



MBHASHE LOCAL MUNICIPALITY

All correspondence to be directed to the office of the Municipal Manager
454 Streatfield Street, Dutywa, Eastern Cape Province
Tel: 047 489 5864/34 • Email: info@mbhashemun.gov.za
www.mbhashemun.gov.za

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BURIAL POLICY

2018/19



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1. PREAMBLE

- 1.1 Whereas it the responsibility of individuals, relatives, family, friends and the community to make provision for one's funeral arrangements;
- 1.2 Whereas the core responsibility of the Municipality is to provide sustainable service delivery;
- 1.3 Whereas it is the right of Mbhashe citizens to be buried in a dignified and decent manner;
- 1.4 The Municipality is responsible for the removal and burial of the body of a destitute person or of any dead body which is unclaimed or which no competent person undertakes to bury, in terms of section 48 (2) of the Health Act, No 63 of 1977 and;
- 1.5 The municipal burial should be viewed as a health matter as opposed to a cultural issue.

2. PROBLEM STATEMENT

- 2.1. MLM has been overwhelmed with a number of requests from Councillors, communities and individual families for the burial of the deceased. Such requests are either in the form of assistance and bearing all the costs for the funeral of the deceased;
- 2.2. There is no guidance on how best to handle such requests for burial. Such lack of guidance may also breed instances of inconstancies and bias and;
- 2.3. There is a possibility that such service (assistance to the burial of the deceased) may be easily abused.

3. DEFINITION OF TERMS

For the purpose of this policy, the following terms shall mean the following:-

- 3.1. **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 costs of burial or cremation of such deceased person;
 - 3.2. **Destitute or Indigent:** 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. For the purpose of this policy, the words destitute and indigent shall have the same meaning and therefore may be used interchangeable;
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- 3.3. **Applicant:** means a person appointed by family or community to represent the deceased on matters related to the burial of the deceased. The applicant shall be responsible to confirm destitute status of the deceased and by extension shall be responsible for any claims that may arise out of the preparations of the deceased funeral;
- 3.4. **Municipal area/ jurisdiction:** means the areas placed under the control or jurisdiction of the Mbhashe Local Municipality;
- 3.5. **Body:** means the remains or any portion thereof any deceased person;
- 3.6. **Approved Funeral Undertaker:** means funeral undertaker premises in respect of which a certificate of competence has been issued by the **District Municipality** in terms of the "Regulations Relating to the Management of Human Remains (R363 of 22 May 2013)" and has been registered in the municipality's database as a service provider.
- 3.7. **Designated Funeral Undertaker:** means a funeral parlour appointed, through Supply Chain Processes, by the Municipality for the implementation of the burial policy.
- 3.8. **Council:** means Mbhashe Local Municipality;
- 3.9. **Cemetery:** means any land or part thereof within the municipality duly set aside for burial of human remains and;

4. PURPOSE OF THE POLICY

- 4.1. To ensure that dead bodies are buried in a hygienic suitable manner in order to minimise the possible spread of communicable diseases
- 4.2. To make sufficient provision for the burial of the destitute, pauper and those designated a municipal official funeral;
- 4.3. To differentiate between types of assistance to be provided to each category to be buried (pauper, destitute and official) and;
- 4.4. To provide guidance on the assistance to be provided to each category to be buried and any other related matters.

5. LEGISLATIVE BASIS:-

Section 48 (2) of the Health Act, 63 of 1977, states that the responsibility for the removal and burial of the body of a destitute person or of any dead body which is unclaimed or



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which no competent person undertakes to bury the deceased shall devolve upon the local authority. This includes the payment of all costs entailed thereby.

6. SCOPE OF THE POLICY:-

The policy provides for three (03) types of funerals:-

6.1. Pauper Funeral:-

- 6.1.1. Bodies found within the jurisdiction of Mbhashe, that are unknown to anybody;
- 6.1.2. Such bodies shall be referred to the SAPS and the state mortuary for further investigations and confirmation that such bodies are really not known;
- 6.1.3. Upon the relevant state organs confirming their pauper status, such bodies shall be handed over the Municipality for burial and;
- 6.1.4. The bodies shall be buried, where possible, to the nearest cemetery where they were found.

6.2. Destitute/ Indigent Funeral:-

- 6.2.1. Only resident of the Municipality qualifies for this service;
- 6.2.2. The deceased or family must have been registered and/or in the process of being registered in the Indigent register of the Municipality and;
- 6.2.3. Where the family is registered as destitute, the direct dependents of the Indigent (immediate family) shall also be covered.

6.3. Municipal Official Funeral:-

- 6.3.1. The Municipal Official Funeral shall be conferred to the serving Councillors and the current employees of the Municipality;
 - 6.3.2. Any other person who has excelled in any field of life may be accorded such status by the Mayor. Such a person accorded the Municipal Official funeral status shall only be originating from Mbhashe Local Municipality and;
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- 6.3.3. Any person accorded State and/or Provincial Official funeral status shall be dealt with as if it is a Municipal Official Funeral in terms of the contribution and assistance made by the Municipality.

NB: - Pauper & Municipal funerals may be accorded to non-Mbhashe resident, whilst Destitute is only for Mbhashe residents.

7. PAUPER BURIAL

- 7.1 Only requests for the burial of the Pauper from State Mortuaries of Mthatha and Butterworth shall be considered;
- 7.2 Such requests shall be accompanied by the following information:-
- 7.3 Case number opened in Elliotdale Police Station in the case of Mthatha State Mortuary and Dutywa and Willowvale Police Stations in the case of Butterworth State Mortuary and
- 7.4 Details of the deceased (where found, date, time and action taken to trace the relatives, when admitted to State Mortuary).
- 7.5 The costs of the funeral shall be limited to the following:-
- 7.6 Basic and standard coffin
- 7.7 Grave
- 7.8 Transportation from the State Mortuary to the Cemetery
- 7.9 No burial rituals of any kind may be performed in a pauper grave

8. PROCESS AND PROCEDURE FOR A PAUPER BURIAL

8.1 The process

- 8.1.1 Submission of a written application to Mbhashe Local Municipality
- 8.1.2 Submission of necessary documents by relevant authorities and parties.
- 8.1.3 Final assessment and approval

8.2 The procedure is as follows:-

- 8.2.1 A person making an application for a pauper burial must make a declaration to that effect.
 - 8.2.2 A certified copy of the Identity Document of the deceased, where possible, must also be submitted together with the application.
 - 8.2.3 A Death Certificate must be submitted, stating the cause of death and signed by a Medical Officer
 - 8.2.4 When the burial is of an unknown or unclaimed body, a written statement by the South African Police Services must be submitted, stating that there is no objection to the burial of the body
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- 8.2.5 When all the necessary documents have been received, Mbhashe LM will request quotes for destitute burial from three different funeral undertakers.
- 8.2.6 The funeral undertaker that covers all the basic necessities for the burial of a destitute person at the most reasonable cost will be recommended.

9. DESTITUTE BURIAL:-

- 9.1 An applicant shall inform the Ward Councillor of the pending Destitute funeral, once he/she is satisfied that the deceased qualifies to be afforded destitute funeral;
- 9.2 The Ward Councillor shall investigate the authenticity of the claim, once he/she is satisfied that the deceased qualifies, he may apply to the Mayor for assistance;
- 9.3 The Mayor shall institute his/her own investigation to establish validity of the claim and approve or disapprove the application;
- 9.4 The date and all funeral arrangements shall be led by the Municipality in consultation with the applicant;
- 9.5 The following shall form part of the support to Destitute funeral:-
 - 9.1.1 Basic and standard coffin;
 - 9.1.2 Grave (in the case of urban);
 - 9.1.3 Basic tent (not more than R1000 all inclusive);
 - 9.1.4 Basic mortuary service (transport, storage & service);
 - 9.1.5 Catering or other costs (not exceeding R3000 all inclusive);
- 9.6 The destitute shall be buried to the nearest cemetery to where he/she lived and;
- 9.7 When the potential destitute is awaiting the approval process, the body shall be transported and stored in a designated mortuary

10 MUNICIPAL OFFICIAL FUNERAL:-

- 10.1 Except for the other two categories (serving Cllrs & employees), anybody may apply to the Mayor to declare a certain funeral as Municipal Official Funeral;
 - 10.2 The Mayor may, using his/her discretion declare a funeral, other than that of the serving Cllr and employee, as MOF;
 - 10.3 In the next ordinary Council, the Mayor shall report on MOF approved and the circumstances surrounding such approval;
 - 10.4 The following shall form support provided to the MOF:-
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- 10.4.1 Ensuring easy access to the household & cemetery, where the funeral is taking place within the jurisdiction of Municipality and is reasonable to do so;
- 10.4.2 Other logistical support not exceeding an all-inclusive amount of R10 000;
- 10.4.3 The Municipal Law enforcement shall, single-handed and/or in collaboration with other agencies, act as pallbearers and a guard of honour at the funeral and;
- 10.4.4 At the funeral, the Mayor or any other Municipal delegate shall deliver the eulogy for the deceased.

11 TIME FRAMES

- 11.1 It depend on investigation and assessment conducted by SAPS, Social workers, Health and designated Funeral Undertaker

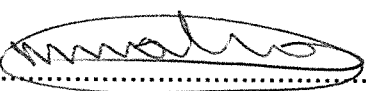
12 APPLICATION OF THE POLICY

- 12.1 The policy shall applicable in the new financial year following its adoption and/or reviewal.

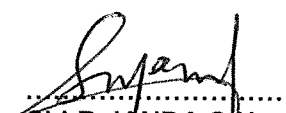
13 REVIEW OF THE POLICY

- 13.1 The policy shall be reviewed annually.

APPROVED BY THE COUNCIL AND SIGNED BY:


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MR NAKO M
MUNICIPAL MANAGER

02 July 2018
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DATE


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CLLR JANDA S N
EXECUTIVE MAYOR

02 July 2018
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DATE