

CIRCULAR NO. 1 OF 1998

TO HEADS OF ALL GOVERNMENTAL BODIES

SAFE-KEEPING AND DESTRUCTION OF PUBLIC RECORDS: SUBORDINATE NATURE OF OTHER LEGISLATION IN RELATION TO THE NATIONAL ARCHIVES OF SOUTH AFRICA ACT, 1996

1. There are several Acts of Parliament possessing provisions about the safe-keeping and destruction of public records which may appear to contradict the provisions of section 13(2)(a) of the National Archives of South Africa Act, 1996.¹
2. The National Archivist has secured a legal opinion which indicates that the National Archives of South Africa Act must take precedence over other Acts with regard to the management of public records. In particular, no public record may be destroyed without the written authorisation of the National Archivist.
3. Heads of governmental bodies are thus still obligated to consult/liaise with the National Archivist concerning all records management activities even though the other Acts provide for the safe-keeping or destruction of records.
4. Please bring the contents of this circular to the attention of all sub-offices under your control.

1. National Archives and Records Service of South Africa Act (Act No. 43 of 1996 as amended).