



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

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THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (“SAHRA”) PERMIT REQUIREMENTS FOR THE SOUTH AFRICAN SOCIETY FOR QUATERNARY RESEARCH (“SASQUA”) COLLECTING ARCHAEOLOGICAL OR PALAEONTOLOGICAL MATERIAL IN SOUTH AFRICA



Enquiries: Mr Phillip Hine
Email: phine@sahra.org.za

16 September 2022

Dr Lynne J Quick

Per Email: lynne.quick@mandela.ac.za

Dear Dr Lynne J Quick,

RE: THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (“SAHRA”) PERMIT REQUIREMENTS FOR THE SOUTH AFRICAN SOCIETY FOR QUATERNARY RESEARCH (“SASQUA”) COLLECTING ARCHAEOLOGICAL OR PALAEONTOLOGICAL MATERIAL IN SOUTH AFRICA

1. The above matter refers.
2. Following your very thoughtful query with Dr Ragna Redelstorff and Mr Phillip Hine from SAHRA’s Archaeology, Palaeontology and Meteorites (“APM”) unit regarding the circumstances in which Quaternary scientists in South Africa would have to seek a permit from SAHRA for the collection and analysis of the materials that Quaternary scientists study, SAHRA has sought a legal opinion from its legal unit and it responds to your query as follows:
 - 2.1 The National Heritage Resources Act, no 25 of 1999 (“NHRA”), at Section 35 (4), stipulates that:

“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;*
 - (b) *destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;*
 - (c) *trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or*
 - (d) *bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.”*



2.2 The NHRA, at Section 2(ii), defines “archaeological” to mean, amongst other things, *“material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures.* It further, at Section 2(xxi), defines “palaeontological” to mean *“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.”*

2.3 Based on the above, SAHRA can confirm that SASQUA and/or other Quaternary scientists would only be legally required to apply for a permit from SAHRA in the following instances:

- 2.3.1 Should the collecting or sampling of quaternary materials be within a known archaeological or palaeontological (fossil bearing) site; or
- 2.3.2 Should the collecting or sampling of quaternary materials be intentionally targeting archaeological or palaeontological material, as defined in clause 2.2 above.

2.4 Should the instances referred to in clause 2.3.1 and/ or 2.3.2 not apply, then SAHRA would not require Quaternary scientists to apply for a permit from SAHRA when collecting or sampling its materials in South Africa.

3. We would appreciate it if you could circulate this letter to SASQUA and other relevant stakeholders when it comes Quaternary research in South Africa.
4. Should you ever require further clarity, please don't hesitate to reach out.
5. We trust that you find the above to be in order.

Yours faithfully,

Executive Officer: Heritage Information, Policy & Skills Development
Acting EO: Heritage Conservation Management
Ms M. Nkhasi-Lesaoana