



# **MSUKALIGWA MUNICIPALITY: PAUPER AND INDIGENT BURIALS POLICY**

APPROVED POLICY: COUNCIL RESOLUTION-LM 1075/03/2011

The policy on Paupers and Indigent Burials will be there to guide Council, Officials, and Individuals, Community and Funeral Undertakers on the handling the above.

1. **INTERPRETATION/DEFINITIONS**

In these by-laws, unless the context otherwise indicates.

**“Adult”** means a deceased person over the age of 12 years;

**“Body”** means the remains or any portion thereof any deceased person;

**“Cadaver”** means a dead human body.

**“Cemetery”** means any land or part thereof with the municipality duly set aside by the Council as a cemetery;

**“Child”** means a deceased person who is not an adult;

**“Crematory”** means the room in the crematorium which houses the cremation refractory.

**“Indigent person”** means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organization or NGO can be found to bear the burial or cremation costs of such deceased person. The Msukaligwa Municipality can bury such a person as a pauper.

**“Registrar of deaths”** means any person appointed as registrar of deaths in terms of the Birth, and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**“Non-resident”** means any person who at the time of his death was not a resident of the Msukaligwa Municipality.

**“Officer in charge”** means any person authorized by the Council to be in control of any cemetery and in the case of a crematorium, the registrar of such crematorium; Msukaligwa Municipality Policy on Pauper Indigent and Unknown burials

**“Office hours”** means Monday to Friday 07h30 to 16h00. Excluding Saturday, Sunday and Public holidays.

**“Pauper”** means a person who has died as an unknown person or if no relative or other person, welfare organization or NGO can be found to bear the burial or cremations of such deceased person. Pauper are buried three in a grave.

**“Plot”** means any area laid out in any cemetery for not less than two and not more than ten graves adjoining each other, in respect of which the exclusive right to enter has been acquired in terms of these by-laws;

**“Registrar of deaths”** means any person appointed as registrar of deaths in terms of the Birth, and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**“Regulation”** means a regulation published in terms of the Ordinance;

**“Resident”** means any person who, at the date of his death ordinarily resided in the municipality or who for at least six months immediately prior to such date was the owner of fixed property in the municipality;

**“Working hours”** from Monday to Friday as determined from time to time by the Council to be normal working hours.

## 2. DISPOSAL OF BODY

- 2.1 No person shall, save with prior written consent of the Council, dispose of or attempt to dispose of a body other than internment in a cemetery or cremation in a crematorium.
- 2.2 If that person is an unknown person, the Municipality will take possession of the body, and keep it through its agent. “Funeral Undertaker” for at least three months, in an approved and registered mortuary.
- 2.3 If that person was an indigent person, the council will decide on the time and place of burial through its Officer in Charge.

## 3. PAUPER AND INDIGENT BURIALS

A pauper is defined as a person who has died as an unknown person within the geographic boundaries of Council subject to Section 62(2) of the National Health Act no. 63, of 2003 as amended, “Shall be buried or cremated at the discretion of Council”

- 3.1 A pauper who is buried in a cemetery as determined by Council, are entered three (x 3) in a grave and without a headstone.
- 3.2 An indigent person is defined as a person who died in indigent circumstances within the geographic boundaries of Council where no relative, other person, NGO or Welfare organization can be found to cover the cost for the burial or cremation of the deceased person.
- 3.3 The onus of proof of being indigent rests with the applicant declaring indigence and confirmed by next of kin or representatives.

## 4. APPLICATION FOR PAUPER/INDIGENT BURIAL FROM OUTSIDE INSTITUTIONS

Subject to the provision of the Imports Act, 1959 and the said Birth, Marriages and Deaths Act no. 51 of 1992, a person who has died in a hospital or other institution, shall be the responsibility of that hospital or institution care, in the case who has been admitted to or kept in such a hospital or institution on or on behalf of the Local Authority or in the case of a person who, not being a convicted person or a person, under arrest has died in any prison.

## 5. APPLICATION FOR PAUPER/INDIGENT BURIAL FROM THE COMMUNITY

Msukaligwa Municipality Policy on Pauper Indigent and Unknown burials:

An application for a pauper/indigent burial within the community of Msukaligwa, will only be considered and approved should:-

5.1 The relevant application forms are completed and signed. Attached to this document the following original copies have to be attached as annexure "A":-

- 5.1.1 ID document of deceased and date of death
- 5.1.2 Death Certificate BR5
- 5.1.3 Burial Order-BI-14
- 5.1.4 SAP BL20
- 5.1.5 SAP report with (a) case number and (b) permission to bury
- 5.1.6 Quotation from the funeral undertaker unless instructed by the Officer in Charge to make use of an undertaker appointed by council
- 5.1.7 Social Service Report
- 5.1.8 Confirmation status of indigence from Msukaligwa Municipality (Indigent database)

5.2. Sworn Affidavit must indicate the following:-

- 5.2.1 The relationship of person giving the affidavit, indicating his/her ID number and place of residence
- 5.2.2 The permission to surrender the body to the Msukaligwa Municipality to deal with it in a way as guided by this policy and its cemetery by-laws

## 6. FUNERAL UNDERTAKER

Any ground can be set aside by the Council for a cemetery and no person shall inter a body or cause it to be interred in any other place within the municipal area.

No person shall, save with the prior written consent of the council, dispose of or attempt to dispose of a body, other than any interment in a cemetery or cremation in a crematorium.

Subject to section 62 of the National Health Act, 2003 (Act 63 of 2003) no undertaker shall contract of bury or cremate any body in any cemetery or crematorium under the control of the Council.

- 6.1. The undertaker is in a possession of a certificate of competence
- 6.2. The premise from which the undertaker operates is zoned in accordance with planning for such a business.
- 6.3. The requirements relating to funeral undertakers premises are in accordance with Act. 63 of 2003.
- 6.4. The premises are subject to inspection.

The Council reserves the right to refuse permission to any undertaker to undertake business in any cemetery or crematorium under its jurisdiction if such undertaker is not in compliance with this policy and if the undertaker is in default of any payment of tariffs.

- 6.5. At funeral, the undertaker must supply, erect, operate and remove all lowering equipments using own labour.
- 6.6. At certain circumstances, the Municipality employees must help to close the grave.