

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

CENTRAL DISTRICT COUNCIL (CEMETERY) BYE-LAWS, 2008
(Published on 26th September, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULES

IN EXERCISE of the powers conferred on the Central District Council by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the following Bye-laws are hereby made —

1. These Bye-laws may be cited as the Central District Council (Cemetery) Bye-Laws, 2008. Citation
2. In these Bye-laws, unless the context otherwise requires — Interpretation
 - “authorised official” means the Council Secretary or any employee of the Council duly authorised;
 - “caretaker” means the person designated as such by the Council and employed under the Unified Local Government Service Act; Cap. 40:06
 - “cemetery” means any designated area established as a cemetery under bye-law 3;
 - “child” means a person below the age of 10 years;
 - “Council” means the Central District Council;
 - “council area” means the area of jurisdiction of the Central District Council;
 - “memorial work” means any gravestone, monument epitaph, tablet or monumental inscription and any work ancillary thereto; and
 - “village areas” means any village area under the Central District Council.

Establishment	3. The Council shall establish, designate and identify areas within the jurisdiction of the Council as cemeteries.
Application	4. These Bye-laws are applicable to all village areas under the jurisdiction of the Council.
Burials in Cemetery	5. No person shall bury or cause to be buried, a body in a place other than in a cemetery.
Permits for burials	6. (1) No person shall bury or cause to be buried, a body in a cemetery unless a permit for the burial of that body has been issued by the Council or the caretaker of the cemetery and upon payment of the fees prescribed under bye-law 8. (2) The permit shall be in the form set out in the First Schedule. (3) A person making an 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 (d) the relationship of the applicant to the deceased.
Application for burial permits	7. (1) Every application for a burial permit under this bye-law, shall be accompanied by a — (a) death certificate signed by a medical practitioner or a copy thereof, certified to be a true copy by an administrative officer or other responsible person, or a letter certifying the deceased's death from the Chief, Headman or senior tribesman of the tribal territory; or (b) written sanction of a magistrate or administrative officer authorising the burial.
Fees	8. (1) Subject to this bye-law, the fees specified in the Second Schedule, shall be paid for every burial permit issued. (2) Where the Council or authorised official is satisfied that any fee payable under these bye-laws cannot, by any reason, be paid he or she may — (a) waive the fee either wholly or in part; (b) direct that the fee, or so much of the fee that he or she has not waived under paragraph (a), shall be paid in instalments of such amounts and at such times as he or she shall specify; or (c) direct that the payment be cancelled by exempting such transaction.
Dimensions of grave	9. Unless where the Council otherwise directs, no person shall bury or cause to be buried a body in a cemetery unless the grave has the dimensions specified in the Third Schedule.
Body to be buried in coffin	10. No person shall bury or cause to be buried a body in a cemetery unless the body is enclosed in a coffin of solid and sound construction: Provided that the burial of a body is in accordance with well known and accepted religious rites or traditions of the deceased's religion and faith.
Coffin to be covered	11. The caretaker responsible for the cemetery shall ensure that forthwith upon the placing of the coffin or body in a grave it is covered with earth until the grave is filled.
Graves to be numbered and burials registered	12. (1) Every grave in a cemetery shall be allocated a number and the particulars of every burial shall be recorded in a register kept by the Council Secretary or an authorised official. (2) The register referred to in sub-bye-law (1), may be inspected by members of the public during office hours.
Digging of graves	13. It shall be the responsibility of the Council in designated cemetery areas, to dig graves, upon receipt of payment of fees in accordance with the provisions of bye-law 8:

Provided that the Council Secretary may waive the payment of such fees in whole or in part, where a person responsible for a burial wishes to dig the grave himself and such person can only do so after receiving authorisation from the Council Secretary and making an undertaking to abide by the specified conditions of the digging of graves as provided under bye-law 8 and as may be fixed from time to time by the Council.

14. (1) No person shall erect on any grave, any memorial work without the written permission of the Council Secretary and the erection shall be carried out in accordance with the permission and the provisions of bye-law 9.

(2) Any person making an application to the Council Secretary for permission to erect any memorial work shall, if required to do so, furnish the Council Secretary with plans or diagrams thereof in such degree of detail as to the manner in which the work is to be executed, as may be required by the Council Secretary.

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

Provided that any person aggrieved by any decision of the Council Secretary may appeal to the Minister.

(4) The Council may take down and remove any memorial work erected on a grave within a cemetery without authorisation or which is not maintained in an adequate state of repair and any costs incurred by the Council in so doing, may be recovered from the person who erected the work.

15. Subject to the provisions of the Inquests Act, no person shall exhume or cause any body to be exhumed within a cemetery or re-open any grave without the consent of the Council.

16. No person shall bury or cause to be buried in one grave, more than one body of a person who is not a child or more than two bodies of children, unless the written permission of the Council Secretary has been granted:

Provided that the body of a still-born child may be buried with the body of its mother in one grave without permission being sought as provided under this bye-law.

17. (1) A cemetery shall be open to the public between 0530 and 1830 hrs:

Provided that —

- (i) the Council Secretary or an authorised official or the caretaker of the cemetery may from time to time authorise an earlier opening or a later closing of the cemetery;
- (ii) nothing in this bye-law shall authorise members of the public to enter any building or enclosed space within the cemetery; and
- (iii) children, unless accompanied by a responsible adult may be excluded from the cemetery.

18. The Council may close any cemetery, but any cemetery so closed shall continue to be a cemetery except that no burial may take place therein unless authorisation from the Council is sought.

19. (1) Every person within a cemetery shall be subject to the directions and control of the caretaker of the cemetery.

(2) The caretaker of a cemetery may give such reasonable directions as he or she thinks fit for the arrangement of funerals.

(3) No person shall resist or obstruct the caretaker of a cemetery in the execution of his or her duties or disobey any lawful directions given by the caretaker.

Restrictions
on erection of
memorial
works on
graves

Exhumations
and re-opening
of graves
Cap. 07:01

Restricted
number of
bodies in one
grave

Hours of
opening of
cemetery

Closing of
cemetery

Exercise of
control by
caretaker

Offences
within
cemetery

20. No person shall —

- (a) without the consent of the Council Secretary or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 17;
- (b) destroy or damage any building, wall, fence, tree or plant within a cemetery;
- (c) put up any billboard in any cemetery or any wall or fence thereof;
- (d) destroy or damage any memorial work within the cemetery;
- (e) within a cemetery, play any game or sport;
- (f) within a cemetery, discharge any firearm except at a military funeral;
- (g) disturb or annoy any person attending any funeral in a cemetery;
- (h) shout, scream or behave in a disorderly, indecent, immodest or irreverent manner in or immediately adjacent to a cemetery;
- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door;
- (j) permit or allow any dog or livestock to enter or remain in any cemetery;
- (k) smoke tobacco or any unauthorised or prohibited drugs in a cemetery;
- (l) drink alcoholic beverages in a cemetery; or
- (m) litter in the cemetery.

Penalties

21. (1) Any person contravening the provisions of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding P 1000,00 or in default of payment to imprisonment for a term not exceeding six months or to both.

(2) In the event of a second or subsequent conviction, a person shall be liable to a fine not exceeding P2000,00 or in default of payment, to a term of imprisonment not exceeding one year or to both.

**FIRST SCHEDULE
(Bye-law 5(2))**

PART I

BURIAL PERMIT

Burial Permit Number.....
(Nomoro ya phitlho)

PARTICULARS OF APPLICANT

Name of Applicant Identity/Omang.....
(Leina la mokopi)

Address of Applicant Location.....
(Aterese ya Mokopi)

PARTICULARS OF DECEASED

Name of Deceased
(Leina la Moswi)

Place of death Date of death.....
(Felo ga loso) (Letsatsi la loso)

National Identity of the Deceased
(Oman/Passport)

Death Certificate (issued where and by whom and when
(Sesupo sa loso)

Location of burial
(Felo ga phitho)

Relationship to the deceased person by the applicant

Age Sex
(Dingwaga) (Bong)

*Religious Denomination
(Kereke/Tumelo)

*The question need not be answered
*(Ga o patelesege go araba potso e)

I certify that the information given is true in every respect.
(Mafoko otlhe a ke a buileng ke boammaruri).

.....
Signature of Applicant
(Boitlamo jwa mokopi)

PART II

FOR OFFICIAL USE ONLY.
(Ga Tiriso ya Babereki fela)

Death Registration Number * Fee
(Nomoro ya loso) (Tuelo)

Official Receipt Number
(Nomoro ya sesupo sa tuelo)

Grave Number
(Nomoro ya Lebitla)

PART III

BURIAL PERMIT
(TESELETSO YA PHITHO)

Burial is hereby permitted
(Phitho e letleletswe)

.....
Council Secretary/Caretaker
(Mokwaledi wa khansele/motlhokomedi)

Date
(Letsatsi)

SECOND SCHEDULE
(Bye-law 8)

BURIAL FEES

- (a) P10,00 in the case of the burial of an adult.
- (b) P5,00 in the case of the burial of a child.

THIRD SCHEDULE
(Bye-law 9)

DIMENSIONS OF GRAVES

- (a) In the case of an adult:—

Length	2.128m
Width	0.912m
Depth	1.824m

- (b) In the case of a child:—

Length	1.524m
Width	0.912m
Depth	1.524m

MADE this 29th day of August, 2008.

K.N.M. MOLEPOLOLE,
Council Secretary.

APPROVED this 9th day of September, 2008.

M.N. NASHA,
Minister of Local Government.