

MANDENI MUNICIPALITY



DRAFT INDIGENT PAUPER BURIAL POLICY

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PAUPER/INDIGENT BURIAL POLICY

1. PREAMBLE

When the local authorities gained their full municipality status in December 2000, more of their roles and responsibilities expanded. For instance, the municipality saw the incorporation of pauper/indigent burial becoming a new reality. This function was however absorbed without proper guidelines being set down, though it is an unfunded mandate for the municipality. The municipality had to scrape for funds irrespective of its fiscal capacity which is usually a factor to reckon with. The rationale behind being that municipalities are entrusted with the obligation to dispose of waste in their respective areas, the removal of unclaimed body is no exception! Municipalities inevitably act in compliance with the provisions of the Municipal Systems Act and Section 20 of Health Act No.: 63 of 1977 that spells it clearly that *“it is the responsibility of local authorities to keep areas under their control in a hygienic and clean condition and to provide prescribed environmental services”*.

2. PURPOSE

- To comply with the Health Act No: 63 of 1977
- To ensure that Municipality acts in accordance with its mandatory duties and powers of waste removal adherence to hygienic environmental practices.
- To protect and respect the dignity of living and dead persons in terms of the Bill of rights as enshrined in the Republic of South Africa Constitution Act 108 of 1996.
- To protect the rights of citizens and /or public interest to a clean safe, and healthy environment.

3. AUTHORIZATION

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Health Act, 1977 (Act No. 63 of 1977)
- National Health Act, 2003 (Act No. 61 of 2003)
- KwaZulu-Natal Cemeteries and Crematoria Act, 2006 (Act No. 12 of 1996)
- Section 20 of Health Act, 1977: Local Authorities (Assumption that local municipalities are still responsible for primary and municipal health services)
- Section 48 of Health Act, 1977: Removal and burial of dead bodies (local municipalities' responsibility, hence promulgation of KwaZulu-Natal Cemeteries and Crematoria Act)

4. SCOPE OF APPLICATION

- The policy shall apply to all unclaimed bodies whose social and economic status have been verified by, and /or declared by a ward councilor, local Inkosi, a recognized member of a respective traditional authority and SAPS endorsed affidavit, etc.
- In each case, the ward councilor or Speaker [in the absence of ward councilor], shall write a letter declaring the indigent status of the deceased and most of all fill in the pauper/indigent burial form (in triplicate) which shall be accompanied by supporting documents such as the death certificate, burial permit or affidavit from local SAPS officer. See the attached Form on the last page of the policy.
- In the interest of cost-effective measures to safeguarding the control of public funds, Municipality may, if it deems it necessary, outsource the pauper's burial function to Council approved funeral service provider/s within the radius of 40 km of the municipal area of jurisdiction.
- In terms of the Health Act No: 63 of 1977, the local municipality shall not be liable to a person who died in custody of a hospital, SAPS, or correctional services institution.

- Should the next- of- kin or members of the extended family be not found, the municipality shall carry the burden.
- Under certain extreme circumstances where a category of persons identified in bullet (v) can prove beyond doubt that they do not have the capacity to bear the burial costs, and can be appraised as indigent support merit group, the municipality management and a contracted funeral service provider shall make arrangements to bury the dead body as pauper within strictest conditions and regulations.
- Persons who receive permanent social grant and/or old age pension or married [with a surviving spouse] are not eligible to Council assistance.
- It is to be noted that only valid service providers listed in the municipality's database shall be allowed to execute any burial for Municipality subject to prior approval by relevant official.
- Any service rendered without prior investigation and/or approval and with no supporting document and signing of form, will not be paid for.
- The deceased shall be a South African citizen and resident within the municipal area of jurisdiction [if need be the voter's roll may be used for positive verification].
- In the event that the deceased dies outside of Mandeni it is the onus of the next-of-kin to transport the body to the area within which the scope of this policy shall be applicable.
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5. DEFINITIONS

5.1 In context of this document, unless indicated otherwise:

5.1.1 **“indigent person”**: means a person who has died in indigent circumstances

5.1.2 **“pauper”**: bears the same meaning as an indigent person.

5.1.3 **“next of kin”**: in relation to a deceased person whose human remains are to be buried or cremated

5.1.4 **“community”**: refers to people residing within the municipal area of jurisdiction

5.1.5 **“cemetery”**: means any place:

- 5.1.5.1 Where human remains are buried in an orderly, systematic and pre-planned manner in identifiable burial plots.
- 5.1.5.2 Which is intended to be permanently set aside for and used only for the purposes of the burial of human remains.
- 5.1.6 **“councilor”** : in terms of the Municipal Systems Act No: 32 of 2000, a member of the political structure or committee or collective structure of a municipality elected, designated or appointed in accordance with the above legislation.
- 5.1.7 **“traditional authority”**: refers to Inkosi or Induna who participates in the local affairs of the traditional council.
- 5.1.8 **“municipality”**: refers to a city, town, district having local self government, or corporate governing body of this.
- 5.1.9 **“Indigent relief”**: means assistance received for burial or cremation of an indigent person.
- 5.1.10 **“valid service provider”**: means a recognized funeral undertaker who resides within the iLembe municipality with a valid compliance certificate and in good payment terms with municipality and other government affiliates.

6. MUNICIPALITY’S MANDATE AND POWERS

As mentioned above in the preamble, the municipality has an inherent function to dispose of waste in terms of legislation and its mandatory powers. The municipality has to rely on equitable share and other funding sources to ensure that a pauper burial vote allocation is sourced accordingly. The municipality might need to outsource the pauper burial function to a nominated funeral service provider both for convenience and ensure that this function is carried out with the least costs.

7. CRITERIA FOR PAUPERS AND INDIGENT STATUS

- 7.1 The deceased is found within the proclaimed boundaries of the KZ291 area of Jurisdiction.
- 7.2 The deceased has no next-of-kin or relatives cannot be traced by the SAPS

Officers. The SAPS must issue an affidavit to the effect that the exercise to trace the deceased's next-of-kin has been abortive, in which case police should then endorse the deceased as pauper.

7.3 In instances where the South African Police Services are not involved, a written statement has to be received from the welfare organization stating that the deceased was indeed indigent. An affidavit, a copy of the birth certificate or deceased's Home Affairs endorsed identity document and death certificate must be shown as concrete proof.

7.4 **Proposed amendments**

- The process to be initiated by the next-of-kin of the deceased if the deceased is an indigent then the councilor confirm that in writing.
- An indigent family shall be asked to declare its status at the nearest SAPS Station and obtain an affidavit to that effect.
- Outsourcing the pauper/indigent burial function – the municipality to enter into an agreement with a qualified funeral service provider on yearly basis
- Burial fee not to exceed R2000.00 per case

8. **OUTSOURCING THE PAUPER/INDIGENT BURIAL FUNCTION**

In the event that the municipality appoints a funeral service provider certain rules and specifications (as laid down by Ilembe District municipality) have to be adhered to. The undertaker must supply the coffin with the following:

- Permanently fixed name plates.
- Timber to be free from defects, i.e. the visible surface of coffins shall be free from splinters and all cavities are to be acceptably filled loose and decayed knots shall be allowed provided that loose knots are glued in position or drilled out and plugged.
- The interior of the coffin to be lined with a white plastic material that forms a complete lining.

- The thickness of composite and chipboard shall be for coffins of length 900 mm and more, and be at least 20 mm and less than 900 mm, be at least 16mm
- The lids shall be free from excess machine marks, tear outs and shall have an acceptable finish with at least a coat of paint color shall be specified by the supplier
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The undertaker shall:

- Provide necessary documentation.
- Obtain permit to enter the cemetery site.
- Supply of coffins as specified.
- Collection of the corpse from the South African Police Service or mortuary.
- Transport the corpse to the gravesite and bury it.

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MANDENI MUNICIPALITY
PAUPER/INDIGENT BURIAL FORM

DECEASED'S NAME : ID:
AREA/WARD : DATE OF DEATH:
WARD CLLR : CELL NO:

NOTIFICATION DATE : MORTUARY/HOSP:
UNDERTAKER : CELL NO :
RATE- PAYMENT :
COMMENTS (if applicable)
.....

STATEMENT BY COUNCILLOR

In terms of the rules of the pauper burial policy I hereby declare that the body and/or his/her next-of-kin truly deserve Council assistance and that should the contrary be proven, no assistance will be received and if already paid I shall be held liable for reimbursement of the amount to Mandeni Municipality account.

- (a) For more information please contact the relative/informant whose details are as ff:
 - (b) Relative's Name : ID Cell:
-
Name of Councillor Signature Date

CHECKED BY

.....
Assistant Manager: Social Services Date

RECOMMENDED BY

.....
Director: Community Services and Public Safety Date

APPROVED BY

.....
Municipal Manager: Date
