

# SOL PLAATJE MUNICIPALITY



## **Policy on Burials and Exhumations**

*Reviewed and Approved on the 19 July 2021  
in terms of Council Resolution C96/07/21*

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## 1. Definitions

By-Law	Means the Cemeteries By-Law approved by the municipal council of the Municipality
Cleansing ceremony	Means a ceremony during which relatives of a deceased observe customary rituals to secure a safe passage for the deceased and to clean relatives of the deceased from impurity or to remove back luck from them.
Commissioner	Commissioner of the South African Police Service
EHP	Environmental Health Practitioner of the Municipality.
HPCSA	Health Professionals Council of South Africa
Manager	means an employee of the Municipality appointed to manage the municipalities' cemeteries
Municipal Manager	the municipal manager of the Municipality
Municipality	Sol Plaatje Local Municipality
Notifiable Medical Conditions	Conditions that are capable of transmitting illness even after death (refer to Annexure B)
SAPS	means the South African Police Service
Supervisor	means an employee of the Municipality appointed to allocate graves and supervise the burial process
Regulations	means the Regulations Relating to the Management of Human Remains (No. R 363) in terms of the National Health Act, (Act No. 63 of 2003)

## 2. Purpose

To provide procedures for the exhumation and reburials of human remains.

## 3. Legal Framework

The following laws and regulations inform and apply to this policy:

- Sol Plaatje Municipality's Cemeteries By-Law No.2 of 2006
- Local Government: Municipal Systems Act (Act No. 32 of 2000 as amended)
- Local Government: Municipal Structures Act (Act No. 117 of 1998)
- Municipal Finance Management Act (Act No. 56 of 2003)
- National Health Act (Act No. 61 of 2003)
- Regulation 363 of 2013 of the National Health Act
- Covid-19 Policy and Procedure of the Sol Plaatje Municipality
- Covid Regulations of South Africa (2020)

## 4. Scope

This policy applies to municipal employees and members of the public who apply for burials, exhumations and reburials.

## 5. Procedures for burials application

The municipality adopts the following procedure for burials on cemeteries within the jurisdiction of the municipality:

- (a) An authorized family member arranges and applies for a new burial by completing a Burial Application Form.
- (b) A copy of the Burial Order must be submitted as part of the application.
- (c) The applicant must indicate if they are buying a grave with the intention of burying the second member of the family in future in the same grave.
- (d) The applicant must indicate on the application form if the deceased died of a Notifiable Medical Condition (refer Annexure B) or not.
- (e) The applicant must also indicate the type of coffin that will be used for burial, which affects the tariff and measurements of the grave bought.
- (f) The applicant must indicate if a tombstone or monument will be erected immediately after burial, for an application for erection of tombstone or monument to be completed and paid for.
- (g) The Cemetery Bookings Clerk shall provide the applicant with the amount that must be paid for the burial and a Payment Advice

- (Number 10) containing the vote number or the Sol Plaatje Municipality banking details.
- (h) Payment for the grave must be done within 12 hours after the completion of the Application form
  - (i) The applicant shall submit proof of payment for burial to the Cemeteries Bookings Clerk.
  - (j) The Bookings Clerk shall complete payment details on the Burial Application Form to confirm receipt of payment for the grave.
  - (k) The Bookings Clerk will provide the Supervisor with a copy of receipt or proof of payment and application form for the necessary preparation of the grave to be used for burial.
  - (l) The Supervisor shall investigate and verify if a plot that has been identified for burial is not reserved.
  - (m) The Supervisor reserves the right to allocate a different plot in the event that the plot is reserved.
  - (n) The Supervisor shall show the applicant the grave that has been identified prior to the funeral.
  - (o) The Supervisor shall provide the Bookings Clerk with grave number and necessary information collected on the application to be captured on the Burial Records.
  - (p) The Supervisors shall confirm with the Undertaker that a correct name tag on the coffin has been affixed and that the correct grave has been allocated.
  - (q) The Bookings Clerk shall provide the Cemeteries Manager with confirmation of weekly burials, which will be reconciled with money banked.
  - (r) Cemetery personnel are not allowed to handle cash meant for burials, payments must be deposited directly into the Municipality's account.

## **6. Procedures for burials**

- a) The burial of the human remains shall be carried out as per the Sol Plaatje Municipality's By-Law
- b) Burials of people who succumbed to notifiable disease must be buried in accordance with the Regulations Relating to the Management of Human Remains, Regulation 363 of 22 May 2013 as framed in terms of the National Health Act, 2003 (Act No. 61 of 2003).
- c) The handling, transportation, importation, exportation and final disposal of human remains of victims who succumbed to Notifiable Medical Conditions (e.g. COVID -19, Anthrax), should be conducted only in accordance with chapters 4, 5 and 6 of the Human Remains Regulations 363 of 2013

## 7. Procedures for Reopening of graves

The municipality adopts the following procedures for reopening of graves:

- (a) An authorized family member arranges and applies for a reopening of an existing grave for a new burial by completing a Burial Application. The form can be found at the West-End cemetery.
- (b) A copy of the Burial Order must be submitted as part of the application.
- (c) The applicant shall provide particulars of the deceased, date of death and burial and the cemetery where the deceased was buried for the identification of the grave number.
- (d) The Supervisor must verify and using the existing Burial Register to confirm that the grave can be reopened.
- (e) The applicant shall complete a Reopening of Grave Authorization form
- (f) The Bookings Clerk shall provide the applicant with the amount that must be paid for the reopening. A Payment Advice (Number10) containing the vote number will be provided and must be completed for payment at the cashiers. Alternatively, the Sol Plaatje Municipality banking details will be provided for payment at the bank.
- (g) Payment of grave must be done within 48 hours after the completion of the Application form
- (h) The applicant shall submit proof of payment of the reopening to the Cemeteries Bookings Clerk.
- (i) The Bookings Clerk will complete payment details and confirm payment with the Supervisor for the necessary preparation of the burial to commence.
- (j) If a tombstone is erected on the existing grave, the family is responsible for the removal of the Tombstone for Grave diggers to open the grave.
- (k) The Supervisor shall show the applicant the grave that has been opened
- (l) The Applicant, Supervisor and Manager shall confirm that the opened grave is the correct grave and sign the Reopening of Grave Authorization form.

## 8. Procedure for Wrongful burials

The municipality adopts the following procedure for Wrongful burials:

- (a) When a wrongful burial, entombment, disentombment, exhumation occurs, the Supervisor must report such to his/her immediate senior who will report to the Cemetery Manager.
- (b) The Supervisor must investigate and report by providing particulars of the family that have been wronged, for the Cemetery Manager in

consultation with the Chief: Parks and Recreation to notify the involved family.

- (c) The Cemetery Manager must notify:
1. The person who authorized the original burial, entombment, disentombment, exhumation, if living,
  2. The Spouse, if living, of the deceased person whose remains were wrongfully buried, entombed, disentombed, exhumed
  3. The parent, if living, of a deceased minor child whose remains were wrongfully buried, entombed, disentombed, exhumed
  4. The person who reserved a new grave, of a wrongful burial in his/her reserved grave
  5. Executor appointed by the High Court, of the error/occurrence
- (d) The Cemetery Manager shall at the expense of the Municipality (as guided by the reburial & exhumation tariffs approved by the MM) correct the wrongful burial, entombment, disentombment, exhumation as soon as practical after becoming aware of the error.

## **9. Exhumations**

### **8.1 Procedures to obtain an Exhumation:**

In accordance with the Regulations, the Municipality adopts the following procedures:

- 9.1.1 Any person desirous of obtaining an exhumation shall make a written application and shall in such an application:
- (a) state where the body which is to be exhumed, disturbed, removed or reinterred is to be interred
  - (b) state the reasons for the proposed exhumation, disturbance, removal or re-internment; and
  - (c) specify the methods proposed to be adopted and the precautions proposed to be taken to prevent any danger to health or cause offence;
- 9.1.2 Together with such an application:
- (a) submit a medical certificate as to the date and cause of death or a certified copy of such a certificate.
  - (b) Submit a written approval of the:
    - (i) Municipality (if such an approval has been obtained)
    - (ii) the cemetery authority or other person in charge of cemeteries in which the body concerned is interred and proposed to be re-interred;

- (iii) the surviving spouse of the deceased person concerned;
  - (iv) if there is no surviving spouse, an adult child of the deceased person concerned; or
  - (v) if there is no such adult child, a parent of the deceased person concerned;
  - (vi) if there is no such parent, an adult brother or sister of the deceased person concerned or
  - (vii) if there is no such brother or sister, the nearest available adult relative of the deceased concerned or
  - (viii) an Executor
- (c) where the cemetery in which the body is to be interred or is proposed to be re-interred is owned or under control or management of a religious body or is a cemetery in which the controlling body of any particular religious group has a peculiar interest, submit a written approval of such religious body or controlling body.

## **7.2 Authorization for Exhumations of Human Remains**

- (a) No Exhumations and reburial of human remains shall be done unless:
- (a) Authorised and permitted by the Municipality provided such falls within the jurisdiction of the Municipality; or
  - (b) A court order issued by a magistrate shall be permitted by the Municipality, if such exhumation and reburial take place within the jurisdiction of the Municipality;
- (b) Exhumation approval shall not be issued without a reburial permit issued by the Municipality, or without a cremation permit, in cases where the exhumed body will be cremated.
- (c) No person shall exhume any human remains, unless for the:
- (a) Removal from the original grave to a new grave acquired in the same cemetery;
  - (b) Removal for burial in another cemetery
  - (c) Removal for cremation;
  - (d) Removal for forensic examination of the deceased;
  - (e) Transfer from a public grave to a private grave;
  - (f) For legal reasons, such as crime related investigations or
  - (g) For archaeological reasons.

- (d) The Municipality shall grant a permit for an exhumation on condition that only a registered undertaker shall do the exhumation of the human remains; such an undertaker shall be based in the jurisdiction of the Municipality.

### **7.3 Process and Requirements for an Exhumation**

The Following are the requirements for exhumations:

- (a) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner.
- (b) A member of SAPS must always be present when an exhumation is being conducted.
- (c) An exhumation must not take place when the cemetery is open to the public and must place under the supervision of the officer-in-charge.
- (d) The disinterment or removal of human remains shall be carried out under the supervision of an EHP;
- (e) If the Municipality does not have the services of an EHP at the time, the Municipality may request the services of an EHP of another health authority or an EHP in private practice registered with the HPCSA as an EHP; to perform the duties in accordance with this policy and the Regulations.
- (f) Only persons with direct involvement may be present at the disinterment or removal of human remains and no dogs or animals may be allowed at the grave site; and
- (g) An EHP must monitor the exhumation process to ensure that no health nuisance or hazard is caused, by ensuring that at the exhumation site:
  - (i) the grave and the human remains are treated with a disinfectant after exhumation and any other protective measures as he/her may deem necessary;
  - (ii) an adequate supply of water, soap and disinfectants for cleansing purposes shall be available at the grave for cleansing of persons handling the human remains;
  - (iii) correct grave is re-opened;
  - (iv) human remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused;
  - (v) a new approved container is supplied by the undertaker, or if the existing container is re-used, that it is secured and leak proof;
  - (vi) human remains exhumed and all pieces of the original coffin are placed in the new coffin;

- (vii) a new coffin is properly identified, marked and sealed;
- (viii) the health and safety of the workers is maintained by use of the approved protective equipment;
- (ix) the grave is not left unguarded, and
- (x) Immediately after the remains have been removed, that such grave is covered or sealed with approved top soil.

#### 7.4 Register of Reburials

All reburials shall be registered and entered into the Reburials Register of the Municipality.

#### 7.5 Exhumation, Reburial Costs and Tariffs

- (a) The Municipal Manager will determine the costs for exhumation and reburial in accordance with council approved tariffs for reburial and exhumations.
- (b) The Exhumation and Reburial costs apply in circumstances where the Municipality made a wrongful burial and must exhume and rebury the deceased in an appropriate grave.
- (c) Consequent upon exceptional circumstances, which are not in accordance with 7.5(a) the Municipal Manager shall make a cost determination according to the costs guidelines provided in the table below, and the recommendation of the relevant executive director and report such at the next Council meeting.
- (d) A budget for exhumation and reburial costs must be provided for in the budget of the relevant Directorates.
- (e) The costs per exhumation and reburial will be as follows:

##### **Costs guideline (Exhumation due to wrongful burial)**

<b>Item</b>	<b>Cost (Rand)</b>
Grave	Paid by family
Head Stone (if applicable)	1 500.00
Undertaker and coffin	5 000.00
Cleansing ceremony	3 500.00
Legal costs	5 000.00
Reopening	880.00
<b>Total</b>	<b>15 880.00</b>

- (f) These costs must be read in conjunction with the tariffs on burial costs contained in the approved budget for the applicable year.

## **8 Violations and Penalties**

Employees who are found to be in violation of this policy may be subject to disciplinary action and depending on the severity of the offence, suspension, termination of employment, even criminal action according to the code of conduct of the municipality.

## **9 Policy Approval and Review**

This policy shall be approved by Council and reviewed as and when required in accordance with the operational requirements of the Parks and Cemeteries Department.

## 10 Annexure A – Application form



### SOL PLAATJE MUNICIPALITY – CEMETERIES

#### APPLICATION FORM

#### Burials, Exhumations, and Reburials

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Relation to deceased: \_\_\_\_\_

Name of deceased: \_\_\_\_\_

(COMPLETE FORM ON REVERSE SIDE)

Notifiable Medical Conditions:  Yes  No

Type of Burial: (Please tick applicable)

RE-OPENING:

NORMAL:

ASHES:

PAUPER:

FREE GRAVES:

RESERVED GRAVE:

Grave / Niche No: \_\_\_\_\_

Type of Coffin: \_\_\_\_\_

Denomination: \_\_\_\_\_

BURIALS AND EXHUMATION POLICY AND PROCEDURE

Cemetery: \_\_\_\_\_

Burial Date: \_\_\_\_\_ Time: \_\_\_\_\_

Burial Order Received:    YES       NO  

FOR OFFICE USE ONLY

Receipt Number: \_\_\_\_\_

Amount: \_\_\_\_\_ Date: \_\_\_\_\_

Issued By (Name in Block Letters): \_\_\_\_\_

Signature: \_\_\_\_\_

**RE-OPENING OF GRAVE AUTHORIZATION**

I hereby authorised Plot: \_\_\_\_\_ Row: \_\_\_\_\_ Grave: \_\_\_\_\_  
to be opened.

Full Name(s) (block letters): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post code: \_\_\_\_\_

Relationship to deceased \_\_\_\_\_

Contact Details \_\_\_\_\_

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**DECLARATION**

I hereby confirm and declare that the opened grave shown to me belongs to the late:  
\_\_\_\_\_ which is the rightful grave that has been  
reopened.

Signature of authorised applicant: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

Signature of Manager: \_\_\_\_\_

## 11 Annexure B – Notifiable Medical Conditions

<b>NMC DISEASE LIST</b>	
<p><b>CATEGORY 1 NOTIFIABLE MEDICAL CONDITIONS</b> - Category 1 notifiable medical conditions that require immediate reporting by the most rapid means available upon diagnosis followed by a written or electronic notification to the Department of Health within 24 hours of diagnosis by health care providers, private health laboratories or public health laboratories</p> <p>* Food -borne disease outbreak is the occurrence of two or more cases of a similar foodborne disease resulting from the ingestion of a common food.</p> <p>* *Examples of novel respiratory pathogens include novel influenza A virus and MERS coronavirus.</p> <p>* ** Viral haemorrhagic fever diseases include Ebola or Marburg viruses, Lassa virus, Lujo virus, new world arena viruses, Crimean -Congo haemorrhagic fever or other newly identified viruses causing haemorrhagic fever.</p>	
Acute flaccid paralysis	
Acute rheumatic fever	
Anthrax	
Botulism	
Cholera	
Diphtheria	
Enteric fever (typhoid or paratyphoid fever)	
Food borne disease outbreak*	
Haemolytic uraemic syndrome (HUS)	
Listeriosis	
Malaria	
Measles	
Meningococcal disease	
Pertussis	
Plague	
Poliomyelitis	
Rabies (human)	
Respiratory disease caused by a novel respiratory pathogen**	
Rift valley fever (human)	
Smallpox	
Viral haemorrhagic fever diseases***	
Yellow fever	

**CATEGORY 2 NOTIFIABLE MEDICAL CONDITIONS** - Category 2 notifiable medical conditions to be notified through a written or electronic notification to the Department of Health within seven (7) days of clinical or laboratory diagnosis by health care providers, private health laboratories or public health laboratories

Agricultural or stock remedy poisoning	
Bilharzia (schistosomiasis)	
Brucellosis	
Congenital rubella syndrome	
Congenital syphilis	
Haemophilus influenzae type B	
Hepatitis A	
Hepatitis B	
Hepatitis C	
Hepatitis E	
Lead poisoning	
Legionellosis	
Leprosy	
Maternal death (pregnancy, childbirth and puerperium)	
Mercury poisoning	
Soil transmitted helminths (Ascaris Lumbricoides, Trichuris trichiuria, Ancylostoma duodenale, Necator americanus)	
Tetanus	
Tuberculosis: pulmonary	
Tuberculosis: extra-pulmonary	
Tuberculosis: multidrug-resistant (MDR-TB)	
Tuberculosis: extensively drug-resistant (XDR-TB)	

**CATEGORY 3 NOTIFIABLE MEDICAL CONDITIONS** – Category 3 notifiable medical conditions to be notified through a written or electronic notification to the Department of Health within 7 days of diagnosis by private and public health laboratories

Ceftriaxone-resistant <i>Neisseria gonorrhoea</i>	
West Nile virus, Sindbis virus, Chikungunya virus	
Dengue fever virus, other imported arboviruses of medical importance	
<i>Salmonella</i> spp. other than <i>S. Typhi</i> and <i>S. Paratyphi</i>	
Rubella virus	
Shiga toxin-producing <i>Escherichia coli</i>	
<i>Shigella</i> spp.	

**CATEGORY 4 NOTIFIABLE MEDICAL CONDITIONS** - Category 4 notifiable medical conditions to be notified through a written or electronic notification to the Department of Health within 1 month of diagnosis by private and public health laboratories

Healthcare-associated infections or multidrug-resistant organisms of public health importance	- Carbapenemase-producing Enterobacteriaceae	
	- Vancomycin-resistant enterococci	
	- <i>Staphylococcus aureus</i> : hGISA and GISA	
	- Colistin-resistant <i>Pseudomonas aeruginosa</i>	
	- Colistin-resistant <i>Acinetobacter baumannii</i>	
	- <i>Clostridium difficile</i>	