

PART A

HERITAGE HOMES – HOW DO YOU KNOW IF YOUR HOME IS A HERITAGE HOME AND HOW DOES THAT AFFECT YOU?

In terms of section 34 the National Heritage Resource Act 25 of 1999 (“the Act”) which came into effect on 1 April 2000, “*no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.*” This is commonly known as the 60 year rule.

The word “Alter” is broadly defined in the Act; it means “*any action affecting the structure, appearance or physical properties of a place or object, whether by means of structural or other works, by painting, plastering or other decoration or any other means*”. In short, homes that are 60 years and older are automatically protected by law and a permit is needed if they are to be renovated or refurbished in any way.

The rationale behind the Act and the 60 year rule is to encourage communities to identify, conserve and properly manage the National Estate so that future generations may enjoy them. So, what is the National Estate and how does it affect us? The National Estate is defined as “*those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations, commonly known as our cultural resources*”. Therefore, the National Estate includes places, buildings, structures and equipment, graves, books, records, documents and photographs to places that have cultural significance or other special value because of their importance in the community or to the pattern of South Africa’s history. They can also be places that demonstrate a high degree of creative or technical achievement at a particular period or have a special association with a particular community or cultural group for social, cultural or spiritual reasons. Sites of significance relating to the history of slavery in South Africa are also identified.

How does this affect the property world? Well, any home older than 60 years; any home which has some historical or cultural significance; any home which has to do with the new South Africa may well be a National Estate.

At a Provincial or Local level, the relevant authority tasked with issuing the permit is known as the Provincial Heritage Resources Authority (PHRA). At a National Level, you may contact the South African Heritage Resources Authority (SAHRA). SAHRA is a statutory organisation established under the Act as the national administrative body responsible for the protection of South Africa’s heritage. The permits are granted in respect of the heritage estate. SAHRA



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has, by regulation, developed a system of grading of places and objects which form part of the National Estate.

There are three grades and permits are issued according to the relevant grades:

- SAHRA is responsible for the identification and management of Grade I heritage resources, for example, Union Buildings and Freedom Parks.
- PHRA's are responsible for the identification and management of Grade II heritage resources, for example, The Cradle of Humankind.
- A local authority is responsible for the identification and management of Grade III heritage resources, for example, Municipal Museums.

The National Estate is afforded either formal protection or general protection. Formal protection occurs where SAHRA, by notice in the Government Gazette, declares any place a heritage site after a formal application is made to it to have a place declared a heritage site. General protection occurs by virtue of the age of the place, building structure, object and so forth.

So, the question remains...how does one determine the age of the property to be sold, bought or renovated and how does its age impact on the rights of the owner thereto? This issue will be more fully canvassed in next month's article (Part B).

.... PART B



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