

Statutory Instrument No. 54 of 1968

THE TOWNSHIPS PROCLAMATION (CHAPTER 120)

THE TOWN COUNCIL REGULATIONS, 1966

THE GABERONES (CEMETERY) BYE-LAWS, 1968

(Published on 28th June, 1968)

It is hereby notified that His Excellency the President has been pleased in accordance with the powers vested in him by regulation 32 of the Town Council Regulations, 1966, as published in Legal Notice No. 37 of 1966, to approve of the following bye-laws made by the Town Council of Gaberones in accordance with the powers vested in it by section 31 of the said Regulations —

Title

1. These bye-laws may be cited as the Gaberones (Cemetery) Bye-Laws, 1968.

Interpretation

2. In these bye-laws, unless the context otherwise requires —
 - “adult”, in relation to a deceased person, means a person other than a child;
 - “caretaker” means the person designated as such by the Council;
 - “cemetery” means cemetery established under the provisions of bye-law 3;
 - “child” means child under the age of ten years;
 - “Council” means the Town Council of Gaberones;
 - “memorial work” includes any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto;
 - “Town Clerk” means the Town Clerk of Gaberones.

Establishment of Cemeteries

3. The areas of land defined in the First Schedule are established as cemeteries for the purposes of these bye-laws.

No Burials Outside of a Cemetery

4. No person shall bury or cause to be buried any body elsewhere than in a cemetery.

Burials to Require Permission of Town Clerk

5. (1) No burial shall take place in a cemetery except under, and in accordance with, a permit issued by the Town Clerk and on payment of the fees prescribed in bye-law 6.
 - (2) The permit shall be in the form set out in the Second Schedule.
 - (3) A person making application for a permit shall state —
 - (a) the name, age and sex of the deceased;
 - (b) the religious denomination; if any, of the deceased;
 - (c) the place of death;

and his application shall be accompanied by a certificate of the cause of death signed by a medical practitioner or a duly certified copy thereof, in the absence of such certificate, by the written permission of a magistrate to the burial.

(4) The Town Clerk may refuse the issue of a permit where the deceased died outside the township area and was not, prior to his death, a resident of the township.

Burial Fees

6. (1) There shall be charged for the issue of a permit in accordance with the provisions of bye-law 5 burial fees of —

(a) R6.00 in the case of the burial of an adult;

(b) R4.00 in the case of the burial of a child;

Provided that the Town Clerk may waive the payment of such fees in the whole or in part where he is satisfied that the person responsible for the burial is unable to pay the full amount and may, additionally or alternatively, make arrangements for the payment of the fee in instalments; and, in the event of any failure to comply with the terms and conditions of payment imposed by the Town Clerk the outstanding balance owing shall forthwith be a debt due to the Council and shall be recoverable in a court of competent jurisdiction.

(2) In the event of a child's coffin being too large for a child's grave as prescribed in bye-law 7 and if, as a result, it is placed in an adult's grave, burial fees shall be paid at the rate prescribed for the burial of an adult.

Dimensions of Graves

7. (1) Graves shall be of the following dimensions —

(a) in the case of an adult —

Length	7' 3"
Breadth at shoulder	2' 6"
Breadth at Head	1' 10"
Breadth at feet	1' 6"
Depth	6".

(b) in the case of a child —

Length	4' 6"
Breadth at shoulder	1' 6"
Breadth at head	1' 3"
Breadth at feet	1'
Depth	5'

(2) A person making application for a permit in accordance with the provisions of bye-law 5(3) shall notify the Town Clerk in the event of any coffin being of dimensions greater than those prescribed in subbye-law (1) (a) and, in such event, an additional burial fee of R1 shall be payable.

No Body to be Buried Without a Coffin

8. Unless the Town Clerk otherwise directs no burial shall take place unless the body of the deceased is enclosed in a coffin of solid and sound construction.

Covering of Coffin or Body

9. The person who is responsible for the burial shall forthwith upon placing the body in a grave cover it with earth until the grave is full.

Graves to be Numbered and Burials Registered

10. (1) All graves in a cemetery shall be allotted a number and all burials shall be registered in a register book which shall be kept by the Town Clerk.

(2) The register kept under the provisions of subbye-law (1) may be inspected by members of the public during office hours on payment of a fee of 25c..

Memorial Work

11. (1) No person may erect on any grave any memorial work without the permission in writing of the Town Clerk and in accordance with such permission.

(2) Any person making application to the Town Clerk for permission to erect any memorial work shall, if required to do so, furnish to the Town Clerk plans or diagrams thereof in such degree of detail as he may specify and shall supply such details as the Town Clerk may require as to the manner in which the work is to be executed.

(3) The Town Clerk may refuse to grant permission for the erection of any other memorial work if he is of the opinion that the memorial work would be unsightly or offensive or if it is not of a permanent and durable nature :

Provided that any person aggrieved by any decision of the Town Clerk under the provisions of this subbye-law may appeal to the Council.

(4) The Council may take down and remove any memorial work which shall have been placed or erected within a cemetery without their authority or which is not maintained in an adequate state of repair and any cost incurred by the Council in so doing may be recovered from the person who erected the work.

Exhumations and Reopenings

12. Subject to the provisions of the Inquests Proclamation (Chapter 34) no person shall exhume or cause any body to be exhumed within a cemetery or reopen any grave without the consent of the Council.

Restricted Number of Burials in One Grave

13. Not more than one adult, or two children may be buried in any grave :

Provided that the body of a still-born child may be buried with the body of its mother.

Hours of Opening of Cemetery

14. A cemetery shall be open to the public between the hours of 10 a.m. and 4 p.m. :

Provided that —

(a) nothing in this section shall authorize members of the public to enter any building or enclosed space within a cemetery ;

(b) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

Closing of Cemetery

15. The Council may by resolution close any cemetery; but any cemetery so closed shall continue to be a cemetery save that no burial may take place therein except on the authority of the Council.

Exercise of Control by the Caretaker

16. (1) Every person within a cemetery shall be subject to the direction and control of the caretaker who may, in addition, give such reasonable directions as he thinks fit for the arrangements of funerals and for the times and manner in which work within the cemetery is to be performed.

(2) No person shall resist or obstruct the caretaker in the execution of his duties or disobey any direction given under the provisions of subbye-law (1).

Offences Within a Cemetery

17. No person shall —

- (a) without the consent of the Town Clerk or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 14; or
- (b) destroy or injure any building, wall or fence in the cemetery or destroy or injure any tree or plant therein; or
- (c) put up any bill in any cemetery or any wall thereof; or
- (d) within a cemetery destroy, injure or deface any memorial work; or
- (e) within a cemetery play any game or sport; or
- (f) within a cemetery discharge any firearm except at a military funeral; or
- (g) disturb or annoy any person attending any funeral within a cemetery; or
- (h) within a cemetery shout or scream or behave in an indecent or immodest manner; or
- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door;
- (j) allow any dog or livestock within the cemetery.

Penalties

18. Any person contravening the provisions these bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R15.00.

FIRST SCHEDULE

That piece of land known as the old cemetery, being presently Lot 1755.
That piece of land known as the new cemetery, being presently Lot 4688.

SECOND SCHEDULE

(Bye-law 5(2))

No. :
Nomore :

GABERONES TOWN COUNCIL

**BURIAL PERMIT
SESUPO SA PHITLHO**

NAME OF APPLICANT: (FULL NAME)
LEINA LA MOKOPI : (Block Letters Please)

ADDRESS OF APPLICANT:
ATERESE YA MOKOPI :

NAME OF DECEASED:
LEINA LA MOSWI :
ADDRESS OF DECEASED:
ATERESE YA MOSWI :

DATE OF DEATH:
LETSATSI LA LOSO :
PLACE OF DEATH:
FELO GA LOSO :

DEATH CERTIFICATE:
SESUPO SA LOSO :

AGE:
DINGWAGA :
SEX:
E MONG:

*RELIGIOUS DENOMINATION
WA KEREKE EFE

**I CERTIFY THAT THE INFORMATION GIVEN
ABOVE IS TRUE IN EVERY RESPECT
MOFOKO OTLHE A KE A BUILENG KEOA-
MMARURI**

.....
Signature of Applicant
Boitlamo Jwa Mokopi

*The question need not be answered.
Potso e ga e patelesege go arabiwa.

.....
FOR OFFICIAL USE ONLY
GA TIRISO YA BABEREKI FELA

FEE: OFFICIAL RECEIPT NO:
TUELO: NOMORE YA SESUPO SA TUELO:

*The question need not be answered.
Potso e ga e patelesege go arabiwa.

GRAVE NUMBER:
NOMORE YA LEBITLA:

.....
TOWN CLERK
MOKWALEDI WA MOTSE

DATE:
LETSATSI:

A.M. MOGWE,
Permanent Secretary.

Office of the President,
GABERONES.
24th June, 1968.