

Trusts & Estates Law

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SOUTH AFRICA

When honour crosses borders: Exporting a heritage object from South Africa



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When honour crosses borders: Exporting a heritage object from South Africa



Exporting culturally significant objects from South Africa – like a Victoria Cross medal – is no small feat. These medals, often highly prized by collectors and institutions, are not only valuable for their rarity, but also for their military and historical significance. They cannot simply be slipped into an envelope for shipment overseas.

The exportation process is primarily governed by the National Heritage Resources Act 25 of 1999 (NHRA), which provides the legislative backbone for protecting South Africa's cultural heritage.

The NHRA

Under section 32 of the NHRA, any item designated as a "*heritage object*" may not be exported without a formal permit issued by the South African Heritage Resources Agency (SAHRA).

What qualifies as a heritage object?

In terms of the NHRA, heritage objects include a wide range of items of cultural, historical or scientific value. These include:

- objects recovered from the soil or waters of South Africa (e.g. archaeological or palaeontological objects, meteorites);
- visual art;
- military and numismatic items;

- items with oral traditions or links to living heritage;
- objects of scientific or technological interest (no, your 2001 iPod doesn't count); and
- books, documents, photographic materials, film and audio-visual recordings.

Items assessed as culturally or historically significant may fall under this protection, particularly if they are over 50 years old.

Thus, these medals, especially those awarded over 50 years ago or to South African recipients, are likely to be classified as heritage objects, especially where they are deemed part of a collection of national importance.



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Application process for export

Anyone seeking to export a Victoria Cross or other such heritage object must apply through the South African Heritage Resources Information System. The section 32 export permit must include:

- a completed application form;
- a detailed description and high-resolution photographs of the item;
- proof of legal ownership;
- a motivation letter outlining the export purpose, recipient and destination;
- declaration of whether the export is temporary or permanent; and
- identity documents and contact details for both the applicant and the owner.

A non-refundable application fee (approximately R150) is payable to SAHRA's designated account. Proof of payment must accompany the submission.

Once submitted, the application may be referred to expert heritage advisors for review. SAHRA's decision is not final and may be appealed.

It is important to note the value-added tax (VAT) considerations of the country you are exporting your item to and to note any special considerations that may apply – for instance, when importing a Victoria Cross that is over 100 years old to the UK, a reduced VAT rate of 5%

will apply, as opposed to the usual 20% import VAT. It is also important to check whether the medal could qualify for a pensioners' discount, applicable to collectors and institutions alike.

Conclusion

Exporting a Victoria Cross from South Africa involves more than simply shipping a medal abroad. It requires careful navigation of the NHRA's protections over heritage objects and a comprehensive application to SAHRA.

Honour may cross borders, but only with the right paperwork. So follow the rules, complete the forms and pay the fees.

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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