

**UMZIMVUBU LOCAL MUNICIPALITY**

Pauper Indigent and Unknown Burials Policy

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

**1. INTERPRETATION/DEFINITIONS**

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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;

" Crematorium" means a crematorium as defined in section 1 of the Ordinance and includes any place set aside by the Council for the cremation of a body;

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 Umzimvubu Municipality can bury such a person as a pauper.

"Municipality" means the area under control, and jurisdiction of the Council as well as any outside area contemplated in section 7(b) of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

"Non-resident" means any person who at the time of his death was not a resident of the Umzimvubu 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

"Office hours" means Monday to Friday 07h00 to 16h00 excluding Saturday, Sunday and Public holidays.

"Ordinance" means the Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965); "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 cremation of such deceased person. Paupers are buried three in a grave.

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"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, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963); "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;

"Tariff" means a tariff of charges as determined by the Council from time to time, by special resolution, in terms of section 80B of the Local Government Ordinance, No. 17 of 1939);

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

### 1. **Introduction**

The Municipality has established through a survey that a high mortality rate of people dying as a result of AIDS related sicknesses, especially amongst youth Woman and most unfortunately, these mortalities are happening from indigent families.

### 2. **Objectives of the policy**

- The objectives of this Policy is to ensure that all indigent and unknown natural persons who dies within the jurisdiction of Municipality are taken care of (buried or cremated).
- To Conform to Guidelines for the implementation of national indigent policy.

### 3. **Application of the Policy**

The policy shall, be applicable to the following categories of persons:-

- Indigent persons who bona fide citizens the Municipality,
- More than one person's dying of calamity, natural disaster who are also citizens of the Municipality.

### **Exclusions**

This policy shall, exclude all the persons that are excluded in the Umzimvubu local Municipality Indigent policy which is in conformance to guidelines set out for the implementation of national indigent policy DPLG (2005)

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### **3. DISPOSAL OF BODY**

**3.1** No person shall, save with prior written consent of the Council, dispose of or attempt to dispose of a body other than interment in a comity or cremation in a crematorium.

**3.2** 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 six months, in an approved and registered mortuary.

**3.3** If that person was and indigent person, the council will decide on the time and place of burial through it's Officer in Charge.

A pauper is defined as a person who has died as an unknown person within the geographic boundaries of Council subject to Section 48(2) of the Health Act no. 63 of 1977 as amended — "Shall be buried or cremated at the discretion of Council"

31. A pauper who is buried in a cemetery as determined by Council, are entered three

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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**

An application for a pauper/indigent burial within the community of Umzimvubu, 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 has to be attached as Annexure A :-

5.1.1 ID document of diseased and date of death

5.1.2 Death Certificate BR5

5.1.3 SAP BL20

5.1.4 SAP report with (a) case number and (b) permission to bury

5.1.5 Sworn affidavit from next of kin/family, neighbor or friend

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

5.2 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 Nkomazi Municipality to deal with it in a way as guided by this policy and its 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 internment in a cemetery or cremation in a crematorium.

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Subject to section 33 and 39 of the Health Act, 1977 (Act 63 of 1977) no undertaker shall contract of bury or cremate anybody in any cemetery or crematorium under the control of the Council unless :-

- (a) The undertaker is in a possession of a certificate of competence
- (b) The premise from which the undertaker operates is zoned in accordance with planning for such a business
- (c) The requirements relating to a funeral undertakers premises are in accordance with Act. 63 of 1977
- (d) 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 these by-laws and if the undertaker is in default of any payment of tariffs.
- (e) At funeral, the undertaker must supply, erect, operate and remove all lowering equipment using own labour.
- (f) At certain circumstances, the Municipality employees must help to close the grave.
- (g) R1000.00 (One Thousand rand).
- (h) The Municipality shall offer a grave free of charge,
- (i) In the case of burial of and indigent person, the cost of the coffin may not exceed R1000.00 (One thousand rand).
- (j) However, close relatives or next of kin or in-laws shall be responsible fro the payment of the grave site/Municipality shall offer a grave free of charge.

### **7. Offences and penalties**

Any person who provides false financial information relating to the burial of the deceased indigent person shall be guilty of an offence and be liable on conviction to a fine shall be prescribed by the court or to imprisonment or both.

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**APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.


**AUTHENTICATION**

The amendments of the policy and or the new policy was adopted by the Council on the 30-08-2019.....

As per Council Resolution number ULMC 036/19.....

Signed off  
UMZIMVUBI LOCAL MUNICIPALITY  
MUNICIPAL MANAGER  
DATE  
SIGNATURE

**Municipal Manager**



**Cllr. N.F Ngonyolo**

**Speaker of the Council**

