



**BURIAL AND CREMATION OF A PAUPER
POLICY**

POLICY HISTORY

TITLE OF POLICY	Burial and Cremation of a Pauper Policy						
POLICY OWNER	Public Health						
POLICY CHAMPION	Designation: Manager: Environmental Health Services Tel: 041 506 5225 E-mail: tblaai@mandelametro.gov.za						
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Policy Title	Status <i>(draft, active, rescinded)</i>	Approving Authority	Decision date	Resolution No.	Ref No.	Doc No.	Pending date for next review
Burial and Cremation of a Pauper Policy	Active	Council	31/05/2023		5/21/1/P		3 Years
Policy for the Burial of Destitute Persons (Pauper Burials)	Rescinded	Council	11/09/2002		5/21/1/P		

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1. DEFINITIONS

In *the Policy*, unless the context indicates otherwise:

“Health nuisance” as defined in the National Health Act 61 of 2003, means a situation, or state of affairs that endangers life or health or adversely affects the well-being of a person or community.

“Human remains” as defined in the National Health Act 61 of 2003, means a dead human body, or the remains of dead human body whether decomposed or otherwise and includes a still-born child and a foetus.

“Municipality” means the Nelson Mandela Bay Metropolitan Municipality a, Category A Municipality established in terms of Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000, promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act 117 of 1998.

“Municipal health services” as defined in the National Health Act 61 of 2003, for the purposes of this policy includes “disposal of the dead”.

“municipal official” as defined in the Local Government: Municipal Finance Management Act 56 of 2003 means:

- a) an employee of the Municipality or its Municipal Entity;
- b) a person seconded to the Municipality or its Municipal Entity to work as a member of the staff of the Municipality or a Municipal Entity; or
- c) a person contracted by the Municipality or its Municipal Entity to work as a member of the staff of the Municipality or a Municipal Entity otherwise than as an employee.

“pauper” means an identified or unidentified person who has died within the jurisdiction of the Municipality:

- a) with no fixed abode;
- b) fixed or movable goods of any value;

- c) has not been claimed by a competent person.
- d) or a competent person has undertaken to inter the deceased but has failed to do so.

“the Policy” means the Burial and Cremation of a Pauper Policy of the Municipality.

2. PURPOSE

2.1 The purpose of *the Policy* is to:

- a) Provide, the means to undertake the burial or cremation of a *pauper* in terms of relevant legislation and regulations.
- b) Prevent a *health nuisance*.
- c) Give effect to the abovementioned legislative requirements including the Nelson Mandela Bay Municipality: Cemeteries and Crematoria By-laws.

3. REGULATORY FRAMEWORK

3.1 The *Policy* must be read together with, and be interpreted consistently with, the other relevant legislation, policies, and procedures, including but not restricted to:

- a) The National Health Act 61 of 2003 and the related Regulations framed hereunder.
- b) Nelson Mandela Bay Municipality: Cemeteries and Crematoria By-laws.

4. SCOPE OF APPLICATION OF THE POLICY

4.1 The *Policy* makes provision for the disposal of *human remains* of a *pauper* within the jurisdiction of the *Municipality*.

4.2 Disposal of the *human remains* of foreign nationals is dealt with in terms of the Regulations relating to the Management of Human Remains,

Regulation Number R363, dated 22 May 2013, and is excluded from this policy.

5. THE MUNICIPALITY'S OBLIGATIONS IN TERMS OF THIS POLICY

5.1 The *Municipality* will exercise its sole discretion to accept an application for a pauper burial or cremation.

5.2 The *Municipality* will:

5.2.1 Grant a grave site, as determined by the *Municipality*.

5.2.2 Pay burial costs as follows:

a) Digging of the grave;

b) The coffin as per specification by the *Municipality*;

c) Transporting the *human remains* to and from the government mortuary/funeral undertaker to the applicant/ relative's house for a short prayer meeting and thereafter to the specified cemetery in a coffin as per specification by the *Municipality*.

5.2.3 Pay for cremation costs as follows:

a) The coffin as per specification by the *Municipality*;

b) Transporting of the *human remains* to and from the government mortuary/funeral undertaker to the applicant/relative's house for a short prayer meeting and thereafter to the crematorium in a coffin as per specification by the *Municipality*.

5.3 The costs of the exhumation and re-interment of a *pauper* that has been interred in terms of this policy will be for the account of the applicant.

6. ELIGIBILITY CRITERIA

6.1 All the following criteria must be met, when an application for the burial or cremation of a *pauper* is considered by the *Municipality*:

a) The deceased did not have an insurance policy or an estate that could be used to pay for the burial or cremation, and

- b) There is no next of kin or relative with a legal duty to support the deceased, and with any means to pay for the burial or cremation costs, and
- c) No other person, religious organisation, NGO, or welfare organisation has offered to pay for the burial or cremation costs of the deceased person, and
- d) Where a critical emergency or any other unforeseen circumstance arises on which the *Municipality* is required to fulfil its legal obligation in terms of the National Health Act (Act 61 of 2003) or any other applicable law.

7. PROCEDURE WHERE NO CLAIM IS MADE TO THE PAUPER

- 7.1 The *human remains* of an unidentified *pauper* will be disposed of at the discretion of the *Municipality*.

8. APPLICATION PROCESS BY A SOUTH AFRICAN CITIZEN FOR BURIAL OR CREMATION OF A PAUPER

- 8.1 A South African citizen may apply for the burial or cremation of a *pauper* within the jurisdiction of the *Municipality*.
- 8.2 The applicant must complete the relevant application form of the *Municipality*.
- 8.3 The applicant must provide the *Municipality* with the following supporting documentation:
 - 8.3.1 Original death certificate of a *pauper*.
 - 8.3.2 Identification document/birth certificate of the deceased. In the event of the deceased not being in possession of an identification document or a birth certificate, an affidavit from the South African Police Service stating the deceased's name and surname, date of birth and the applicant's relationship to the deceased.

- 8.3.3 Identification document of the applicant. In the event of the applicant not being in possession of an identification document, an affidavit from the South African Police Service stating their name and surname, date of birth and their relationship to the deceased.
- 8.3.4 An affidavit from the South African Police Service stating that the eligibility criteria in clauses 6.1 applies.

9. PARAMETERS AND PROCEDURES

- 9.1 Once it has been established that the *pauper* qualifies for a burial or cremation in terms of clause 6 of *the Policy*, the relevant *municipal official* will advise the applicant:
 - 9.1.1 That the *human remains* may be transported to and from the government mortuary/funeral undertaker to the applicant/relative's house for a short prayer meeting and thereafter to the specified cemetery or crematorium in a coffin as per specification by the *Municipality*.
 - 9.1.2 That the prayer meeting at home will not exceed one hour.
 - 9.1.3 That the burial or cremation of a *pauper* will only be conducted on a weekday, excluding public holidays, by the undertaker contracted by the *Municipality*.
 - 9.1.4 That the burial or cremation of a *pauper* will only take place at cemeteries/crematoria as determined by the *Municipality*.

10. PROCESSING OF APPLICATIONS SUBMITTED

- 10.1 If the *municipal official* has determined eligibility of the deceased person for a pauper burial or cremation in accordance with the criteria set out under clause 6 and has explained in detail to the applicant the procedures and the type of service covered by a pauper burial as set out in clause 9, applicants are encouraged to discuss the information given to them with their families prior to making a final decision.

- 10.2 The responsible *municipal official* will in the event of the option of burial:
- a) Assist the applicant in filling-in a prescribed application form (Annexure “A”). The closest family member to the deceased or any other person lodging an application for a burial of a *pauper* will be responsible for signing the application form, thereby certifying that the information given is true and correct.
 - b) Complete an official order (Annexure “B”) for burial and forward this document to the funeral undertaker/service provider.
- 10.3 In a case where an original death certificate is produced on application, it is attached to the official burial order. A thereof will be given to the family.
- 10.4 In the case where a copy of the death certificate is produced or where a death certificate has not been issued, it is the responsibility of the funeral undertaker/service provider to obtain an original death certificate.
- 10.5 Receipt of tax invoices from funeral undertaker/service provider in respect of burial orders issued as well as confirmation from Cemetery Department (grave sites) (see example, Annexure “C”), serve as confirmation that burials have been conducted to responsible officials.
- 10.6 The *municipal official* in charge of pauper burials will then verify whether the information on the tax invoices and Cemetery Department Sale of Plots Invoices/Vouchers correspond with the original official burial order information.
- 10.7 A register of pauper burial grave numbers will be kept by the Parks Sub-Directorate Cemetery Supervisor. Family members who wish to visit grave sites will be assisted by the Cemetery Supervisor of the specific cemetery.
- 10.8 Once above procedures have been completed, the responsible *municipal official* signs off the official burial order whereby it is certified

that the service had been rendered in accordance with the official burial order.

10.9 In the event of cremation, the funeral undertaker/service provider will ensure that all relevant documentation is completed, including the documents of the medical referee.

11. PROCESSING OF APPLICATIONS OF UNIDENTIFIED PAUPER SUBMITTED BY DEPARTMENT OF HEALTH (FORENSIC UNIT)

11.1 The Forensic Pathology Unit has its own internal procedure for identifying deceased persons and tracing relatives of the deceased. Only when relatives cannot be traced by the Unit or when no competent person undertakes to bury the deceased, will the Forensic unit submit application to the *Municipality*.

11.2 All applications submitted by the Department of Health: Forensic Pathology Unit are required to submit the following documentation:

- a) BI 1663 (Notification of death/still-birth) form
- b) SAP 180
- c) Evidence images (where applicable)
- d) Police investigation report, stating all measures followed by the Department to have the deceased identified.
- e) Unique identification Serial numbers must correspond on all pages attached.

11.3 Upon receipt of Forensic Pathology Unit applications for burial of paupers, the responsible *municipal official* again uses the following criteria to determine the responsibility of the *Municipality* for the burial of a *pauper*.

- a) Whether the deceased died within the NMBM jurisdiction area.
- b) Exact place of death

- 11.4 The responsible *municipal official* must ensure that all application forms are completed in full, signed by the Investigating Officer and that the official stamp of the Forensic Mortuary appears on the form.
- 11.5 All incomplete forms or cases that do not meet the criteria set out above, will not be processed and will be returned to the Department of Health Forensic Unit.
- 11.6 The responsible *municipal official* will complete the official burial order per individual application (form Annexure “B”) and will forward the official order to the contracted service provider.

12. APPOINTMENT OF FUNERAL UNDERTAKER/SERVICE PROVIDER ON BEHALF OF MUNICIPALITY

- 12.1 All tenders will be dealt with in terms of the Municipality’s Supply Chain Management Policy.
- 12.2 Prospective service providers will be required to comply with the Terms of Reference of the Tender as determined from time to time.
- 12.3 The Terms of Reference must include an obligation to notify family members of burial arrangements to assist families who wish to arrange a religious service etc.
- 12.4 All appointed funeral undertakers/service providers must:
- 12.4.1 Comply with requirements as per *inter alia*:
- a) *Municipal Health Services* requirements
 - b) The Regulations Relating to the Management of Human Remains
- 12.4.2 Be in possession of a Valid Certificate of Competence.

13. SUBSEQUENT APPLICATIONS TO ERECT HEADSTONE OR GRAVE SITE IMPROVEMENTS (IN CASE OF A BURIAL)

13.1 Erection of headstone or grave site improvement is not allowed in pauper grave sites. Should families want to upgrade the grave, they will have to exhume the body at their own cost and relocate the body to other parts of the cemetery where erection of headstone or site improvement is permissible.

14. MONITORING AND EVALUATION

14.1 The details of the burial or cremation will be recorded in the pauper burial or cremation register.

14.2 Implementation of *the Policy* will be monitored monthly by the policy champion.

15. POLICY APPLICATION AND REVIEW

15.1 This policy will be called the Burial and Cremation of a Pauper Policy and will come into effect when adopted by Council.

15.2 This policy will supersede, any other pauper burial and cremation policy adopted by Council previously.

15.3 This policy will be reviewed every three years, or sooner, as determined by strategic and operational conditions.

ANNEXURE A: APPLICATION FORM – PAUPER BURIAL/CREMATION

APPLICATION FORM: PAUPER BURIAL/CREMATION			
PAUPER BURIAL			
PAUPER CREMATION			
Date			
Ref No			
Cemetery			
Name of Deceased			
Short Prayer at home	Yes	No	
<p>The following documents must be attached with the application:</p> <ul style="list-style-type: none"> • ID document/copy of deceased (adult) or Birth document (child) • Death certificate or, • SAP 180, DHA 1663 & confirmation letter from SAPS Detective • Applicant's copy of ID document • Affidavit of Applicant • Form A (Application for Cremation) • Form D (Post-Mortem examination report from Doctor) 			
DECEASED			
Name of Deceased			
Identity No			
Address			
Was deceased resident of Nelson Mandela Bay	Yes	No	
Occupation			
Date of death			
Cause of death			
Name of District Surgeon/Forensic Pathologist			
Place of death			
Where is the body at present			
Did the deceased belong to a Burial Society at the time of death	Yes	No	
If yes, name of Burial Society			

APPLICANT		
Name of applicant		
Identity No		
Have the nearest relatives of the deceased been informed of the proposed burial/cremation	Yes	No
Tel No		
Address		
Relationship to deceased		
Reason why Applicant ask for burial/cremation assistance		
<p><i>I do hereby solemnly and sincerely declare that all the particulars stated above are true, and that I hereby give permission that the deceased body be buried/cremated</i></p>		
<p>..... (Signature of applicant)</p>	<p>..... (date)</p>	
<p>..... (Signature of official interviewing applicant)</p>	<p>..... (date)</p>	

ANNEXURE B: PAUPER BURIAL ORDER FORM

PAUPER BURIAL ORDER FORM							
						Ref No	
						Att	
To							
Date							
Cemetery							
Name of Deceased							
Identity No							
Age	Stillborn/infant/fetus	Child under 6	Child over 6 incl 13 yrs	Over 13 yrs / Adult	Skeleton remains		
Single burial					Yes	No	
Two per grave					Yes	No	
Short Prayer at home					Yes	No	
<p>.....</p> <p>(Deputy Director: Environmental Health)</p> <p>(date)</p>							
Burial details to complete by Funeral Undertaker							
Date of burial							
Row No							
Plot/Grave No							

**ANNEXURE C: CONFIRMATION FROM CEMETERY DEPARTMENT
EXAMPLE**



Burial Application Confirmation
Nelson Mandela Bay Municipality



Cemetery Name: Motherwell
Grave Type: Standard Grave
Section: Pauper/Destitute
Row:
Grave:



Burial Register Number

PH 0027430

Pauper Details

Name	BI Number	BURIAL ORDER NR
Phumzile Tys	1663G14181	336/2021
NOne 0035	None 0035	None 0035

Applicant

Name: Env. Health
Contact Number(T): 041 506 5412

Undertaker

Undertaker: Kramer Funeral Home Account Number: 126
Contact Number: 0413652209

Receipt

Issued By: Rene	Application Type: Standard
Receipt Date: 03 Dec 2021	Quotation Number: 74196
Receipt Number: 336/2021	Burial Order Number: Env. Health
Receipt Amount: R 0.00	Service Type: Burial - Pauper EH

Exhumation Destination

Remarks

FOR OFFICE USE ONLY

Full Name:	Designation:
Signature:	Date:



Burial Application Quotation

Nelson Mandela Bay Municipality

Quotation Number: 74196

03 Dec 2021

Cemetery Name: Motherwell
Cemetery Vote Nr: 1/0080 5939/1
Burial Order Number: Env. Health

Section: Pauper/Destitute
Grave Type: Standard Grave
Row:
Grave:

Pauper Details

Name	BI Number	BURIAL ORDER NR.
Phumzile Tys	1663G14181	336/2021
NOne 0035	None 0035	None 0035

Undertaker

Undertaker: Kramer Funeral Home
Contact Number: 0413652209
Account Number: 126
VAT Number:

Applicant

Name: Env. Health
Contact Number(T): 041 506 5412

Cemetery Account

Capturer: Rene Ferreira

Sign:

NELSON MANDELA
METROPOLITAN MUNICIPALITY
PAUPER/REMANDED/DESTITUTE BURIALS

03 DEC 2021

PUBLIC HEALTH DIRECTORATE

Item Description

OPEN Grave (Destitute/Pauper) (EH) 21/22

Tariff Vote Nr

Line Total (Excl. Vat)

	R 0.00
Sub Total (Excl. VAT)	R 0.00
VAT	R 0.00
Total	R 0.00