



UMZIMVUBU
— LOCAL MUNICIPALITY —

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**CEMETRIES, CREMATORIA AND FUNERAL UNDERTAKERS
BYLAW**

CEMETERIES, CREMATORIA AND FUNERAL UNDERTAKERS BY-LAWS

Be it enacted by the Council of the Umzimvubu Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Minister of Environmental and Cultural Affairs having authorized the Municipality to make these by-laws, as follows:

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CHAPTER 1 GENERAL

Definitions

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

“adult” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“after-hours fee” means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

“ashes” means the cremated remains of a body;

“adequately ventilated and illuminated” means adequately ventilated and illuminated as contemplated in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), as amended or the health bylaws applicable within the area of jurisdiction of the Council;

“Births and Deaths Registration Act” means the Births and Deaths Registration Act, 1992
(Act No. 51 of 1992);

“body” means any dead human body, including the body of a stillborn child;

“burial” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“burial order” means an order issued in terms of the Births and Deaths Registration Act;

“cemetery” means any land or part thereof within the municipal area set aside by the Council
or approved by the Council as a cemetery;

"certificate of competence" means a document contemplated in section 33;

"child" means a deceased person who is not an adult;

"Commonwealth war grave" means any grave, tombstone, monument or memorial connected

with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No.

8 of 1992);

"Council" means the Municipal Council established in terms of the relevant laws of the Republic of South Africa; or its successor in title; or a structure or person exercising a delegated power or carrying out an instruction, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

"cremation" means the process of disposing of a human body by fire;

"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which the ceremony is conducted and the cremation carried out;

"crematorium section" means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

"cremated remains" means all recoverable ashes after the cremation process;

"environmental health officer" means a person who is an employee of Council and who is registered with the Health Professions Council of South Africa and is designated in terms of section 31 (1) of the Health Act, 1977 (Act No. 63 of 1977);

"exhumation" means the removal of a body from its grave;

"existing funeral undertaker's premises" means existing funeral undertakers'

premises, which are used as such, on the date of commencement of these bylaws;

"funeral undertaker's premises" means premises that are or will be used for the preparation and or storage of corpses;

"garden of remembrance" means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;

"grave" means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

"grave of conflict" means the grave of a person who died while defending the country;

"hero" means a person who performed a heroic act for the country and is given the status of a hero by the Council;

"holder" means the person in whose name a certificate of competence has been issued

"indigent person" means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

"indigent relief" means assistance received for the burial or cremation of an indigent person;

"medical officer of health" means the officer appointed by Council or any other person acting in the capacity of the medical officer of health;

"memorial section" means a section of a cemetery set aside for the erection of memorials;

“memorial wall” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

“memorial work” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“municipal area” means the area under the control and jurisdiction of the Council;

"new funeral undertaker's premises" means undertaker's premises that start operating as such after the date of commencement of these bylaws;

“niche” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

"nuisance" means any condition, thing, act or omission which is offensive or injurious to health or which tends to prejudice the safety, good order or health of the area or part thereof;

“officer-in-charge” means the person in the employ of the Council who, from time to time, is in control of any cemetery.

“prescribed” means prescribed by the Council;

“prescribed fee” means a fee determined by the Council by resolution of that Council or its successor.

"preparation" means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and will include the embalming of such corpse for the said purpose, and "prepare" and any word derived there from will have a corresponding meaning;

"provisional certificate of competence" means a document as referred to in section 36;

"rodent-proof" means rodent-proofed as laid down in the regulations regarding the Prevention of Rodent Infestation and the Storage of Grain, Forage, etc. in Urban and Rural areas of the Republic of South Africa promulgated by Government Notice R. 1411 of 23 September 1966;

"South African Heritage Resources Agency" means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

"stone mason" means a person carrying on business as a stone mason;

"the Health Act" means the Health Act, 1977 (Act No. 63 of 1977), and any expression to which a meaning has been assigned in the Health Act will have such meaning and, unless the context otherwise indicates; and

"thermometer" means an apparatus which can give the temperature readings referred to in the bylaws, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5°C.

"victim of conflict" means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2
ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

Establishment of cemeteries

2.(1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.

(2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:

- (a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;
- (b) Monumental-section where memorial work erected must cover the entire grave area,
- (c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Council;
- (d) Natural-grass section where the surface of graves are leveled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
- (e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;
- (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

Official hours

3.(1) The cemetery and the office of the caretaker will be open during the hours as determined by the Council. The cemetery office of the caretaker shall be open from Monday to Friday.

(2) Burials will take place on the days and during the hours as determined by the Council.

(3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit

(4) No person may be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.

Register

4.(1) A register of graves and burials must be kept by the caretaker.

(2) Such register must be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

Numbering of graves

5.(1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law must be numbered by the Council.

(2) The number must be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

Reservation of graves

6.(1) No reservation of a grave in a cemetery will be allowed except spouses or partners.

(2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws will still be valid and the Council will honour such reserved rights.

Transfer of reserved rights

7.(1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.

(2) Application to transfer such right must be made to the caretaker in writing by completing and submitting a prescribed application form.

(3) If the application is granted, a certificate will be issued in favour of the transferee who will

become the holder

(4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

Number of corpses in a grave

8.(1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.

(2) Only two corpses may be buried in a grave with measurements as set out in sub section 14(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.

(3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.

(4) If on re-opening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the Medical Officer of Health.

Number of Corpses in a coffin

9.(1) A deceased newly-born or stillborn child and his deceased mother may be buried in the same coffin at the fee for a single interment of an adult.

(2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

CHAPTER 3

BURIALS

Application for a burial

10.(1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:

- (a) the prescribed burial order;
- (b) the prescribed fees; and
- (c) a reservation certificate, if applicable;

(2) No person may, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.

(3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.

(4) No person may execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.

(5) In allocating a date and time for a burial, the caretaker must have regard to the customs of the deceased's relatives and their religion or church affiliation.

(6) In allocating a grave the caretaker must, as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him to select the section of his choice, but not the individual grave of his choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial will be executed only in a grave allocated by him.

(7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.

(8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.

(9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

(10) Except with the permission of the Council, no person may place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

Burial of a corpse

11.(1) All graves may be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work must be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.

(2) There must be at least 1 200mm of soil between the top of an adult coffin and the ground surface, and at least 900mm of soil between the top of a child coffin and the ground surface.

(3) All corpses must be placed in a coffin for the burial thereof, except as provided for the Muslim community.

(4) No person may without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.

(5) No person may permit any hearse in a cemetery to leave the roads provided, and every hearse must leave the cemetery as soon as possible after the funeral for which it was engaged.

(6) Every person taking part in any funeral procession or ceremony must comply with the directions of the caretaker as to the route to be taken within the cemetery.

(7) No person may convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.

(8) Every application and every document relating to any burial must be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.

(9) Every coffin or body upon being placed in any grave must, at once, be covered with 500mm of earth.

(10) No person may disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

Burial of ashes

12.(1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.

(2) No person may execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.

(3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility may be made to the caretaker in writing by completing and submitting a prescribed application form.

(4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.

(5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.

(6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility may not be removed without the caretaker's prior written consent.

(7) Every niche containing ashes must be sealed by a tablet approved by the Council and

may only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.

(8) Application for the opening of a niche must be made to the caretaker in writing by completing and submitting a prescribed application form.

(9) No person may introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:

(a) approval for the burial has been obtained from Council;

(b) approval for the erection of the memorial work has been obtained from Council;

and,

(c) the prescribed fees have been paid.

(10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work must be undertaken during the official office hours of the cemetery.

(11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.

(12) The columbarium may be visited daily during the official cemetery hours as determined by Council.

(13) Plaques shall be made of material approved by the Council and may be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

Burial of a cadaver

13. The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 14(4) : Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

Persons dying outside the municipal area

14. The provisions of these by-laws will apply mutatis mutandis to any burial in a cemetery of

a person who has died outside the municipality

Dimensions of graves

15.(1) The excavation of a grave for an adult must be at least 1820mm deep, 2300mm long, and 760 mm wide.

(2) The excavation of a grave for a child must be at least 1370mm deep, 1520mm long, and 610 mm wide.

(3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, must be made to the caretaker together with the application to obtain permission for a burial.

(4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400mm deep, 2300mm long and 760mm wide.

(5) Deviations from measurements of graves will be as follows:

Extra wide : 2300 mm long
 : 840 mm wide

Extra long : 2530 mm long
 : 760 mm wide

Rectangular small : 2300 mm long
 : 810 mm wide

Rectangular big : 2400 mm long
 : 900 mm wide

Brick-nogging : 2600 mm long
 : 1050 mm wide

(6) The area of a rectangular grave for an adult must be 1500mm wide by 2600mm long.

(7) The area of a grave for an adult must be 1210mm wide by 2430mm long.

(8) The area of a grave for a child must be 1210mm wide by 1520mm long. If a coffin is too large, an adult grave may be used.

CHAPTER 4

RE – OPENING OF GRAVES AND EXHUMATIONS

Conditions of exhumations

16.(1) No person may exhume or cause to be exhumed a body without the written consent of the:–

- (a) Premier of the Provincial Government;
- (b) the Council;
- (c) the provincial Department of Health;
- (d) the Administrator of cemeteries;
- (e) the Council's Medical Officer of Health or
- (f) by an order of a court having jurisdiction over such matters.

(2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(3) A member of the South African Police Services must always be present when an exhumation is being conducted.

(4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge may cause the grave to be excavated for such exhumation;

(6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and

- (b) The authority referred to in sub-section (1)(d) of this Section and the prescribed fee must accompany such notice.

(7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.

(8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.

(9) The South African Police Services must –

- (a) if there is proof of illegal burial immediately exhume the body; and
- (b) take it to a government mortuary for investigation.

(10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.

(11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

Exhumation and reburial

17.(1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.

(2) The relatives of the deceased must be –

- (a) notified of the intended exhumation and re-burial; and
- (b) allowed to attend.

Screening of exhumation

18.(1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.

(2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5 MISCELLANEOUS

Injuries and damages

19.(1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

(2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

Fire-arms and traditional weapons

20. No fire-arms and traditional weapons will be allowed in a cemetery.

Offences and penalties

21.(1) Any person contravening or failing to comply with any of the provisions of these by-laws will be guilty of an offence and will, upon conviction by a court be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act 1944 (Act No 32 of 1944).

(2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

Complaints

22. Any person wishing to lodge a complaint must lodge such complaint, in writing with the

Senior Manager.

Charges

23. The charges set forth in "the tariff" in respect of the various items therein contained, must be paid to the Council in advance.

Rights on Graves

24. No person may acquire any right to or interest in any ground or grave in any cemetery.

Consents, Notices and Orders

25. Any written consent, notice or other order issued by the Council in terms of these by-laws, with the exception of consent by the Director or any officer authorised by him and must be prima force evidence of the contents of such a signed consent, notice or other order.

Religious Ceremonies

26.(1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.

(2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

Hearses and vehicles at Cemeteries

27.(1) No person may cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives or certain any hearse within any cemetery after the removal of the body from such hearse or vehicle. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the caretaker.

(2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

Exposure of Bodies

28. No person may convey a dead body, which is not covered, or any such body or any part thereof in any street, cemetery or public place.

Instruction of Caretaker

29. Every person taking part in any funeral procession or ceremony must comply with the

directions of the caretaker while such person is within a cemetery.

Music Inside Cemetery

30. Only sacred singing will be allowed in any cemetery, except in the case of police and military funerals.

Interments Attended by large Numbers of People

31. In any case, where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment must notify the caretaker the day before the funeral.

CHAPTER 6 FUNERAL UNDERTAKERS

Preparation of Corpses

32.(1) Corpses are to be prepared only at funeral undertaker's premises which have been issued with a certificate of competence and is in effect.

(2) Unless otherwise provided for in these bylaws, no person shall prepare and/or store any corpse except on funeral undertaker's premises which have been issued with a certificate of competence and is in effect.

Exemptions

33.(1) The Council may, in writing, exempt any person from compliance with all or any of these bylaws where, in the opinion of the Council, noncompliance does not or will not create a nuisance.

(2) Such exemption shall be subject to such conditions and valid for such a period as the Council may stipulate in the certificate of exemption.

Application for the issue or transfer of a certificate of competence

34.(1) (a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises, shall cause a notice of his intention to apply for a certificate of competence to be published in English, Afrikaans and Zulu in a newspaper, that circulates in the area in which such premises will be or is situated not less than 21 days before submitting such application to the Council,

(b) Such notice must contain information to the effect that an application for the issue of a certificate of competence in terms of these bylaws is to be submitted to the Council and that any person who wishes to object to the issue of such certificate shall lodge his objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.

(2)(a) An application for the issue of a certificate of competence shall be made in writing by the applicant or his authorized representative to the Council, on the prescribed form.

(b) An application for the issue of a certificate of competence shall be accompanied by:

- (i) a description of the premises and the location thereof; including equipment, storage facilities, description of areas to be used to prepare corpses and toilet facilities;
- (ii) a complete ground plan of the proposed construction or of existing funeral undertaking premises on a scale of 1:100 including the effluent disposal system;
- (iii) a plan of the premises on which north is shown and which also indicates adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilised or are to be utilised;
- (iv) particulars of any person other than the applicant or any of his employees who prepares or will prepare corpses on the premises;
- (v) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown or power failure that will have the effect of causing the thermometer of refrigeration or cold room to pass the point marked 0,5°C;
- (vi) an original pest control certificate, no older than 15 from date of application, signed by a person qualified and competent to do so, certifying that that the funeral existing undertakers premises or the proposed funeral undertakers premises is free of pests which may carry diseases detrimental to human health and that such premises, as the case may be, are rodent-proof;
- (vii) proof of the published advertisement as contemplated in Section 33 (1) (a) above, and;
- (viii) a suggested or current cleansing and disinfection system of the funeral undertaking premises.

(3) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.

(4) The Council may not issue or transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by a medical officer of health or an environmental health officer appointed by the Council and his report on such inspection,

including his recommendation on such issue or transfer, is in the possession of the Council.

Issue or transfer of certificate of competence

35. When the Council is satisfied that the premises concerned:-

(1) complies with all requirements laid down in these bylaws and any other applicable legislation;

(2) are in all respects suitable for the preparation of corpses; and

(3) will not be offensive to any occupants of premises in the immediate vicinity of such premises, it may, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it may determine or may, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

Validity and transfer of certificate of competence

36. A certificate of competence, excluding a provisional certificate of competence, may, on endorsement by the Council, be transferable from one holder to a new holder and such certificate may, if so endorsed, be valid from the date on which it was issued until it is revoked or suspended in terms of these bylaws.

Issue of provisional certificate of competence

37.(1) Notwithstanding the fact that if the Council is not satisfied as contemplated in section 34 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the Council may, in the case of existing funeral undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.

(2) A certificate referred to in subsection (a) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of these bylaws.

(3) If, after the period referred to in subsection (b), the premises do not comply with the provisions of these bylaws, the Council may revoke the provisional certificate of competence.

CHAPTER 7
REPEAL OF BY-LAWS

Repeal of By-Laws

37. The Council's existingby-laws are hereby repealed.

CHAPTER 8
SHORT TITLE OF BY-LAW

Short title of the By-law

38.(1) These by-laws will be called the Cemetery, Crematoria and Funeral Undertakers By-laws 200..