

## DESTITUTE AND PAUPER BURIAL POLICY FOR THE AMAHLATHI LOCAL MUNICIPALITY

<b>Council Resolution Number:</b> 06/2023/24 Ordinary Council Meeting	<b>Approved Date:</b> 28 June 2023
<b>Review Date:</b> 11 & 12 June 2023	<b>Effective Date:</b> 01 July 2024

  
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CLLR. NP MLAHLEKI  
SPEAKER OF COUNCIL

  
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**DESTITUTE AND PAUPER BURIAL POLICY**

<b>Policy Status</b>	Active
<b>Version</b>	1 of 2020/21
<b>Date of First Implementation</b>	
<b>Date Last Amended</b>	28 June 2024
<b>Date of Next Review</b>	30 June 2025
<b>Purpose</b>	To assist Amahlathi Local Municipality in responding to challenges posed in relation to burial of unknown bodies and unclaimed bodies and deceased from destitute families.
<b>Aims and Objectives</b>	<p>To define the process and procedure to be followed in dealing with applications for burial of the deceased from destitute families.</p> <p>To assist and provide guidelines for funeral Undertakers that may conduct burials of deceased from destitute families and paupers.</p>
<b>Policy Custodian</b>	Community Services Department- Solid Waste & Environment
<b>Related Prescript</b>	National Health Act, Act 61 of 2003
<b>Applicability</b>	Amahlathi prospective and existing employees
<b>Policy Benchmark and References</b>	
<b>Stakeholders Consulted</b>	
<b>Date of Approval</b>	28 June 2024
<b>Approving Authority</b>	Council

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## 1. DEFINITIONS

TERM	DEFINITION
<b>Body</b>	The remains or any portion of a deceased person.
<b>Certificate of Competence</b>	A document issued upon compliance with the Regulation No 363 dated 22 May 2013, Regulations Relating to the Management of Human Remains under the National Health Act, Act 61 of 2003.
<b>Communicable disease</b>	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.
<b>Dead/ Deceased</b>	A person certified as such by a Medical Doctor.
<b>Destitute</b>	a deceased person from a destitute family.
<b>Destitute family</b>	A family that cannot afford funeral expenses for the deceased.
<b>Exceptional Cases</b>	Unusual situations that are beyond controls as regulated and unprecedented, where circumstances around the burial of the deceased result in escalation of costs such as the maximum amount of R1000.00 is exceeded.
<b>Indigent</b>	means any household which is responsible for the payment of services and rates, earning a combined gross income equivalent to or less than two times the Government pension grant as prescribed by the National Department of Social Development or in line with the National Indigence Framework issued by the Department Local Government (DLG), who qualify, according to the policy, for rebates/remissions, support or a services subsidy. Examples hereof include pensioners, the unemployed and child-headed families who are unable to fully meet their

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	obligations for municipal services consumed and property taxes on their monthly accounts.
<b>Pauper</b>	A person who has died as an unknown person and whose next-of-kin cannot be traced; or someone indigent and there are no means of a burial
<b>Pauper Burial</b>	Burial of a Pauper
<b>Unclaimed body</b>	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
<b>Unknown body</b>	An unclaimed body whose next-of-kin cannot be traced after a period of six months.

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## 2. PREAMBLE

Amahlathi Local Municipality (ALM) has value and acknowledgement of the Community Integrity and Ethics one of its core functions. The function includes, among other things, "the Disposal of the dead" which entails:

- a) controlling, restricting or prohibiting the business of an undertaker or embalmer, mortuaries and other places or facilities for storage of dead bodies
- b) monitoring practices at Cemeteries, crematoria and other facilities used for the disposal of the dead bodies
- c) monitoring exhumations and reburials or the disposal of human remains.

The disposal of human remains includes disposal of unclaimed bodies, unknown bodies whose next-of-kin cannot be traced and deceased from destitute families.

The process and procedure for the burial of the unknown bodies, unclaimed bodies and the deceased from destitute families can be a challenge for both the communities and Amahlathi Local Municipality in the absence of clear guidelines.

The main purpose of the policy is to ensure that dead bodies are buried in a hygienic, suitable manner in order to minimize the possible spread of communicable diseases. This emanates from Regulation No 363 dated 22 May 2013, Regulations Relating to the Management of Human Remains under the National Health Act, Act 61 of 2003. The Act 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 which no competent person undertakers 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 increase 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.

## 3. POLICY STATEMENT

Amahlathi Local Municipality is committed to safeguarding the welfare of the public, providing assistance where there is no competent person to bury the deceased; and addressing the challenges arising from:

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## **4. THE PURPOSE OF THE POLICY**

### **4.1 GOALS**

To assist Amahlathi Local Municipality in responding to challenges posed in relation to burial of unknown bodies and unclaimed bodies and deceased from destitute families.

### **4.2 OBJECTIVES**

- To define the process and procedure to be followed in dealing with applications for burial of the deceased from destitute families.
- To assist and provide guidelines for funeral Undertakers that may conduct burials of deceased from destitute families and paupers.

## **5. APPLICATION OF THIS POLICY**

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

## **6. POLICY DETAILS**

### **6.1. PROCESS AND PROCEDURE FOR BURIAL OF A PERSON FROM A DESTITUTE FAMILY**

#### **6.1.1 PROCESS**

- Submission of a written application to Amahlathi Local Municipality (ALM)
- Submission of necessary documents by relevant authorities and parties
- Final assessment and approval

#### **6.1.2 PROCEDURE**

- a) A person making an application for a destitute must make a declaration to that effect stating their relationship with the deceased and a written authorization for ALM to bury the deceased as a destitute.
- 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.

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- d) A ward councillor or a person with authority to do so must make a written submission recommending burial of the deceased as a destitute to Amahlathi Local Municipality.
- e) Affected household to be registered as an indigent in the Municipal register.
- f) 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 burial to Amahlathi Local Municipality.
- g) When all necessary documents have been received, Amahlathi Local Municipality shall inform the funeral undertaker with a Certificate of Certificate (COC) and on the municipal database to carry out the burial.
- h) Funeral undertaker shall cover the costs of the following:
  - Coffin
  - Storage costs
  - Funeral Services
  - Transportation of coffin to the graveyard

**6.1.3** The maximum amount for a destitute shall not exceed **R 3 500.00**

## **62. PROCESS AND PROCEDURE FOR BURIAL OF A PERSON AS A PAUPER**

### **6.2.1 PROCESS**

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

### **6.3 GENERAL PROVISIONS**

- a) Deviation from clause 6.1 & 6.2 can only be allowed in exceptional cases and must be approved by the Municipal Manager.
- b) Only funeral undertakers that have registered on the municipal data base and with a Certificate of Competency issued by the District Municipality shall be eligible to carry out burials.
- c) 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.
- d) Arrangements for land to bury the deceased shall be the responsibility of municipality and the undertaker.

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- e) A pauper or a destitute person may be buried or cremated according to the conditions determined by the Council.
- f) If the body of a pauper or destitute is cremated, the ashes shall be retained by the Funeral Undertaker for period not exceeding 12 months.
- g) Ashes not claimed within the period of 12 months shall be buried in an ash grave.
- h) The burial of a person who has died in a hospital or other institution shall be the responsibility of such or institution except a deceased person from a destitute family.

## **7. DISPUTE RESOLUTION**

Any dispute relating to both the interpretation of provision of the policy as well as the municipality decision on any specific matters shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable labour relations legislation.

## **8. IMPLEMENTATION OF THE POLICY**

- (1) The policy will be communicated throughout the municipality. It will be posted on the Municipal Website for purposes for ease of accessibility by users.
- (2) The policy will be signed-off by the Mayor / Speaker and the Municipal Manager as a commitment to its implementation and adherence thereto.
- (3) Successful implementation of this policy will be evidenced by effective and efficient administrative processes in relation to departing employees as well as fewer complaints from departing employees with regard to issues of terminal emoluments and notice periods.

## **9. POLICY AUDIT**

Audits will be conducted on the policy annually to determine its impact in achieving the objectives it is set out to achieve as well as alignment to the process.

## **10. DEVIATION FROM THE POLICY**

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Any deviation that affects the contents of this policy shall be sanctioned by Municipal Manager; his/her nominee subject to rectification by council.

**11. VIOLATION AND ENFORCEMENT**

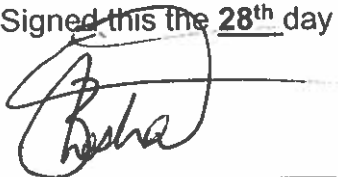
The violation of this policy may lead to disciplinary processes taken against the offender.

**12. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL**

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation from (Effective Date) 01 July 2024

Approved by Resolution Number 6 of 9.2 on this the 28<sup>th</sup> day of June 2024.

Signed this the 28<sup>th</sup> day of June 2024.



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DR Z. SHASHA  
MUNICIPAL MANAGER

\_\_\_\_\_  
DATE



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CLLR N. MLAHLEKI  
SPEAKER OF COUNCIL

28/06/2024  
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