

SEPARATE COVER

A115/2013

**PAUPER AND DESTITUTE PERSONS
BURIALS POLICY (EDSSS) (20/8/B)**

MATJHABENG LOCAL MUNICIPALITY



DRAFT PAUPER, DESTITUTE and UNKNOWN BURIALS POLICY

1. INTRODUCTION

The policy on pauper, destitute & unknown Burials will be there to guide Council, Officials, Individuals, Community and Funeral Undertakers on handling the above. The Council note the demand of burials of pauper, destitute & unknown deceased people within its area of jurisdiction. The Matjhabeng Local Municipality had to intervene with its limited resources on certain occasions where it was becoming clear that burials of pauper, destitute & unknown people was not going to take place as a result of the affected not having the necessary resources to cater for the same. This policy is a standardized policy which will ensure an effective and prompt burial of such corpses, within the area of jurisdiction of Matjhabeng.

2. INTERPRETATION/DEFINATIONS

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

NAME	DESCRIPTION
Human Being	Means a child born alive
Dead	Means a person permanent failure of essential functions of his/her brain, heart and lungs has occurred
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
Crematorium	Means a crematorium as defined in Section 1 of the Ordinance and includes any places 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 can afford to bear the burial or cremation costs of such deceased person. The local Municipality may 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 Matjhabeng Local 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 register of such crematorium
Office Hours	Means Monday to Friday 07h30 to 16h00 excluding Saturday, Sunday and Public Holidays
Ordinance	Means Crematorium Ordinance, 1965 (Ordinance No 18 of 1965)
Pauper	Means a person who has died as an unknown person or 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.
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
Register of deaths	Means any person appointed as registrar of deaths in terms of the Birth, Marriages and Deaths Registrations Act, 1963 (Act No, 81 of 1963)
Regulation	Means a regulation published in terms of 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 dates was the owner of fixed property in the Municipality
Tariff	Means a tariff of charge as determined by the Council from time to time, by special resolutions, 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.

3. DISPOSAL OF BODY

- 3.1 If it's an unknown person, the Municipality may take possession of the body, and keep it through its agent. "Funeral Undertaker" for at least three months, in an approved and registered mortuary.
- 3.2 If it was an indigent person, the Council will decide on the time and place of burial through its Officer in Charge.

4. PAUPER, INDIGENT (DESTITUTE) and UNKNOWN BURIALS

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".

- a. A pauper who is buried in a cemetery as determined by Local Municipality Council.
- b. An indigent person means a destitute person who has died in indigent circumstances, or if no relative or other person can afford to bear the burial or cremation costs of such deceased person. The Matjhabeng LM may bury such a person as a pauper
- c. The onus of proof of being indigent rests with the applicant declaring indigency and confirmed by next of kin or representatives.

5. APPLICATION FOR PAUPER, DESTITUTE and UNKNOWN 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 case of a person who, not being a convicted person or a person under arrest, has died in any prison.

6. APPLICATION FOR PAUPER, DESTITUTE and UNKNOWN BURIAL FROM THE COMMUNITY

An application for a pauper, destitute and unknown burial within the community of Matjhabeng Local Municipality, will only be considered and approved should:

- 6.1 The relevant application forms are completed and signed. Attached to this document the following certified copies have to be attached as Annexure "A":6.1.1
 - ID Document of the diseased
 - Death Certificate BR5
 - Letter from Local Inkosi / Councillor
 - Letter from the Department of Social Welfare
 - SAPS report with (a) case number and (b) permission to bury (where applicable)
 - Sworn affidavit from next of kin/family, neighbour or friend

6.2 Sworn Affidavit must indicate the following:

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

7. THE FOLLOWING CRITERIA TO BE APPLICABLE IN CONTRACTING UNDERTAKERS

CRITERIA

- Tenders for pauper burials are invited on a yearly basis.
- Paupers with relatives are investigated by the Welfare Department- where people did
- Not know about this assistance the corpses were in mortuaries for more than six months.
- Unknown corpses are reported by the Police and buried by Council.
- Paupers or unknown corpses will continue being buried on Thursdays, but the destitute will be buried on Saturdays.
- In the case of destitute, the normal rituals will be conducted where the corpse will be taken home on Friday and buried on Saturdays.

CONDITIONS FOR PAUPER BURIALS

- The Coffins will be of a basic, but durable nature.
- Graveyard costs must not be included in the tender price.
- The Municipality's workers will be responsible for the digging and filling of graves.
- The service provider should be preferably from the previously disadvantaged community.
- The service provider should have reasonable experience to tender a funeral undertaking service.
- The service provider should provide proof of registration with SARS e.g. Tax Clearance Certificate, UIF.
- The service provider should provide proof of solvency certified by the Commissioner of Oath.
- The service provider should provide proof of payment for municipal services.
- The service provider should provide proof of Business Registration.
- The service provider should be able to render the service to the satisfaction of Council, thereby practicing Ubuntu.
- If a post-mortem is required, the undertaker will pay the fee and claim back from council when submitting invoice as per order, attaching certified copy of proof of payment.

8. COST IMPLICATION

FOR ALL BURIALS

Costs for Adults	- R 2000.00
Costs for Children (7-14 years)	- R 1500.00
Costs for Infants	- R 1200.00
Costs for still-born and Premature	- R 1000.00

9. RULES

- No financial contribution for food.
- No memorial or tombstone will be erected.
- The Municipality shall not be responsible for body from home or street wherever it is found dead since the prerogative of the South African Police Service (SAPS).
- The Local Municipality must make land available for this service.
- No Councillor is allowed to authorize pauper burial without consultation to/permission from the Municipality.
- No transport must be provided to the family for funeral.
- Application for pauper / destitute burial shall be submitted to the Municipality.
- The Social Development Section of the Municipality is responsible for the implementation of this policy at the Local level.

COUNCIL APPROVAL AND EFFECTIVE DATE

