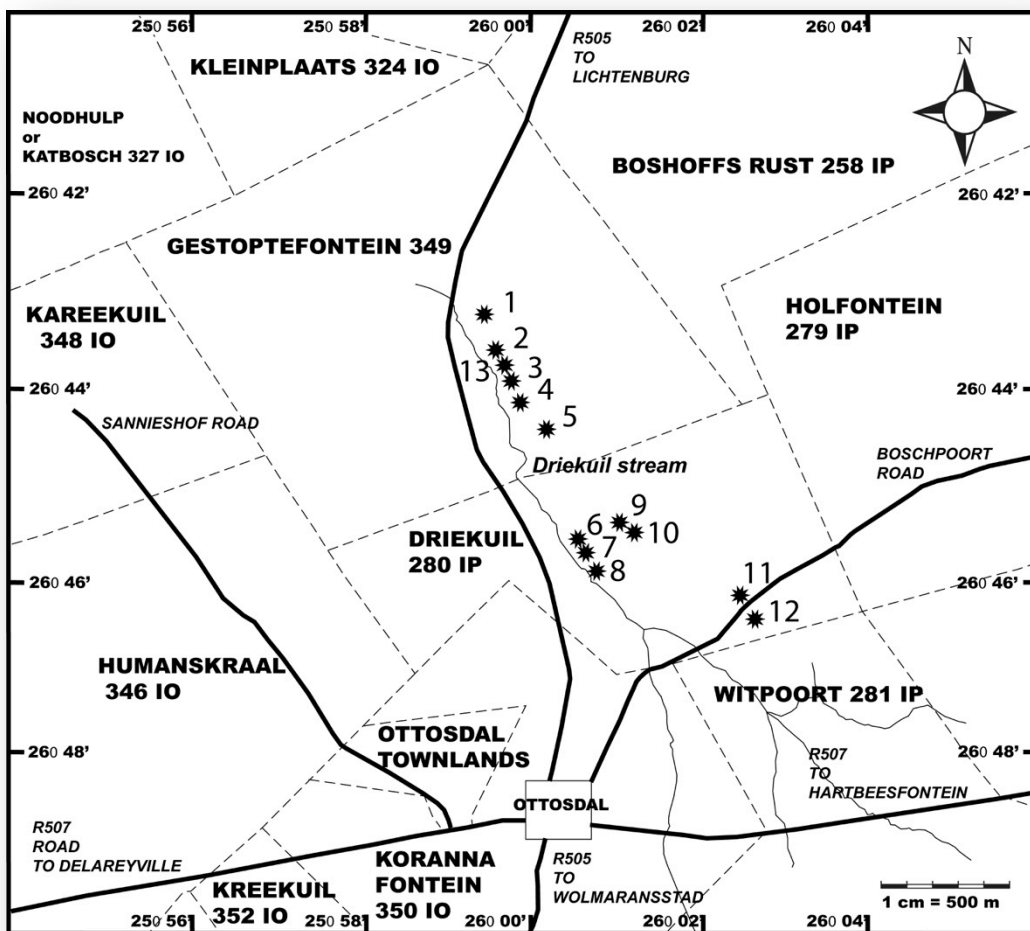


Figure 2 – Regional locality (Rock art sites that comprise the GDC complex. The rock art sites on portion 5 of Driekuil are represented by the dot numbered 12.)

3.2 Site Description

The rock art sites on portion are on jagged outcrops that mark the end of the eastern belt of wonderstone on the farms Gestoptefontein and Driekuul (Nel et al. : ,). The Boschpoort road, as it is called, runs between the wonderstone outcrops – here very low (c. m high) – dividing them into a northern and southern section. The northern area is much smaller, lower and more broken in character than the two larger and higher outcrops south of the road, on portion . The portion sites are aligned along a northwest- southeast axis some m long and are separated from each other by about m. Portions of the outcrops have been quarried, but there are nonetheless many occurrences of motifs and markings on the rocks. The outcrops are covered with sparse vegetation comprising *Mundulea* and *Indigofera* shrubs and a thin cover of grass. Grassland and small trees surround the outcrops.



Figure 3 - View of Outcrop 2 from the south west, looking north-east. This outcrop is approximately 61 m long. Photograph taken in 2009.

3.3 Project Description

4 ASSESSMENT METHODOLOGY

The section below outlines the assessment methodologies utilised in the study.

4.1 Methodology for Assessing Heritage Site Significance

PGS Heritage (PGS) compiled this report for the proposed establishing the extent of damage to the Driekuul site.

The significance of identified heritage sites was based on four main criteria:

- Site integrity (i.e. primary vs. secondary context),

- Amount of deposit, range of features (e.g., stonewalling, stone tools and enclosures),
- Density of scatter (dispersed scatter)
 - Low - / m
 - Medium – - / m
 - High - / m
- Uniqueness; and
- Potential to answer present research questions.

Management actions and recommended mitigation, which will result in a reduction in the impact on the sites, will be expressed as follows:

A – No further action necessary;

B – Mapping of the site and controlled sampling required;

C – No-go or relocate development activity position;

D – Preserve site, or extensive data collection and mapping of the site; and

E – Preserve site.

Impacts on these sites by the development will be evaluated as follows:

4.1.1 Site Significance

Site significance classification standards prescribed by the SAHRA () and approved by the ASAPA for the Southern African Development Community (SADC) region, were used for the purpose of this report.

Table 1: Site significance classification standards as prescribed by SAHRA.

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
National Significance (NS)	Grade		Conservation; National Site nomination
Provincial Significance (PS)	Grade		Conservation; Provincial Site nomination
Local Significance (LS)	Grade A	High Significance	Conservation; Mitigation not advised
Local Significance (LS)	Grade B	High Significance	Mitigation (Part of site should be retained)
Generally Protected A (GP.A)	Grade A	High / Medium Significance	Mitigation before destruction
Generally Protected B	Grade B	Medium Significance	Recording before destruction

(GP.B)			
Generally Protected C (GP.A)	Grade C	Low Significance	Destruction

5 FIELD WORK FINDINGS

Dr Hollmann visited portion of Driekuul on and January . Drs Van Rijn and Hollmann held a short discussion in the late afternoon of th January and met the next day for further discussion about measures to be taken to protect the archaeological sites. Also present at the meeting on the th January was Ms Susan Foster-Smith, the attorney representing the owner of portion , Jim Foster Landgoed CC of which the sole member is Ms Engelina Jonker.

The archaeological sites on portion comprise three outcrops (viz. , & as identified in Hollmann) of the mineral wonderstone (pyrophyllite [according to Nel et al :]). These outcrops (as well as a further outcrop just north of the Boschpoort road) are covered with engravings of Khoe-San aprons, designs and animal images, as well by markings (scratched and hammered areas) that are believed to be associated with Khoe-San ceremonies related to the initiation of women (Hollmann ,). The sites on portion are thus rock art sites as defined in section b of the National Heritage Resources Act.

5.1 Site significance

The significance of the rock art sites on portion of Driekuul lies in their use in the past by Khoe-San people in initiation ceremonies over an unknown period of time. These rock art sites are components of a larger complex of rock engravings and other markings, all of which are on wonderstone (a kind of pyrophyllite), and known collectively as the Gestoptefontein-Driekuul complex. The sites have high significance because they attest to the existence of a large ceremonial complex made on a unique material that allowed Khoe-San people in the past to interact with the rock in ways that were not possible at rock art sites made on different substrates. The rock powder was probably used for decoration and to associate initiates with the power of a mythical water snake. The proposed heritage rating allocated to the rock art sites on portion is Grade (Provincial heritage site status).

5.2 Heritage Findings

5.2.1 Inspection of site

Dr Hollmann inspected the site on Wednesday January and observed that a large pit of approximately m and c. m deep had been excavated within the legally prescribed m exclusion zone of the rock art site (Outcrop in Hollmann : fig .). According to the tenant on the farm Driekuil, Mr John Tait, employees of Sino Rock carried out the excavations on and th December . The excavation was carried out under a permit granted to Epidict (Pty) Ltd, Reg. no. / / , in the person of Brian Barnard. This permit was renewed on December , the same day that excavations on portion commenced. Sino Rock is in a contractual relationship with Epidict.

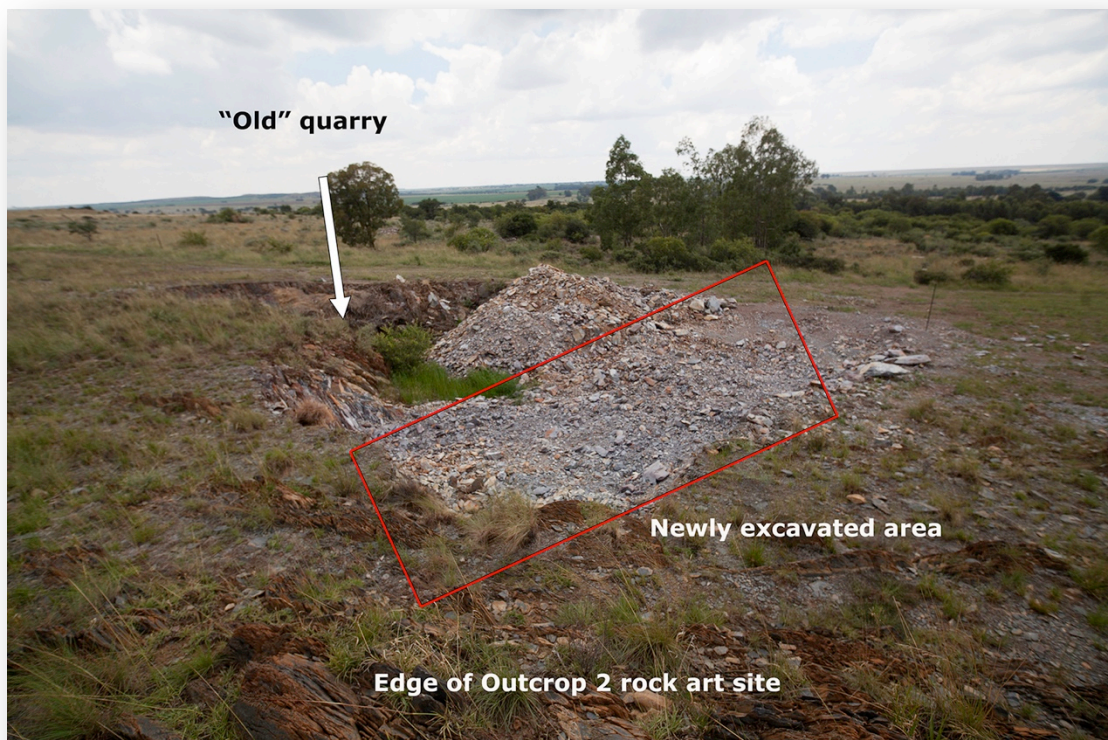


Figure 4 - The 'old' quarry at left, and the pit, at right, excavated by Sino Rock on 18 and 19 December 2014.

Dr Hollmann observed that the pit had been excavated immediately next to the outcrop and another pit that was excavated thirty or forty years ago. Dr Hollmann had visited portion of Driekuil on July and can confirm that there was no new pit at the time of this visit (Figure).

Dr Van Rijn confirmed that employees of Sino Rock acting under his orders were responsible for the new excavation. The owner of portion of Driekuil, Ms Engelina Jonker, (Jim Foster Landgoed CC), gave permission through her attorneys, Foster Prokereurs, to proceed with the prospecting in the existing quarry. Mr John Tait insisted that prospecting must occur at the place he pointed out. Dr Van Rijn apparently had a different position in mind but complied with Mr Tait's instructions.

Dr Van Rijn acknowledged that the excavation had been carried out without the necessary permit (specified in the NHRA s. (a)) from the South African Heritage Resources Agency (SAHRA). This section states that:

(4) No person may, without a permit issued by the responsible heritage resources authority-

a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite.

By excavating within the m exclusion zone specified in section b of the NHRA the permit holder is in violation of this legislation. This infraction was reported to SAHRA on December . Investigation by these authorities is proceeding.



Figure 5 - Blue cross spraypainted over rock markings on Outcrop 2.

Dr Hollmann also noted that about 10% of the engravings and other markings on Outcrop 2 had been scratched, perhaps with a stone. Dr Hollmann also confirmed the presence of a blue 'X', probably spray-painted, on Outcrop 2 (Figure 5). This cross, which has been sprayed over Khoe-San rock markings was observed on a visit by Dr Hollmann to Outcrop 2 on 15 July 2010. The identity of the person who did this is not known.

5.2.2 Actions taken

Discussions were held between Drs Hollmann, Van Rijn and Ms Foster-Smith during the on site visit.

Dr Hollmann pointed out to Dr van Rijn and Ms Foster-Smith the rock engravings and other markings on the three outcrops on portion 1 of Driekuil. Dr Hollmann also informed them that the area east of these three outcrops has historical value; it was a British encampment in the Anglo-Boer War (De Jager 1998: 100 - 101).

Dr Van Rijn expressed a willingness to take whatever action is necessary to protect the archaeological sites on portion 1 from any further damage and to rehabilitate the damage caused by

the excavations of and th December as well as the earlier, adjacent excavation. He agreed to supply labour and material so that Dr Hollmann could immediately demarcate a m exclusion zone around all three outcrops; this was carried out on the same day (Figure).

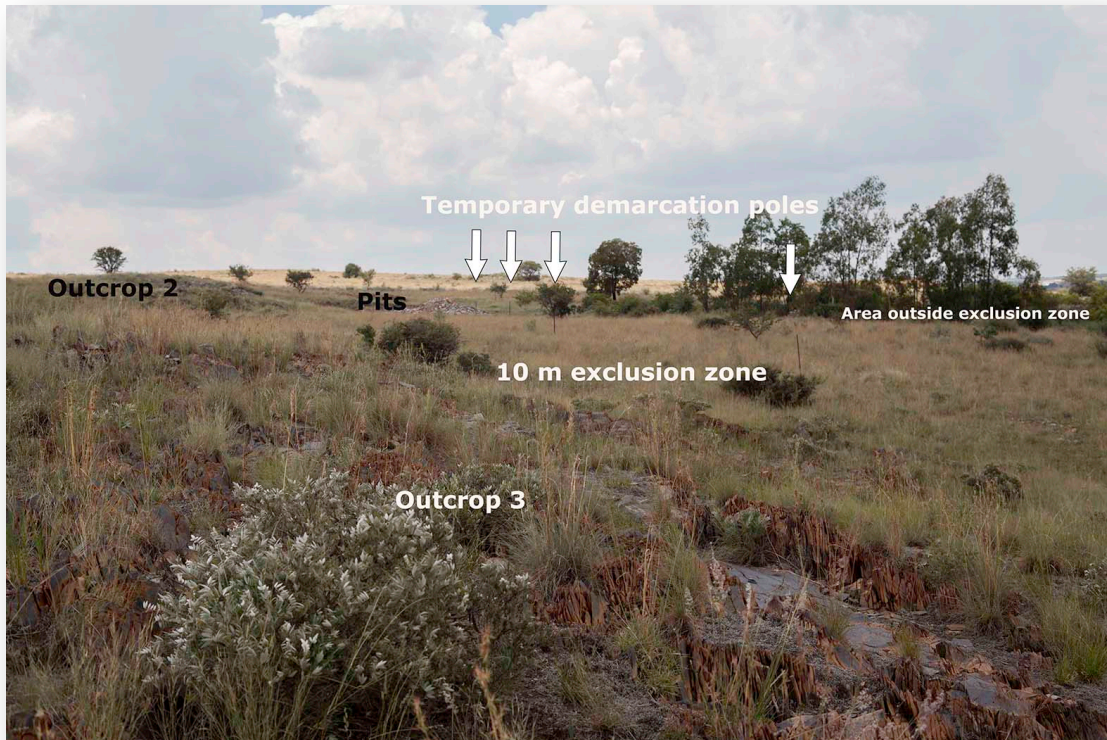


Figure 6 - Installation of poles as a temporary measure to designate the 10 m exclusion zone around the Outcrops 1,2 & 3.

Dr Van Rijn has undertaken further to provide and pay for the installation of fencing of a standard specified by Dr Hollmann, as well as appropriate signage. Agreement regarding the maintenance of the fence is to be negotiated between the landowner and Sino Rock.

6 RECOMMENDATIONS

The following recommendations are made with regards to the finds:

6.1 Construction of fence and gate

The construction of a fence around the three outcrops is recommended. The purpose of the fence is primarily to demarcate the rock art sites and to indicate the 10 m exclusion zone around them. The fence is not intended as an absolute barrier to entry but rather to indicate that the enclosed area is an archaeological site and that access is regulated. It is also important that the fencing does not spoil the visual and aesthetic properties of the site. The fence should however be so constructed that it will exclude livestock.

Access to the sites should be by means of a lockable gate. Access to the site is to be controlled by the landowner or designated representative. The landowner in whom the name, address and other contact details of visitors are recorded should keep a visitor's book.

It is recommended that the fence be approximately 1.2 m in height (as measured from the ground). The use of steel fencing materials (mesh and posts) should be avoided because of the high risk of theft. Instead the use of wooden posts (CCA treated NOT creosoted) and wire, or alternatively, uPVC (plastic) fencing is recommended. The risk of combustion of these materials should be considered. The vegetation in the vicinity of the proposed fence is sparse; it comprises a light cover of grass and widely dispersed shrublets. It is therefore a low fire risk. Because the fence is 10 metres away from the rock art the possibility of the wooden CCA treated poles damaging the rock art in case of fire is considered to be negligible. uPVC fencing is considered to be a low fire risk.

Dr Hollmann should be consulted about the final choice and design of the fencing before materials are purchased and before the fence is erected. It is also recommended that Dr Hollmann or another suitably qualified heritage specialist be present during the construction of the fence.

6.2 Signage

There should be a notice on or close to the gate that identifies the area as an archaeological site. The sign must state that permission to visit the site is obtainable from the landowner or her designated representative. Dr Hollmann should first be consulted about the dimensions and wording of the signage and the material to be used, as well as any SAHRA requirements before any materials are purchased.

6.3 Filling of excavation pits

Sino Rock has offered to fill in both the recently excavated pit and the adjoining pit. A permit will need to be obtained from SAHRA before this can be done. Dr Hollmann will approach SAHRA in this

regard. The excavation pits are to remain in their current condition until Dr Hollmann has consulted SAHRA.

7 REFERENCES

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HOLLMANN, J.C. . Exploring the Gestoptefontein-Driekuil Complex (GDC): an ancient women's ceremonial centre in North West Province, South Africa. *South African Archaeological Bulletin* (): - .

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LEGISLATIVE REQUIREMENTS – TERMINOLOGY AND ASSESSMENT CRITERIA**1 General principles**

In areas where there has not yet been a systematic survey to identify conservation worthy places, a permit is required to alter or demolish any structure older than years. This will apply until a survey has been done and identified heritage resources are formally protected.

Archaeological and palaeontological sites, materials, and meteorites are the source of our understanding of the evolution of the earth, life on earth and the history of people. In the NHRA, permits are required to damage, destroy, alter, or disturb them. People who already possess material are required to register it. The management of heritage resources is integrated with environmental resources and this means that before development takes place heritage resources are assessed and, if necessary, rescued.

In addition to the formal protection of culturally significant graves, all graves, which are older than years and are not in a formal cemetery (such as ancestral graves in rural areas), are protected. The legislation protects the interests of communities that have an interest in the graves: they should be consulted before any disturbance takes place. The graves of victims of conflict and those associated with the liberation struggle are to be identified, cared for, protected and memorials erected in their honour.

Anyone who intends to undertake a development must notify the heritage resource authority and if there is reason to believe that heritage resources will be affected, an impact assessment report must be compiled at the construction company's cost. Thus, the construction company will be able to proceed without uncertainty about whether work will have to be stopped if an archaeological or heritage resource is discovered.

According to the National Heritage Act (Act of section) it is stated that:

An object or collection of objects, or a type of object or a list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, may be declared a heritage object, including –

- objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects, meteorites and rare geological specimens;

- visual art objects;
- military objects;
- numismatic objects;
- objects of cultural and historical significance;
- objects to which oral traditions are attached and which are associated with living heritage;
- objects of scientific or technological interest;
- books, records, documents, photographic positives and negatives, graphic material, film or video or sound recordings, excluding those that are public records as defined in section (xiv) of the National Archives of South Africa Act, (Act No. of), or in a provincial law pertaining to records or archives; and
- any other prescribed category.

Under the National Heritage Resources Act (Act No. of), provisions are made that deal with, and offer protection to, all historic and pre-historic cultural remains, including graves and human remains.

2 Graves and cemeteries

Graves younger than years fall under Section () of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. of) as well as the Human Tissues Act (Act of) and are under the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial MEC for Local Government and Planning, or in some cases the MEC for Housing and Welfare. Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains, the institution conducting the relocation should be authorised under Section of Act of (Human Tissues Act).

Graves older than years, but younger than years, fall under Section of Act of (National Heritage Resources Act) as well as the Human Tissues Act (Act of) and are under the jurisdiction of the South African Heritage Resource Agency (SAHRA). The procedure for Consultation Regarding Burial Grounds and Graves (Section () of Act of) is applicable to graves older than years that are situated outside a formal cemetery administered by a local

authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than years, over and above SAHRA authorisation.

If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

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