

- (a) shall, in the case of existing funeral undertaker's premises or mortuary; and
- (b) may, in all other cases,

subject to such conditions as such local government may determine, in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of only 6 months to enable the applicant to render the premises in such a manner as to comply with the provisions of these regulations, Provided that the local government shall satisfy itself that the use of such funeral undertaker's premises or mortuary does not and will not create a health nuisance or endanger human health.

- (2) A provisional certificate may not be extended unless the local government concerned is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-regulation (1) above.
- (3) Any such extension in sub-regulation 2 above will be granted for a period of not more than 12 months.

#### **8. Duties of holder**

- (1) The certificate holder shall immediately inform the issuing government in writing, if there are any changes in the particulars supplied to the issuing government in the application for the certificate of competence concerned.
- (2) Failure by the holder or a person in charge/authorized person to comply with this regulation shall constitute an offence.

#### **9. Suspension or revocation of a certificate of competence or a provisional certificate of competence**

- (1) If a local government in whose area of jurisdiction funeral undertaker's premises or a mortuary are used by virtue of a certificate of competence or a provisional certificate of competence is of the opinion, on the strength of an inspection report and recommendation by Environmental Health Practitioner that there are reasonable grounds to suspect that-
  - (a) such premises are being used in a way that is hazardous to health, or that conditions entailing a health nuisance or health hazard have been or are being created on such premises; or
  - (b) such premises are being used in contravention of the provisions of these regulations or the conditions to which such certificate of competence or a provisional certificate of competence issued are in contravention to the provisions of these regulations;

such local government may, subject to the provisions of sub- regulation (2), serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to remove such health nuisance or health hazard from the premises, to cease the use of the premises in contradiction with the certificate of competence or a provisional certificate of competence and or to also furnish reasons, at a place and a time specified in such notice, why such certificate should not be dealt with in terms of sub-regulation (12).

- (2) Notwithstanding the provisions of sub-regulation (1), a local government may, pending an inquiry contemplated in sub-regulation (1), suspend a certificate of competence or a provisional certificate of competence immediately on the strength of a report, whether by the Director-General, authorized person or by an Environmental Health Practitioner in the service of the State or of the local government concerned, stating that the hazard referred to in sub regulation (1)(a) is a nuisance and a health risk and recommending such suspension.
- (3) A notice referred to in sub-regulation (1) shall set out such particulars as are reasonably adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and shall be served by the local government concerned not less than 21 days prior to the date specified in such note for the holding of an inquiry.
- (4) The holder may appear personally at such inquiry or be represented by any of his employees specially authorised by him for such purpose in writing, or by his legal representative, or may submit written statements or arguments in the form of an affidavit to the local government concerned for consideration.
- (5)
  - (a) If the holder appears at the inquiry, or if the holder does not appear at the inquiry but the local government concerned is satisfied that the notice referred to in sub-regulation (1) has been properly served on the holder, the local government shall inquire into the matter mentioned in such notice.
  - (b) For the purpose of such inquiry such local government may call and interrogate or re-interrogate any person present at such inquiry and shall hear such evidence as may be adduced by or on behalf of the holder and may cross examine any person giving evidence for or on behalf of the holder.
- (6) The holder, his authorised employee or his legal representative may interrogate any witness called for or on behalf of the holder at such inquiry and may cross-examine any other witness testifying thereat.
- (7)
  - (a) The local government may instruct any witness at such inquiry to testify under oath or on affirmation.

- (b) The local government may administer an oath to or accept an affirmation from any person appearing before it to testify or to submit a book, document or object.
- (8) In regard to the giving of evidence or the submission of a book, document or object at such inquiry, the right of privilege shall apply which is applicable to a witness testifying in a criminal case in a magistrate's court or summonsed to submit a book, document or object.
- (9) The local government may, in its discretion, postpone or adjourn such inquiry for such period or periods as it may deem fit: Provided that, where a suspension has been instituted in terms of sub-regulation (2), such postponement or adjournment shall be for not more than 14 days.
- (10) The local government shall:
- (a) cause a record of the proceedings at such inquiry to be kept in such manner as it may determine;
  - (b) ensure such record shall be accessible and copies thereof may be made by the holder or his representative on such conditions regarding time and place as the local government may determine; and
  - (c) keep the record of such inquiry for a period of two years in a place where it is protected against fire and theft, and a clearly legible copy of such record shall be submitted to the Director-General forthwith after the inquiry.
- (11) Upon conclusion of such inquiry, the local government shall deliberate in camera.
- (12) If it appears to the local government that-
- (a) the funeral undertaker's premises or mortuary concerned are being used in such a way as to create a health nuisance or that conditions constituting a health nuisance have been or are being created on the funeral undertaker's premises concerned; or
  - (b) the premises concerned are being used in contravention of the provisions of the Regulations or any conditions to which the certificate of competence or provisional certificate of competence concerned is subject, the local government may, in order to put an end to the matter about which a complaint has been received, make such order as it may deem fit, namely-
    - (i) in relation to conditions referred to in sub-regulation (1)(a)-
      - (aa) where in its opinion the health hazard in question is a real hazard, an order withdrawing the certificate of competence or provisional certificate of competence concerned; and

(bb) in other cases, an order requiring the future use of such premises to be regulated so as to correct without delay the matter complained about; or

(ii) in relation to an irregularity referred to in sub- regulation (1)(b)-

(aa) an order suspending the certificate of competence or provisional certificate of competence concerned for such period as the local government may determine, and informing the holder that, if the conditions complained about as mentioned in such order are not corrected to the local government's satisfaction within such period of suspension, the certificate concerned will be revoked without further notice; or

(bb) an order requiring the future use of such premises to be so regulated so as to correct without delay the matter complained about.

(13)

(a) An order made in terms of sub-regulation (12) shall be issued in writing, signed by the authorized officer of the local government and then served on the holder; and the person on whom such order has been served shall deal with such order and with the certificate of competence or provisional certificate of competence concerned, in the manner laid down in such order.

(b) After making such order, the local government shall forthwith send a copy thereof to the Director-General.

(14) No decision of a local government in terms of these regulations-

(a) regarding the revocation of a certificate of competence or provisional certificate of competence ;  
or

(b) which is at variance with a recommendation of an Environmental Health Practitioner as contemplated in sub-regulation (1);

shall be effective without the written approval of the Director- General and no order in terms of sub-regulation (12) shall be made without the prior approval of the Director-General.

(15) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this regulation shall have the effect that, from the date of coming into operation of the order of suspension or revocation-

- (a) no preparation or storage of any human remains shall be performed on the premises concerned;
  - (b) no human remains shall be received for preparation or storage on the premises concerned;
  - (c) no human remains shall be preserved on the premises concerned;
  - (d) No human remains shall be examined on the premises; and
  - (e) All human remain on the premises shall forthwith be removed to a mortuary under the control of the State, a provincial administration or local government or any other funeral undertaker's premises or mortuary approved by the relevant local government for storage and preservation, and the cost of such removal and or storage and preservation shall be recovered from the certificate holder, Provided that, where refrigeration facilities for human remains on the premises concerned are, in the opinion of the relevant local government, suitable for such preservation and storage.
- (16) Where a local government is of the opinion that, after revocation of a certificate of competence or provisional certificate of competence, the contravention in terms of these regulations have been rectified and the health nuisance removed, shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

**10. Requirements relating to funeral undertaker's and mortuary premises**

- (1) All facilities used in connection with the receiving, storage and preparation of human remains on a funeral undertakers premise or mortuary shall be located on the said premise
- (2) Provision for at least the following shall be made on funeral undertaker's and mortuary premises:
  - (a) a preparation room for the preparation of human remains;
  - (b) change-rooms, separate for each sex, for the use by the employees employed at such premises.
  - (c) refrigeration facilities for the refrigeration of human remains;
  - (d) facilities for the washing and cleansing of utensils and equipment inside the building;
  - (e) facilities for the cleansing of vehicles on such premises, equipped with approved drainage systems;
  - (f) facilities for the loading and unloading of human remains; and

- (g) facilities for back-up source of electricity, in the case of power failure.
- (3) No room on funeral undertaker's premises or mortuary shall be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose shall occur in such room.
- (4) Such preparation room-
- (a) shall be so designed as to-
    - (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
    - (ii) enable obnoxious odours and vapours to be adequately eliminated; and
    - (iii) be sufficiently ventilated and lighted;
  - (b) shall have a floor-
    - (i) covering an area of not less than 16m<sup>2</sup> for the first table of the kind referred to in paragraph (e) and 8m<sup>2</sup> for each additional such table;
    - (ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and
    - (iii) which, if it is replaced or laid after the date of commencement of these regulations, shall be provided with half-round filling where it meets the walls;
  - (c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable and waterproof paints;
  - (d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint;
  - (e) shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a

flexible pipe can be connected and a drainage opening connected to an approved disposal system;

- (f) shall contain not less than one wash-basin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to a Municipal disposal system, and provided with disposable towels, a nailbrush and soap;
  - (g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and
  - (h) shall have door openings that are not less than 0,82m in width and 2,00m in height so that human remains can be taken into and out of such room without any difficulty.
- (5) Each such change-room shall contain at least the following:
- (a) One hand-basin with hot and cold running potable water for at least every 6 (six) employees or part thereof;
  - (b) disposable towels, soap, nailbrushes and disinfectants; and
  - (c) not less than one latrine for every 15 male employees or part thereof and not less than one latrine for every 15 female employees or part of this number employed at the funeral undertaker's premises concerned: Provided that, where a separate urinal for men forms part of such facilities, 1 (one) latrine plus 1 (one) separate urinal shall be permissible for every 30 men or part thereof.
- (6) Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of human remains, and-
- (a) where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean;
  - (b) the surface temperature of any human remain shall be no higher than 5 degrees C within three hours of its being received on the premises and no higher than 15degreesC during preparation; and
  - (c) where cold chambers are provided, they shall comply with sub-regulation (3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and

- (d) The use of out-sourced refrigeration facilities is prohibited.
- (7) Cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gulley connected to a Municipal disposal system.
- (8) The loading and unloading of human remains and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-regulation 2.
- (9) The funeral undertaker's premises or mortuary shall be rendered rodent - proof.
- (10) Adequate and effective facilities for back up source of electricity shall be provided in case of power failure.

#### **11. Hygiene requirements for funeral undertaker's and mortuary premises**

- (1) All solid waste on the premises of a funeral undertaker or mortuary shall be kept in corrosion-resistant and rodent proof containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the local government concerned.
- (2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that -
  - (a) employees and all other persons involved in handling of human remains are provided with clean and appropriate protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
  - (b) premises are kept free of insects, offensive odours, gases and fumes;
  - (c) all working areas or surfaces at such premises where human remains are prepared are cleaned and disinfected immediately after the preparation of any human remains;
  - (d) cause all equipment used for the preparation of human remains to be washed and disinfected immediately after use;
  - (e) cause all used protective clothing to be washed, cleansed and disinfected daily on the premises;
  - (f) if a human remain has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such human remains has been removed; and



- (g) the number of human remains (corpses) kept within the premises shall not exceed the number of removable trays available to accommodate such human remains (corpses) in the refrigerators or cold chambers.
- (3) All waste generated in the preparation room shall be deemed to be health risk waste and the collection, storage, handling and disposal of as such waste shall be done in accordance to relevant health care risk waste standards.

#### CHAPTER 4

#### CONVEYANCE (TRANSPORTATION, IMPORTATION AND EXPORTATION) OF HUMAN REMAINS

##### 12. Conveyance of human remains

- (1) The human remains of a person who, at the time of his or her death suffered from a disease or condition which is capable of transmitting an illness even after death and in the opinion of the health authority concerned, may pose a health hazard or endanger public health in one way or another, may not be conveyed in public in any way unless-
- (a) such human remains are placed in a polythene bag, sealed in an airtight container, placed in a sturdy non-transparent sealed coffin, embalmed and/or the total surface of the body covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant;
  - (b) a medical practitioner declares in writing that in his or her opinion the conveyance of such human remains will not constitute a health hazard;
  - (c) such declaration must accompany the human remains at all times during the conveyance and up to the burial; and
  - (d) for human remains of a person whose cause of death was small pox, anthrax or viral hemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as may be published by the Department of Health shall be followed.
- (2) The declaration referred to in sub-regulation 1 shall be shown to an officer on demand by the person responsible for the conveyance of the human remains.
- (3) No person shall damage a container referred to in sub-regulation (1)(a), or open such container or remove the human remains from the container or come into direct contact with the human remains after it has been sealed without prior approval from an officer referred to in sub-regulation (1)(b).

**13. Requirements for the transportation of human remains inland and across the borders of the Republic**

- (1) No person shall convey any human remains in any manner that may endanger public health.
- (2) Any person transporting any human remains from the Republic across an inland border to an area outside the Republic or to the Republic across an inland border from an area outside the Republic shall ensure-
  - (a) in the case of public transportation, that the human remains are sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
  - (b) in any other way, that the human remains have been placed in an approved coffin or container.
- (3) Any human remains unloaded or received from a point of dispatch or loading point outside the Republic shall be transported in a manner consistent with sub - regulation (2)
- (4) No coffin or container in which the human remains have been placed may be conveyed using public transportation unless -
  - (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such human remains; and
  - (b) any offensive odours are eliminated.
- (5) The person responsible for the conveyance of a human remains shall, at all cost ensure that should any leakages, secretions or odours emanating from the container of the human remain conveyed, such coffin or container is taken forthwith to the nearest mortuary or undertaker's premises, where the necessary measures shall be taken to eliminate such conditions.
- (6) The provisions of sub-regulation (1) shall not apply to the human remains of a person-
  - (a) who died in the Republic and whose human remains are intended for burial or cremation in an area outside the Republic in cases where an authority in that area, who has direct jurisdiction over the application of health measures in that area, authorizes, in writing, the bringing of such body into that area on conditions other than those prescribed by sub-regulation 1; or
  - (b) who died outside the Republic and whose human remains are intended for burial or cremation in the Republic in cases where a medical officer of health or a district surgeon or other medical practitioner in the employ of the state or a provincial administration is of the opinion that the bringing in of such human remains will not constitute a danger to health in the Republic or part thereof; and provides written authorization for such body to be brought into the Republic.

#### 14. Authorization to import and export human remains

(1)

- (a) Subject to the provisions of regulations 13 above, no person may import or export human remains unless he or she is issued with an import or export permit (a format of which is indicated in Annexure I) by the Director-General of Health, such import or export permit shall be valid for a period of 30 days after the date of issue.
- (b) Should any human remains be imported into the Republic in which an import permit as set out in sub-regulation (1)(a) has not been issued, the Director-General may order that such human remains be kept in a mortuary or at an undertaker's premises at the expense of the importer until such time that the required permit has been issued, provided that if the prescribed permit is not issued within 30 days after the date of the order, the Director-General may order that such human remains be buried or dealt with in accordance with the burial prescripts in the Republic and such burial shall be at the expense of the importer.

(2) Any person requiring an import permit referred to in sub-regulation (1)(a) shall apply to the Director-General in writing and such application shall be accompanied by the following (a checklist of which is indicated in Annexure F):

- (a) a death certificate, indicating the deceased's name, address, the date and place of death and the cause of death. Such information shall be provided in one of the official languages of the Republic;
- (b) the name and export permit of the country from which the human remains is to be imported;
- (c) the name of the first point of entry where the human remains is to be imported, the type of transport to be used to import the human remains and convey it to the place of burial;
- (d) the name of the place in the Republic where burial of the human remains is to take place or if the human remain will not be buried the reason why the human remains is being brought in; and
- (e) an embalming certificate, except for deaths as provided for in sub-regulation 3 and in specific cases where embalming is prohibited for religious reasons.

(3) The provisions of sub-regulation (2)(a) shall *mutatis mutandis* apply to the human remains of a person that has died:

- (a) in transit on a boat or aircraft the moment that the human remains is being brought into the Republic, irrespective of whether or not such human remains is to be buried in the Republic; or

- (b) in the Republic and has to be exported out of the Republic for compliance with the requirements of the International Health Regulations (IHR2005) to contain events at their sources.
- (4) The person responsible for the conveyance or burial of human remains shall have in his possession the import permit referred to in sub- regulation (1)(a), such permit shall be produced on request by a Port Health Officer at the port of entry in terms of the International Health Regulations Act, 1974 (Act No. 28 of 1974) or its subsequent amendments.

## **CHAPTER 5 BURIAL IN EXCAVATED LAND**

### **15. Burial sites and burials**

- (1) No land or site shall be identified and used for the purpose of a burial site, unless environmental authorization has been granted in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA), Environmental Impact Assessment Regulations, R543 of 18 June 2010, as amended (EIA Regulations). In the case of private burial sites, a land survey has been conducted by a local government and necessary approval granted, such approval must be in writing and should contain such conditions for use as the availability of waste management and ablution facilities which shall include access to potable water and sanitation facilities.
- (2) All burial sites must comply with the following environmental requirements-
  - (a) be located outside the 100 year floodplain;
  - (b) be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
  - (c) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 meters);
  - (d) for areas with higher water tables, the local government may determine a reasonable depth with additional walling recommendations to protect underground water; and
  - (e) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins.
- (3) All burials must be registered with the relevant local government, and the local government concerned shall enter all burials in the register of burials of such local government.

## **CHAPTER 6**

## CREMATORIUMS AND CREMATIONS

### 16. Disposal of human remains by cremation

- (1) Human remains shall only be cremated in an authorized crematorium.
- (2) A crematorium shall be authorized in terms of NEMA and EIA Regulations with regards to environmental authorization.

### 17. Issuance of a cremation permit

- (1) All cremations shall be permitted by the relevant local government.
- (2) A local government may not issue a cremation permit; unless the application is accompanied by a declaration by the medical officer who declared the deceased dead, (and if applicable, who also performed post mortem examination of the deceased) whom cremation is intended, indicating causes of death whether is natural or from any dreadful communicable disease, and that the remains of the deceased may be disposed.

### 18. Minimum requirements for a cremation facility

- (1) A cremation facility must comply to the following-
  - (a) the site must be located at least 500m from any habitable dwelling;
  - (b) the chimney must have a height of not less than 3 meters above the roof;
  - (c) no cremation shall take place until the minimum combustion temperatures of the urn has been reached;
  - (d) the premises shall be kept in a clean, sanitary and in good repair;
  - (e) the facility shall be adequately ventilated and illuminated;
  - (f) the facility shall be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere; and.
  - (g) emissions levels shall conform to the ambient air quality or emission standards as determined in terms of the National Environmental Management: Air Quality Act 39 of 2004.

### 19. Register for cremations

Prepared by:

In partnership with:

- (1) Every crematorium shall keep a register for each cremation performed and such register shall contain the following-
- (a) the date of each cremation;
  - (b) the name, identity number, address, occupation, age, sex, and marital status of each deceased person cremated therein;
  - (c) the date of death of each deceased person;
  - (d) the name, identity number and address of the person in whose name the crematorium is registered in terms of regulation 18;
  - (e) the name, designation and address of the person issuing the certificate of the cause of death of each person to be cremated;
  - (f) the cause of death and the registration number of the death certificate of each person to be cremated; and
  - (g) the manner in which the ashes of the person were disposed.

## **CHAPTER 7 BURIAL AT SEA**

### **20. Issuance of permit for burial at sea**

- (1)
- (a) No person shall bury at sea the body of any person who died in the Republic unless such burial has been permitted by the Director-General, on a prescribed form, a format of which is given in Annexure A of these regulations.
  - (b) An application for such permit shall be made in a prescribed form, the format of which is given in Annexure B in the schedule of these regulations and shall set forth therein the particulars mentioned therein.
  - (c) Application must be signed and the statutory declaration made by an executor or by the nearest surviving relative of the deceased, or if made by any other person must show a satisfactory reason why the application is not made by an executor or by the nearest surviving relative.
- (2) No permit mentioned in section 20(1)(a) shall be issued unless:

- (a) a declaration in accordance with Annexure C in the schedule to these regulations, by a registered medical practitioner who certifies the cause of death of the deceased; or
  - (b) a certificate in accordance of a declaration by a medical practitioner who performed a post mortem examination of the body of the deceased, such declaration shall be made in accordance with Annexure D in the schedule to these regulations,
  - (c) if the Director-General so directs, a confirmatory certificate by a medical practitioner in accordance with Annexure E in the schedule to these regulations, and such certificate shall be approved by the Director-General.
- (3) No permit mentioned in section 20(1)(a) shall be issued for the burial at sea of the body of a person who is known to have left a written direction that his remains shall not be buried at the sea or shall be buried elsewhere than at sea.
- (4)
- (a) No permit mentioned in section 20(1)(a) shall be issued unless the officer authorized for issuing permits is satisfied that the coffin or container in which the body is to be buried is of suitable construction, and will be weighted in a satisfactory manner, and in issuing such permit the officer authorized for issuing permits may make the permit conditional upon the coffin or container being constructed and weighted as prescribed in the authority.
  - (b) If a body is buried at sea without compliance with any condition set forth in the permit for the burial, it shall be deemed to be buried without such permit.
- (5) The Director-General may refuse permission for such burial and must provide reasons for his/her refusal.

## **21. Requirements for burials at sea**

- (1) Burials at sea of human remains which are not cremated shall take place within a distance of three(3) nautical miles (equivalent to six (6) kilometers) from land and in water no less than 600 feet(equivalent to 200 meters) deep.
- (2) All necessary measures shall be taken to ensure that the human remains sink to the bottom rapidly and permanently.
- (3) Cremated remains may be buried in or on ocean waters without regard to the depth limitations specified in sub-regulation (1) provided that such burial shall take place no closer than three(3) nautical miles(equivalent to 6 kilometers) from land.

- (4) Only flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit as set forth in regulation 20 at the site at which the disposal of human remains is authorized.

## **CHAPTER 8**

### **HANDLING OF RADIOACTIVE HUMAN REMAINS**

#### **22. Storage of radioactive human remains**

- (1) Precautions to be taken in handling radioactive human remains shall depend on the nature and quantity of the radionuclide present and on the type of handling intended (e.g. autopsy or embalming prior to burial).
- (2) Persons handling radioactive human remains shall ensure they wear appropriate protective clothing.
- (3) The human remain shall be stored in an adequately refrigerated compartment until the exposure dose rate at one meter from it is less than 2.5 mR/hr. The storage area must be labeled restricted area.

#### **23. Embalming of radioactive human remains**

- (1) The embalming of radioactive human remains constitutes an undesirable hazard and should be avoided if possible. If the body is not autopsied due to high radiation levels, embalming shall be done through injection method.
- (2) Embalmers must be provided with, and shall wear appropriate protective clothing, including disposable gloves and protective face equipment, during embalming of human remains.
- (3) Embalmers should be supervised by a radiologist or professional with relevant expertise, to ensure that proper radiation protection measures are taken during embalming.
- (4) All radioactive human remains shall have a label attached, identifying the radionuclide and its activity at the time of death.

#### **24. Cremation of radioactive human remains**

A human remain containing radioactive levels higher than 15 mCi shall not be released for cremation until the levels of radioactive have reached the limits of 15 mCi and a report stating such has been received from radiologist.

#### **25. Burial of radioactive human remains**



- (1) The relevant local government shall ensure the following regarding the burial of radioactive human remains:
  - (a) The amount of incorporated radioactivity allowed for the burial of radioactive human remain shall depend on regional and environmental conditions, climate, distance to cemetery, type of transport, and availability of low-temperature refrigerators.
  - (c) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination.
  - (c) The body of a radioactive human remain shall be marked with a radiation symbol.

## **CHAPTER 9 EXHUMATION AND REBURIALS OF HUMAN REMAINS**

### **26. Authorisation for exhumation of human remains**

- (1) No exhumations and reburials of human remains shall be done unless:
  - (a) authorized by the relevant sphere of government and permitted by the relevant local government in whose jurisdiction the exhumation and reburial will take place; or
  - (b) A court order issued by a magistrate and shall be permitted by the relevant local government in whose jurisdiction the exhumation and reburial will take place.
- (2) Exhumation approval shall not be issued without a reburial permit issued by the relevant local government in which the reburial will take place, or without a cremation permit, in cases where the exhumed body will be cremated.
- (3) 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 archeological reasons.
- (4) The local government shall grant a permit for an exhumation on condition that the exhumation of the human remains shall only be done by a registered undertaker, such undertaker shall be based in the jurisdiction of the local government issuing the exhumation permit referred to in this regulation.

## **27. Exhumation requirements**

- (1) The following are the exhumation requirements:
- (a) whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
  - (b) a member of the South African Police Services 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 take 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 Environmental Health Practitioner of the relevant health authority in whose area of jurisdiction the human remains are buried, provided that if the relevant health authority concerned does not have the services of an Environmental Health Practitioner at the time, such authority may request the services of an Environmental Health Practitioner of another health authority, or an environmental health practitioner in private practice, registered with the HPCSA as an Environmental Health Practitioner to perform the duties as referred to in this regulation;
  - (e) only persons with direct involvement may be present at the disinterment or removal of human remains and no dogs or other animals maybe allowed at the grave site; and
  - (f) an Environmental Health Practitioner 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/she 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) the 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 to be reused, 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 sealed and identified;
- (viii) the health and safety of the workers is maintained by use of 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.

#### **28. Reburial of human remains**

- (1) All reburials shall be registered with the relevant local government and the local government concerned shall thereupon enter such reburial in the register of reburials of such local government.

### **CHAPTER 10 GENERAL PROVISIONS**

#### **29. Unclaimed bodies or unidentified human remains**

Any unclaimed bodies or unidentified human remains must be dealt with in accordance with the provisions of regulations 32 and 34 of the Regulations Regarding the Rendering of Forensic Pathology Service; published in the Government Notice No. R 636 of 20 July 2007.

#### **30. Appeals**

- (1) A person affected by a decision taken in terms of these regulations who wishes to appeal against the decision, must lodge an appeal with the Minister, as the case may be, within 30 days after that person has been notified of the decision.
- (2) The Minister shall after considering all relevant information make a decision and inform the appellant of such decision.

- (3) Reasons for the decision must be provided to the appellant in writing.

**31. Delegation of powers**

The Director-General may in writing delegate any duty and power imposed or conferred upon him or her by this regulation to any official in the National Department of Health or assign any duty and power imposed or conferred upon him or her by this regulation to any provincial department of Health or any municipality.

**32. Offences**

Any person who contravenes a provision of these regulations or allows such a contravention to take place shall be guilty of an offence and liable to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(Signed)

**DR A. MOTSOLEDI, MP**  
**MINISTER OF HEALTH**

**ANNEXURE A**

**Application forms and approval certificate for burial at sea**

**AUTHORITY TO BURY AT SEA IN TERMS OF REGULATION 20(1)(a)**

Application has been made for the burial at sea of the remains of:

(Name) -----

(Address) -----

And whereas I have satisfied myself that all the requirements of the regulations under section (90) (1) of the National Health Act 2003, (Act no 61 of 2003), have been complied with, that the cause of death has been definitely ascertained, and that there exists no reason for any further inquiry or examination;

I hereby give permission for the burial at sea of the said remains.

(Signature) -----

(Designation) -----

(Date) -----

Prepared by:



In partnership with:



Place ----- Official stamp -----

**ANNEXURE B**

**APPLICATION FOR PERMISSION TO BURY A BODY AT SEA WITH STATUTORY DECLARATION IN TERMS OF REGULATION 20(1)(b).**

I (name of applicant) -----

Address -----

apply to the Director-General for permission to have buried at sea the remains of-

(Name of deceased) -----

(Address) -----

(Occupation) -----

(Age) -----

(Marital status) married, widow, or unmarried -----

The true answers to the questions set out below are as follows:-

1. Are you an executor or the nearest surviving relative of the deceased? -----
2. If not, state your relationship to the deceased -----
3. The reason(s) why the application is made by yourself and not by an executor of the deceased estate or any nearer relative -----  
-----  
-----
4. Did the deceased leave any written directions as to the mode of disposal of his remains? If so, what? -  
-----  
-----
5. Have close relatives of the deceased been informed of the proposed burial at sea? Yes/No -----

(the term "close relative" as here used includes widow or widower, parents, children above the age of 16 years, and any other relative usually residing with the deceased)

Has any relative of the deceased expressed any objection to the proposed burial at sea? If so, on what grounds? -----  
-----

6. What was the date and hour of the death of the deceased? ----- What was the place where deceased died? -----

(Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)

7. Have you any reason to suspect that the death was due to anything other than natural causes? If so, what are those reasons? -----  
-----  
-----

8. Give the names and addresses of the ordinary medical attendant of deceased -----  
-----  
-----

9. Give the names and addresses of the medical practitioners who attended deceased during his last illness -----  
-----

I do hereby solemnly and sincerely declare that all the particulars stated above are true, and to the best of my knowledge and belief no material particular has been omitted, and I make this solemn declaration \* conscientiously believing the same to be true.

(Signature) ----- Declared at ----- the ----- day of ----- before me:

(Signature) -----

\*This declaration must be made before a justice of the peace or a commissioner of oaths

.....  
Official stamp: commissioner of oaths

**ANNEXURE C**

**DECLARATION BY MEDICAL PRACTITIONER IN TERMS OF REGULATION 20(2)(a)**

I am informed that application is about to be made for the burial at sea of the remains of:

(Name of deceased) -----

(Address) -----

(Occupation) -----

Having attended the deceased before death and seen and identified the body after death, I give the following answers to the questions set out below:-

1. On what date and at what hour did he or she die? -----
2. What was the place where the deceased died? -----
3. Are you a relative of the deceased? If so, state the relationship -----
4. Have you, so far as you are aware, any pecuniary interest in the death of the deceased?-----
5. Were you the ordinary medical attendant of the deceased? If so, for how long?-----
6. Did you attend to the deceased during his or her last illness? If so, for how long?-----
7. When did you last see the deceased alive? ----- (say how many days or hours before death).
8. How soon after death did you see the body, and what examination of it did you make?-----  
-----  
-----
9. What was the cause of death? ----- (primary/secondary). (specify the disease, injury, etc, and if possible, distinguish the primary from the secondary cause as in the death certificate).
10. Was there any other cause which contributed to or accelerated death? If so, state it, and if more than one other cause, state them all -----  
-----  
-----
11. What was the mode of death? (syncope, coma, exhaustion, convulsions, etc.) -----
12. What was its duration in days, hours, or minutes? -----

- 13. State how far the answers to the last two questions are the result of your own observations, or are based on statements made by others. If on statements made by others, say by whom? -----  
-----
- 14. Did the deceased undergo any operation during the final illness or within a year before death? If so, what was its nature, and who performed it? -----  
-----
- 15. By whom was the deceased nursed during his or her last illness? (Give names, and say whether professional nurse, relative, etc if the illness was a long one, this question should be answered with reference to the period of four weeks before the death) -----  
-----
- 16. Who were the persons (if any) present at the moment of death? -----  
-----
- 17. In view of the knowledge of the deceased's habits and constitution, do you feel any doubt whatever as to the character of the disease or the cause of death? -----  
-----
- 18. Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to violence; poison; or privation or neglect? -----
- 19. Have you any reason whatever to suppose a further examination of the body to be desirable?-----
- 20. Have you given the certificate required for registration of death? -----

I hereby certify that the answers given above are true and accurate to the best of my knowledge and belief, that there is no circumstances known to me which can give rise to any suspicion that the death was due wholly or in part to any other cause than disease/accident and that there is no circumstance known to me which makes it undesirable that the body should be buried at sea.

(signature) ----- (Date) ----- (Place) -----  
  
(Address) -----  
-----  
  
(Registered qualifications) -----

**ANNEXURE D**



**CERTIFICATE AFTER POST-MORTEM EXAMINATION IN TERMS OF REGULATION 20(2)(b)**

I hereby certify that I made a post-mortem examination of the remains of:

(Name) -----

(Address) -----

The result of the examination is as follows:-

I am satisfied that the cause of death was -----

And that there is no reason for making any toxicological analysis or \* for the holding of an inquest.

(Signature) -----

(Address) -----

(Registered qualifications) -----

(Date) -----

(Place) -----

\*The words in italics should be omitted where toxicological analysis has been made and its result is stated in this certificate or in a certificate attached to it.

**ANNEXURE E**

**CONFIRMATORY MEDICAL CERTIFICATE IN TERMS OF REGULATION 20(2)(c)**

I have examined the foregoing medical certificate, and have personal inquiry as stated in my answers to the questions below:-

1. Have you seen the body of the deceased? -----
2. Have you carefully examined the body externally? -----
3. Have you made a post-mortem examination? -----
4. Have you seen and questioned the medical practitioner who gave the above certificate?