

## **CIRCULAR NO. 3 OF 1998**

TO HEADS OF ALL STATUTORY BODIES

### **NATIONAL ARCHIVES OF SOUTH AFRICA ACT, 1996 (ACT NO. 43 OF 1996)<sup>1</sup>: APPLICABILITY TO STATUTORY BODIES**

1. The National Archives of South Africa Act, 1996 (Act No. 43 of 1996) came into operation on 1 January 1997 in terms of Proclamation No. R.73, 1996. The National Archives of South Africa Act was published in the Government Gazette, Vol. 376, No. 17471, 2 October 1996.
2. The Act is applicable to all governmental bodies at the national level of government. A governmental body is defined as any legislative, executive, judicial or administrative organ of state (including a statutory body) (Section 1 (viii) of the Act).
3. I enclose for your information a copy of the Archives Instructions which contains the National Archives Act and the National Archives Regulations, as well as a copy of a brochure summarising the contents of the Act. The Archives Instructions sets out the obligations of governmental bodies (including statutory bodies) in terms of the Act.
4. Section 5(2)(d) of the Act provides for a governmental body to be exempted from any of the Act's provisions. This exemption option is designed specifically to enable governmental bodies to retain custody of their archival records and to manage public access to them in circumstances where:
  - they have the professional capacity and infrastructure to do so; and/or
  - the specialised nature of the records which they generate makes such an option desirable.
5. When only specific categories of archival records would be managed most effectively in the custody of the creating body, section 11(2)(b)(i) of the Act enables the National Archivist to exempt such records from obligatory transfer to the National Archives when they reach twenty years of age.
6. I would appreciate it if you would inform me if you would like to make use of either of these exemption options in the Act. Such an application should reach me before 30 March 1999.

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<sup>1</sup> National Archives and Records Service of South Africa Act (Act No 43 of 1996 as amended)

7. Please bring the contents of this circular to the attention of all sub-offices under your control.
8. Telephonic enquiries may be directed to Mrs Erna-Marie Pretorius or Mrs Louisa Venter.