

INDIGENT AND PAUPER BURIAL POLICY



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1. PROBLEM STATEMENT

- 1.1. Local government has a constitutional and statutory duty to regulate cemeteries, crematoria and funeral parlours, to provide for the interment of human remains in a dignified manner and to ensure that appropriate Municipal Services are effectively and equitably provided.
- 1.2. The municipality provides support to deceased indigent persons and paupers, their families and communities by providing a simple and dignified burial or cremation service for such persons.
- 1.3. Requests for the burial and cremation of indigent persons and paupers are currently and provided for in the absence of approved policy in accordance with established practice. The current best practice needs to be formalised in a written policy and where necessary more detailed criteria and a more structured decision—making process must be provided.
- 1.4. The criteria for the burial or cremation of indigent persons and paupers will of necessity differ from the criteria of indigent relief under Municipality's indigent Policy in the light of the need to bury a deceased body as soon as reasonably possible after death and the relevant health considerations. The applicable criteria under the municipality's indigent policy are furthermore not necessarily appropriate and applicable to a deceased person who has died in indigent circumstances.
- 1.5. There is a need for simple criteria to decide on who may be considered indigent persons/paupers and qualify for burial by the municipality. These criteria will make a speedy and efficient application of this policy possible while making provisions for flexible and allowing the authorised officials to investigate the circumstances of the deceased person and his or her family and communities.

2. PURPOSE OF POLICY

- 2.1. The purpose of the policy will guide the decision—making around the burial of a person that is considered indigent/pauper.
- 2, 2, The outcome of this policy will be burial of people considered to be indigent. Pauper in order to afford that person a dignified burial.

3. OBJECTIVE OF POLICY

- 3.1. The policy is established through the survey that a high mortality rate of people are dying as a result of poverty, Hiv/Aids and other killer diseases.
- 3.2. The mortalities are happening from the indigent families who do not have the financial capacity to pay for funeral and burial services.

4. SCOPE

- 4.1. The objectives of the policy is to ensure that all indigents and paupers who dies within the jurisdiction of the Municipality are buried in terms of the Municipal Indigent and Pauper support policy as approved by the Council.

4.2. The indigents and paupers must be registered in the indigent registers and paupers are identified by the Municipal officials in order to have a data base for them.

4.3. The pauper burial is different from indigents because in most cases paupers are not known by the community people who died not known his home.

4.4. Currently the Councils are providing assistance to bury all types of burials such indigents, paupers and destitute. The aim of the policy document is to recommend to the municipalities that on annual basis a budget be put aside for burial of indigents and paupers.

5. POLICY DEFINITION

In this policy any word or expression to which a meaning has been assigned in the Mbhashe Local Municipality shall bear the same meaning unless the context indicates otherwise

Name	Definitions
Applicant	Means any person, non—governmental organisation) NGO) welfare organisation or any other entity who seeks assistance to bury deceased person who qualifies for both destitute, indigents and pauper burial.
Authorised official	Means an employee of the municipality responsible for carrying out any duty or function or exercising any power in terms of this policy and includes employees delegated out or exercise such duties ,functions or powers
Burial	Means when burial or inhumation into earth or any other forms of burial and includes a tomb and any other mode of disposal of a body.
Constitution	Means the Constitution of the Republic of South Africa ,1996
Grave	Means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone and any other structure associated with such place.
Indigent person	Means a destitute person who had died in indigent circumstances or if no relative or other person ,welfare organisation or non—governmental organisation can be found to bear the burial costs of such deceased person and includes a pauper.
Indigent relief	Means assistance received for the burial of an indigent person
Municipality	Means the Council of Mbhashe Local Municipality
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 remains or any portion thereof any deceased person
Cemetery	Means any land or part thereof with the Municipality duly set aside by the Council.
Indigent Person	Means a destitute person who died in indigent circumstances or if no relative or other person can afford to bear the burial costs of deceased person .The Municipality may bury such a person as a pauper.
Non—residence	Means any person who at the time of his death was not resident of the Mbhashe Local Municipality
Pauper	Means a person who has died as an unknown person or no relative or other person welfare organisation or NGO can be found to bear the burial of a person.
Plot	Means any area laid out in any cemetery for not less than two and more than graves adjoining each other in respect of which the exclusive right to enter has been acquired in terms of the policy.
Register of death	Means any person appointed as registrar of deaths in terms of the Birth, Marriages and Death Registration Act (No 81 of 1963)
Regulation	Means a regulation published in terms Ordinance
Resident	Means any person who at the date of his death ordinarily resided in the Municipality or who 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.

6. LEGISLATIVE FRAMEWORK

6.1 Constitution Act 108 of 1996

6.2. Municipal Structures Act (No 117 of 1998)

6.3. Municipal Systems Act (No 32 of 2000)

6.4. Municipal Finance Management Act (No 56 of 2003)

6.5. National Environmental Management Act (No 107 of 1998)

6.6. National Environmental Management Waste Act (No 59 of 2008)

6.7. Health Act No 63 of 1977

6.8 National Health Act (No 61 of 2003)

7. POLICY PROCEDURE

Qualification criteria

7.1. A deceased person may qualify for a destitute burial in the following circumstances:

7.1.1. The deceased did not have an income greater than the state old age pension or state disability pension.

7.1.2. The deceased did not have an insurance policy or estate which could be used to pay for burial.

7.1.3. No next of kin or relative with legal duty to support the deceased and sufficient means is able to pay for the burial costs of the deceased person.

7.1.4. No other person, religious organisation, NGO or welfare organisation has offered to pay for the burial costs of the deceased person.

7.2. Where a critical emergency or any other unforeseen or unexpected situation arises in terms of which the municipality is required to fulfil its legal obligations as legislated in the National Health Act. The Municipality may use its discretion to accept an application for a destitute burial without the compliance of the aforesaid criteria in order to fulfil those obligations.

Municipal Obligations

7.3. The Municipal obligations in terms of this policy will be limited to:

7.3.1. Transport of the body may include:

7.3.1.1. Transport to to and from the appointed service provider's mortuary.

7.3.1.2. Transport to a religious place of worship or house for a basic, dignified and respectful service and then to a cemetery for burial.

7.3.1.3. In the circumstances where no relative of the deceased or other person or entity has claimed the deceased's body, no service will be provided and transport will be limited to a trip from the mortuary to the cemetery.

8. CONDITIONS OF BURIAL

8.1. At least two working days' notice is required from the approval of the application for a burial can be undertaken.

8.2. Burials are to take place on weekends only excluding public holidays

8.3. No memorial work is permitted on the grave

8.4. The complete service offered must be utilised. Applicant may not select parts of the service and provide an expensive coffin or an elaborate or extensive funeral service.

8. GENERAL POLICY PROVISIONS

[This indicates to whom the policy procedure would apply. In some instances for greater clarification it can also indicate who would be excluded from a policy or procedure]

[Provisions can therefore deal with both inclusions and exclusions]

9. PROCEDURES FOR IMPLEMENTING POLICY

[Procedures for implementing policy outlines the steps to be followed in the implementation process]