

NGQUSHWA LOCAL MUNICIPALITY



DRAFT POLICY ON THE BURIAL OF PAUPER AND EXCEPTIONAL CASES RELATING TO THE DEAD 2016/17

PREAMBLE

The municipality in terms of section 48 (2) of the Health Act 1997 responsible for the removal and burial of the body of a destitute person or any dead body which is unclaimed or which no competent person undertakes to bury the deceased shall devolve upon the local authority. This includes the payment of all costs entailed thereby.

The policy also provides an opportunity for the municipality to create a safety net to the section of the population that cannot afford to pay for the burial costs of their next –of-kin.

The policy also presents a distinction between the pauper and the destitute person who both require disposal in a decent manner.

2. DEFINITIONS OF TERMS

For the purpose of this policy the following definitions shall be applicable:

2.1 **Body:** The remains or portion of a deceased person

2.2 **Certificate of Competence:** A document issued upon compliance with the regulations relating to funeral undertakers premises; Government Notice No.237 of 8 February 1985

2.3 **Communicable disease:** A disease resulting from an infection caused by pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host.

2.4 **Dead/ Deceased:** A person certified as such by a Medical Doctor.

2.5 **Destitute family:** A family that cannot afford funeral expenses for the deceased.

2.6 **Exceptional cases:** Unusual situations that are beyond Ngqushwa Local Municipality's control where the circumstances around the burial of the deceased result in escalation of costs, such that maximum amount of R3 800.00 is exceeded.

2.7 **Pauper:** A person who has died as an unknown person and whose next of kin cannot be traced.

2.8 **Pauper burial:** Burial of a pauper.

2.9 **Unclaimed body:** A person's corpse that has not been claimed by a competent person after a period of six months investigation for the next-of-kin.

2.10 **Unknown body:** An unclaimed body whose next-of-kin cannot be traced after a period of six months.

2.11 **Application form** means the form attached hereto as annexure "A".

3. POLICY STATEMENT

Ngqushwa Local Municipality is committed in safe guarding the health of the public providing assistance where there is no competent person to bury the deceased; and addressing the challenges arising there from.

3.1 This policy recognizes and has taken into account the intentions, contents and stipulations contained in:

3.1.1 The National Health Act, 61 of 2003.

3.1.2 Section 48(2) of the Health Act, 63 of 1977.

3.1.3 The Regulation Governing Funeral Undertakers Premises.

3.1.4 The Regulation defining the Scope of the Profession of Environmental Health; GN.R 698

It should thus be read with all other relevant legislations.

4. THE PURPOSE OF THE POLICY

Within the context and scope of the preamble above, the purpose of the Policy is to provide an institutional framework for the continuous delivery of Municipal Health Services and as a decision-making tool.

4.1 Goal and Objectives of the Policy

4.1.1 **Goal:** - To assist NLM in responding to challenges posed in relation to burial of unknown bodies and unclaimed bodies and deceased from destitute families.

4.1.2 Objectives:-

- a) To define the process and procedure to be followed in dealing with applications for burial of the deceased from destitute families.
- b) To assist and provide guidelines for Funeral Undertakes that my conduct burials of deceased from destitute families and paupers.

5. THE SCOPE OF THIS POLICY

This Policy is applicable to all people who reside in the area which falls under the jurisdiction of NLM.

6. PROCESS AND PROCEDURE FOR BURIAL OF A PERSON FROM A DESTITUTE FAMILY

6.1 **Process:** The process is as follows:

- a) Submission of a written application to NLM.
- b) Submission of necessary documents by relevant authorities and parties.
- c) Final assessment and approval.

6.2 **Procedure:** The procedure is as follows:

- a) A person making an application for a destitute burial must make a declaration to that effect.
- b) A Social Worker from the Department of Social Development must carry-out an assessment of the circumstances of the family and submit a written recommendation for such a burial to NLM. The family must state their relationship with the deceased and a written authorization for NLM to bury the deceased as a destitute.
- c) A certified copy of the Identity Document of the deceased must also be submitted together with the application.
- d) 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.
- e) A Death Certificate must be submitted, stating the cause of death and signed by a Medical Officer.
- f) When all the necessary documents have been received, NLM will request quotes for destitute burial from three different funeral undertakers.
- g) The funeral undertaker that covers all the basic necessities for the burial of a destitute person at the most reasonable cost will be recommended.

7. PROCESS AND PROCEDURE FOR A PAUPER BURIAL

7.1 **Process:** The process is as follows:-

- a) Submission of a written application to NLM
- b) Submission of necessary documents by relevant authorities and parties
- c) Final assessment and approval

7.2 **Procedure:** The procedure is as follows:

- a) A person making an application for a pauper burial must make a declaration to that effect.
- b) A certified copy of the Identity Document of the deceased, where possible, must also be submitted together with the application.
- c) A death certificate must be submitted, stating the cause of death and signed by a Medical Officer.
- d) 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.

- e) When all the necessary documents have been received, NLM will request quotes for destitute burial from three different funeral undertakers.
- f) The funeral undertaker that covers all the basic necessities for the burial of a destitute person at the most reasonable cost will be recommended.
- g) The funeral undertakers `quote must cover of the following:
 - A coffin
 - Storage costs
 - Funeral service
 - Transport for the coffin to the graveyard.

7.3 The maximum amount for a pauper shall not exceed R3 800.00. The local Municipality should also donate the grave.

7.3.1 Deviation from Clause 7.2 can only be allowed in exceptional cases and must be approved by the Municipal Manager.

7.4 Only quotes from funeral undertakers that have a current Certificate of Competence issued by NLM will be considered

7.5 Collection and storage of unclaimed or unknown bodies from the street by a Funeral Undertaker shall not automatically lead to the appointment of that funeral undertaker.

7.6 Arrangements for land to bury the deceased shall be the responsibility of the funeral undertakers.

7.7 A pauper or a destitute person may be buried or cremated according to the conditions determined by the council.

7.8 If the body of a pauper or a cremated, the ashes shall be retained by the funeral undertaker for a period not exceeding 12 months.

7.9. Ashes not claimed within the period of 12 months shall be buried in an ash grave

7.10 The burial of a person who has died in a hospital or other institution shall be the responsibility of such hospital or institution except a deceased person from a destitute family.

8. MANAGEMENT, IMPLEMENTATION AND MONITORING OF THIS POLICY

The institutional responsibility, administration and review of the policy are vested in the authority of the Municipal Manager. Implementation and monitoring of the policy shall be the responsibility of the Community Services Department.

ANNEXURE A

APPLICATION FOR A DESTITUTE BURIAL

1. PARTICULARS OF APPLICANT

I.....
.....

(Full Names and Surname)

Position

.....
.....

Physical address

.....
.....

.....
.....

Code.....

Postal

Address:.....
.....

Code.....

Herby apply for the burial of the following deceased whom I identify as:

2. PARTICULARS OF DECEASED PERSON

ID Number.....

Full Nam sans Surname

.....
.....

Home Address (if known)

Next

of

skin.....
.....

BRIEF DESCRIBTION OF CAUSE OF DEATH

(To be certified by a Medical Doctor where possible)

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.....

Signed _____ On.....Day
of.....Year.....

If the person died in Hospital, this form must be completed by duly authorised doctor or nurse and certified by a police officer where the deceased was found out of hospital premises.

Full Names of the person certifying the death

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