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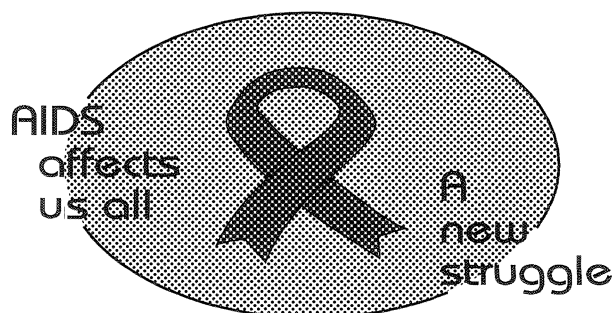
**Vol. 9**

**PIETERMARITZBURG,**

25 JUNE 2015  
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**No. 1392**

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DEPARTMENT OF HEALTH

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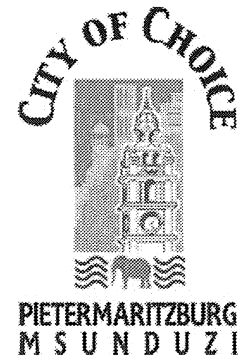
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**MUNICIPAL NOTICE**

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**No. 98**

**25 June 2015**



**THE MSUNDUZI MUNICIPALITY**

**CEMETERIES AND  
CREMATORIA BYLAWS**

**MSUNDUZI LOCAL MUNICIPALITY****CEMETERIES AND CREMATORIA BY-LAWS**

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

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## CHAPTER 1

### GENERAL

#### 1. Definitions

In these by-laws, unless the context otherwise indicates:-

**“adult”** means a deceased person over the age of 12 years and any other deceased person whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

**“after-hours fee”** means a fee determined over and above the fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

**“ashes”** means the cremated remains of a body;

**“Births and Deaths Registration Act”** means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**“body”** means any dead human body, including the body of a stillborn child;

**“burial order”** means an order issued in terms of the Births and Deaths Registration Act;

**“burial”** means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

**“cemetery”** means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

**“child”** means a deceased person who is not an adult;

**“Council”** means the Msunduzi Municipal Council or any other committee or official duly delegated by the Msunduzi Municipal Council or the Accounting Officer of the

Msunduzi Municipality, as the case may be, to exercise the powers and carry out the responsibilities in terms of these bylaws;

**“columbarum”** means a wall or garden of remembrance;

**“cremation”** means the process of disposing of a human body by fire;

**“cremation authority”** means any organisation, society, trust or company authorised to manage and control the day-to-day administration of the crematoria

**“crematorium”** means a crematorium as defined in section 1 of the Cemeteries and Crematoria Act, 12 of 1996 (KwaZulu-Natal) and includes the buildings in which the ceremony is conducted and the cremation carried out;

**“crematorium section”** means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

**“cremated remains”** means all recoverable ashes after the cremation process;

**“exhumation”** means the removal of a body from its grave;

**“garden of remembrance”** means a section of a cemetery or crematorium set aside for the erection of memorial work, placing or scattering of ashes, but does not include a columbarium;

**“grave”** means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

**“grave of conflict”** means the grave of a person who died while defending the country;

**“hero”** means a person who performed a heroic act for the country and is given the status of a hero by the Council;

**“indigent person”** means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non

governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

**“indigent relief”** means assistance received for the burial or cremation of an indigent person;

**manager: environmental health”** means the officer appointed by Council and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa.

**“memorial section”** means a section of a cemetery set aside for the erection of memorials;

**“memorial wall”** means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

**“memorial work”** means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

**“minister”** means the Member of the Executive Council responsible for cemeteries and crematoria in KwaZulu-Natal;

**“municipal area”** means the area under the control and jurisdiction of the Council;

**“niche”** means a compartment in a columbarium or garden of remembrance for the placing of ashes;

**“officer-in-charge / caretaker”** means the person in the employ of the Council who, from time to time, is in control of any cemetery.

**“prescribed”** means prescribed by the Council;

**“prescribed fee”** means a fee determined by the Council by resolution of that Council or its successor.

**“stone mason”** means a person carrying on business as a stone mason;



“the Act” means the KwaZulu-Natal Cemeteries and Crematoria Act, 12 of 1996, as amended.

“**victim of conflict**” means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

## CHAPTER 2

### ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

#### 2. Establishment of cemeteries

- (1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a public cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.
- (2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or any other relevant category (excluding racial groupings).
- (3) No human remains shall be:-
  - (a) buried except in a cemetery; or
  - (b) cremated except at a crematorium subject to legislation;
- (4) No cemetery or crematorium shall be operated in the absence of the council's permission and a valid certificate of registration;
- (5) No body may be interred without the permission of the officer-in-charge. Such permission shall not be given unless a written order signed by the Registrar of Deaths has been produced along with notice of interment. In cases where a post-mortem or inquest into the cause of death has been held a Magistrate's warrant shall be given to the officer-in-charge together with such order.

#### 3. Official hours

- (1) Every cemetery shall be open every day of the week. The official opening and closing hours of the cemetery shall be determined by the Council.
- (2) Burials shall take place on the days and during the hours as determined by the Council;

- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit and no burial or cremation of human remains shall take place thereafter;
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker;
- (5) No person under 12 years of age may enter a cemetery unless such person is under care of a responsible person;
- (6) No person shall solicit any business or exhibit, distribute or leave any tract, business card or advertisement within any cemetery or use same for conveyance of goods, parcels or other material, except such as are intended for use in such cemetery;
- (7) No person shall sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery;
- (8) No person shall commit any nuisance or breach of the peace, nor use threatening, abusive or insulting language in any cemetery;
- (9) No person shall bring or allow any dog, cat, fowl or other animal to wander inside any cemetery. Any animal found in any cemetery may be confiscated by the Council without any compensation to the owner thereof
- (10) No person shall ride any animal, motor cycle or cycle within any cemetery in which such riding is not expressly permitted by the Council;
- (11) All vehicles within the cemetery shall proceed at a walking pace therein and no vehicle shall pass within close proximity to any point where a funeral service is being conducted; and
- (12) No person shall hold or take part in any demonstration in any cemetery without the consent of Council.

#### **4. Register**

- (1) A register of graves and burials shall be kept by the caretaker;
- (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned; and
- (3) Any written permission, notice or document issued by the Council under these by-laws shall be signed by the officer-in-charge.

**5. Numbering of graves**

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law shall be numbered by the Council; and
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

**6. Reservation of graves**

- (1) No reservation of a grave in a cemetery shall be allowed except for a public purpose; and
- (2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall remain valid and the Council shall honour such reserved rights.

**7. Transfer of reserved rights**

- (1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council;
- (2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form;
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder; and
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

**8. Number of corpses in a grave**

- (1) Only one corpse may be buried in a grave with measurements as contemplated in these by-laws;
- (2) Only two corpses may be buried in an extra deep grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried;
- (3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried; and

- (4) If on re-opening any grave, the soil is found by the manager: environmental health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the manager: environmental health.

**9. Number of Corpses in a coffin**

- (1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult; and
- (2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

### **CHAPTER 3**

#### **BURIALS**

**10. Application for a burial**

- (1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:-
- (a) the prescribed burial order;
  - (b) the prescribed fees; and
  - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver. Council shall adopt a formal policy within six months of date of promulgation with regard to burial of corpses, ashes and cadavers in places that are not within an established cemetery;
- (3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application;
- (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker;
- (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation;

- (6) In allocating a grave the caretaker shall as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her;
- (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit;
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial;
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave; and
- (10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

#### **11. Burial of a corpse**

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves;
- (2) There shall be at least 1.4 m of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface;
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for religious reasons;
- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination;
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged;
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery;

- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space;
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years;
- (9) Every coffin or body upon being placed in any grave shall, at once, be covered with 1.4m of earth; and
- (10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

## **12. Burial of ashes**

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements;
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker;
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form;
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made;
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application;
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without the caretaker's prior written consent;
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket

- contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed;
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:-
- (a) approval for the burial has been obtained from Council;
  - (b) approval for the erection of the memorial work has been obtained from Council; and,
  - (c) the prescribed fees have been paid which shall be determined by Council from time to time;
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery;
- (11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium;
- (12) The columbarium may be visited daily during the official cemetery hours as determined by Council; and
- (13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

### **13. Burial of a cadaver**

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 15(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

### **14. Persons dying outside the municipal area**

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality



**15. Grave measurements**

- (1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide;
- (2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide;
- (3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial;
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide;
- (5) Deviations from measurements of graves shall be as follows:

Extra wide	: 2300 mm long
	: 840 mm wide
Extra long	: 2530 mm long
	: 760 mm wide
Rectangular small	: 2300 mm long
	: 900 mm wide
Brick-nogging	: 2600 mm long
	: 1050 mm wide
- (6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long;
- (7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long; and
- (8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

## CHAPTER 4

### RE-OPENING OF GRAVES AND EXHUMATIONS

#### 16. Exhumations

- (1) Save as otherwise provided for by law, no person may exhume or cause to be exhumed a body without the written consent of the -
  - (a) The Minister and the Council
  - or
  - (b) by an order of a court having jurisdiction over such matters;
- (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services;
- (3) A member of the South African Police Services and an environmental health practitioner must always be present when an exhumation is being conducted;
- (4) 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;
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge may cause the grave to be excavated for such exhumation;
- (6)
  - (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and
  - (b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice;
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries;
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized;
- (9) The South African Police Services must -
  - (a) if there is proof of illegal burial immediately exhume the body; and
  - (b) take it to a government mortuary for investigation;
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency; and
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

- (12) The Council may, if a body has been buried in contravention of these bylaws, cause the body to be exhumed and re-buried in another grave;
- (13) The relatives of the deceased must be -
- (a) notified of the intended exhumation and re-burial; and
  - (b) allowed to attend.
- (14) An application contemplated in subsection (1) above shall be made by or with the written consent of the next-of-kin of the deceased person whose human remains are sought to be exhumed, provided that the Minister or the Council may dispense with such consent:-
- (a) in circumstances where such consent is not readily obtainable; or
  - (b) where in the opinion of the Minister or the Council the exhumation of any human remains is in the public interest and the consent of the next-of-kin is unreasonably withheld.
- (15) The application referred to in subsection (1) above shall contain or be accompanied by:-
- (a) such particulars concerning the deceased person as may be prescribed, including:-
    - (i) the place and cause of death;
    - (ii) the reasons for the proposed exhumation and removal of the human remains, including, where applicable, details of the efforts made to obtain the written consent of the next-of-kin;
    - (iii) the methods to be adopted in enclosing and removing the human remains, the precautions to be undertaken to prevent any danger to health or offence which may be caused;
    - (iv) the proposed place of re-interment;
  - (b) a medical certificate of the cause of death or duly certified copy thereof, or if such certificate or copy is not reasonably obtainable, other evidence of the cause of death to the satisfaction of the Minister and the Council ; and
  - (c) the written permission of council of the cemeteries in which the human remains were interred and are to re-interred;
- (16) Save where it is desired to remove human remains from one grave to another in the same cemetery or to return them to the same grave, the Minister and the Council shall not, except in circumstances of a special nature, give consent for the exhumation of human remains until at least two years after interment and in the case of a person who died of an infectious disease until at least four years after interment.

- (17) Where an approval is granted in terms of this section, the applicant shall make proper and adequate provision, at his or her own expense, for:-
- (a) the exhumation, conveyance to the new place of burial, if applicable and re-interment of the exhumed human remains; and
  - (b) where the human remains are to be re-interred in a different place, for the removal, conveyance and re-erection on the new grave site of any memorial stones and kerbing which may have been erected on the existing grave site;
- (18) Where the consent of the next-of-kin has been dispensed with in terms of subsection (3) above, the applicant shall take all reasonable steps to inform the next-of-kin of the deceased person whose remains were exhumed of the fact that the human remains were exhumed and of the place where such human remains have been re-interred.

#### **17. Screening of exhumation**

- (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation; and
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

#### **18. Re-use of graves**

- (1) A grave may be opened and excavated where such is for the purpose of interring therein the human remains of a different deceased person, provided that:
  - (a) the next-of-kin of the deceased person whose human remains were the most recent interment in that grave indicates in writing that he or she does not object; to such excavation and re-use or where no next-of-kin can be traced and the date contemplated in paragraph(b)(aa) or ten years, whichever is the later, has elapsed since the most recent interment in that grave, the operator has advertised, in the manner prescribed by regulation in terms of the Act, its intention to re-open and re-use such grave, and no objection to such re-opening and re-use has been received from the next-of-kin;
  - (b) the operator has obtained and complied with a written directive from:-
    - (i) the Council's manager: environmental health,  
in which directive the manager: environmental health:-
  - (aa) shall, after taking into account all relevant factors, state the earliest date on which, in his or her opinion, a particular grave or identified group of graves may be re-opened without any potential hazard to public health; and

- (bb) may prescribe health-related procedures to be observed on such re-opening;
- (c) prior to any grave being re-opened for the purposes of such re-use, all reasonable steps are taken to ascertain whether or not any human remains, other than skeletal bones, are present in such grave;
- (d) in the event of human remains other than skeletal bones being present in a grave which is being re-opened for the purposes of reuse, such re-opening shall cease and the grave shall be re-filled forthwith;
- (e) any skeletal bones found in a grave which has been re-opened for the purposes of re-use shall be re-interred in the same grave; and
- (f) any re-opening of a grave, re-interment of any skeletal bones found in such grave, and the interment of the human remains of a different deceased person in such grave shall be effected by or under the supervision of:-
  - (i) a practicing professional funeral undertaker; or
  - (ii) a committee of the body controlling that cemetery, where such committee has been established for the specific purpose of controlling and supervising burials and exhumations in such cemetery; or
  - (iii) a person authorised thereto by the operator.

(2) Any person aggrieved by a directive contemplated in paragraph (b) of subsection (1) shall have a right of appeal to the Minister in the manner prescribed.

(3) The Minister may, when considering an appeal contemplated in subsection (2), in his or her sole discretion:-

- (a) confirm, alter or set aside such directive;
- (b) remit the matter to the manager: environmental health with instructions to deal with any question or matter in such manner as the Minister may deem necessary; or
- (c) call for such further evidence as he or she deems necessary, and thereafter act in terms of paragraphs (a) or (b).

## CHAPTER 5

### CREMATORIA

#### 19. Conditions regarding permission to use or control crematoria

- (1) The Council may permit any cremation authority to use and control any crematorium which has been erected within a cemetery owned and/or controlled by the Council.
- (2) Such permission shall be given in writing and shall be subject to conditions as to the use and control thereof as the Council may impose. The following conditions inter alia shall apply to such permission:
  - (a) The cremation authority shall comply with provincial legislation in this regard;
  - (b) In the event of the cremation authority being a society or trust, a copy of the constitution or the trust deed, duly certified, shall be lodged with the officer-in-charge
  - (c) No cremation of a human body shall be undertaken except between the hours as determined by the Council.
  - (d) The cremation authority or its duly authorised representatives shall be required to notify the officer-in-charge of the intention to cremate any human remains, giving the name, gender, age, nationality and the late residence of the deceased: and at least two hours' notice of the time for the proposed cremation shall be given;
  - (e) No cremation of human remains shall be undertaken except in the crematorium itself; and
  - (f) Times set by the officer-in-charge shall be strictly observed and every service or ceremony in connection with a cremation shall be subject to the general control of such officer.
  - (g) Any corpse which contains a cardiac pacemaker or radio-active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated may not be cremated unless it is removed.
  - (h) When cremated a corpse must be contained within a coffin.
  - (i) A coffin in which a corpse is cremated must be made of wood or other non-toxic material.

(j) Non-toxic varnish, paint or glue must be utilised in the manufacturing of the coffin in which a corpse is cremated.

(k) When cremated, a coffin may only contain combustible material, including clothing, shoes and other adornments of whatsoever nature, and the Council will have the right to remove non-combustible material from the coffin.

(l) Before a cremation is permitted to take place, the applicant or his or her representative will be obliged to produce a certificate certifying that the coffin complies with subsections (i) and (j) above.

(m) No corpse may be removed from any coffin for the purpose of incineration and a coffin may not be opened in the crematorium except with the permission of the Council, which must not be unreasonably withheld.

## **20. Withdrawal of permission**

In the event of the cremation authority failing to carry out any of the above conditions, the Council may withdraw permission for the use of the crematorium.

## CHAPTER 6

### MISCELLANEOUS

#### 21. Special Conditions

- (1) No person may—
- (a) commit or cause a nuisance within a cemetery or crematorium
  - (b) ride an animal, cycle, or skateboard for recreational purposes or partake in any other form of recreational or sporting activity within any cemetery or crematorium, unless otherwise determined by the Council.
  - (c) with the exception of a blind person, bring into or allow an animal to wander inside any cemetery or crematorium, provided that dogs on leashes will be permitted unless otherwise determined by the Council;
  - (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the Council;
  - (e) hold or take part in a protest in any cemetery or crematorium
  - (f) interrupt or disrupt —
    - (i) the performance of duties of an authorised official or workman employed by the Council
    - (ii) a funeral undertaken in a cemetery
  - (g) obstruct, resist or oppose the officer in charge on the course of his or her duty, or refuse to comply with an order or request which the officer in charge is entitled under this bylaw to make;
  - (h) mark, draw, scribble, paint or place an object on a wall, building, fence, gate, memorial work or other erection within any cemetery other than for official purposes;
  - (i) use water for any form of gardening without the permission of the Council;
  - (j) leave any rubbish, soil, stone, debris, garbage or litter within any cemetery;
  - (k) in any way damage, deface or desecrate any part of a cemetery or anything therein;
  - (l) enter or leave a cemetery, except by an entrance or exit provided for these purposes;
  - (m) solicit or conduct any business, order, exhibit, distribute or leave a tract, business card or advertisement within a cemetery, other than in the area designated for such purposes by the Council and with the prior permission of the Council;
  - (n) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
  - (o) enter an office, building or fenced place in a cemetery except in connection with lawful business;
  - (p) expose a corpse or part thereof in a cemetery;
  - (q) exceed the prescribed limit of 20 km per hour in a cemetery;
  - (r) use any cemetery as thoroughfare
  - (s) allow or cause any animal to enter any cemetery with the exception of an officer in charge, living on site and who is keeping pets with the prior approval of the Council
  - (t) bring any alcohol into or consume any alcohol in a cemetery or discharge any firearms in a cemetery except in the case of the police, state or military funeral;
  - (u) make or ignite a fire in a cemetery without the prior permission of the Council;
  - (v) hunt or harm any animals or birds;
  - (w) graze domestic animals in unused areas amongst the graves or;
  - (x) bring into a cemetery excavation equipment, saws or metal detecting equipment, other than with the permission of the Council; and
  - (y) conduct driving lessons in a cemetery.



(2) An authorised official of the Council working in any cemetery may not enter into an agreement with a member of the public for the purpose of undertaking work in a cemetery on behalf of such a person, such as maintaining or digging a grave or any other related work.

(3) The Council may impound an animal found in any cemetery.

(4) Gazebos larger than two metres by three metres may not be erected in a cemetery without the prior permission of the Council.

## **22. Injuries and damages**

(1) A person using a cemetery or crematorium does so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery; and

(2) A person using a cemetery or crematorium accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery or crematorium. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery or crematorium, as well as damages to Council property at the cemetery or crematorium..

## **23. Fire-arms and traditional weapons**

No fire-arms and traditional weapons shall be allowed in a cemetery or crematorium..

## **24. Offences and penalties**

(1) Any person contravening or failing to comply with any of the provisions of these bylaws; or

(2) wilfully making any false declaration or representation or signing any false certificate in connection with or for the purpose of procuring the burial, exhumation or cremation of any human remains, or

(3) threatens, resist, interferes with or obstructs an authorised officer or employee of the council in the performance of their duties or functions under these bylaws,

shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or

both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act. 1944 (Act No 32 of 1944).

(3) Any expenses incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

## **25. Complaints**

Any person wishing to lodge a complaint shall lodge such complaint, in writing with the Municipal Manager.

## **26. Charges**

The Council shall be entitled to determine, raise and collect tariffs, charges and other fees in respect as contemplated in section 75A of the Local Government: Municipal Systems Act, The tariffs, charges and fees shall, unless otherwise determined, be payable in advance to the Council.

## **27. Rights on Graves**

No person shall acquire any right to or interest in any ground or grave in any cemetery save as expressly provided for in these bylaws. .

## **28. Consents, Notices and Orders**

Any written consent, notice or other order issued by the Council in terms of these by-laws shall be prima force evidence of the contents of such a signed consent, notice or other order.

## **29. Consent Required for Interment**

(1) No person may dispose of a corpse in any manner other than the manner prescribed by the Msunduzi Municipality in these bylaws, and a person who wishes to dispose of a corpse must obtain the written consent of the Council before he or she disposes of the corpse, and must comply with the requirements of the Council .

(2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the officer in charge an application in writing together with-

- (a) the proof of payment of the prescribed fee;
- (b) the death certificate of the corpse;
- (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (d) in case of a funeral undertaker, the certificate of competence issued in terms of these bylaws and in the case where the burial order has been issued by a funeral undertaker, proof of authorisation in terms of section 4 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (e) an affidavit by the next of kin of the deceased, or where not practicable, other close relative, consenting to the disposal of the corpse when such corpse is to be buried in the manner requested;
- (f) in the instance where a person-
  - (i) who at the time of his or her death was suffering from a communicable disease, this must be indicated in the application;
  - (ii) who at the time of his or her death had a pacemaker, this must be indicated in the application.
- (g) details of cultural or religious practices that need to be adhered to.

(3) The officer in charge may approve the application subject to the conditions set out in the approval, or refuse the application.

(4) An application for interment must be submitted to the Council not later than 15:00 on the day before the intended interment or, where the grave exceeds the standard size, not later than 15:00 two days before the intended interment.

(5) Should any alteration be made in respect of the day or hour previously fixed for an interment, or interment be cancelled, in the instance where the Council is responsible for the digging of a grave, notice of the alteration must be given to the officer in charge at the cemetery at least eight hours before the time fixed for the interment.

(6) No refund will be made on monies paid in respect of the opening of an existing grave.

(7) The Council reserves the right to inspect the contents of a coffin before interment.

(8) The Council may refuse a person, including a funeral undertaker, permission to inter a corpse if relevant documentation required by the Council has not been submitted to the Council prior to the interment.

(9) A person who inter a corpse without the written consent of the Council commits an offence.

**30. Religious Ceremonies**

- (1) The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the control and by-laws of the Council; and
- (2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

**31. Hearses and vehicles at Cemeteries**

- (1) Every hearse or vehicle after such removal shall leave the cemetery by the route indicated by the caretaker; and
- (2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

**32. Exposure of Bodies**

No person shall convey a dead body, which is not covered, or any part thereof in any street, cemetery or public place.

**33. Instruction of Caretaker**

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

**34. Music Inside Cemetery**

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals or as otherwise approved by the caretaker.

**35. Interments Attended by large Numbers of People**

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the caretaker the day before the funeral.

**36. Indigent Persons**

- (1) A person making application for the burial of an indigent person, must make a declaration to that effect and further provide written proof from the relevant ward Councillor confirming the financial status of the indigent person.
- (2) An indigent person may be interred according to the policy of the Council applicable to indigent persons.

**37. Pauper Burials**

The regulation of pauper burials shall be determined in a policy adopted by the Council.

**CHAPTER 7**  
**FUNERAL UNDERTAKERS**

**38 Preparation of corpses**

Unless otherwise provided for in this bylaw, no person may prepare and/or store any corpse except on a funeral undertaker's premises in respect of which a certificate of competence has been issued and is in effect.

**39 Application for the issue or transfer of a certificate of competence**

- (1)(a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises will, not less than 21 days before submitting his application to the Council cause a notice of his intention to be published in English and Zulu, in a newspaper that circulates in the area in which such premises will be or is situated.
- (b) Such notice must contain information to the effect that an application for the issue of a certificate of competence in terms of this bylaw and other applicable legislation is to be submitted to the Council and that any person who wishes to object to such use may lodge his or her objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.
- (2) An application for the issue of a certificate of competence must be made to the Council in writing on the prescribed form and must be accompanied by -
- (a) a description of the premises and the location thereof; including equipment, storage facilities, preparation areas and toilet facilities.

- (b) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100 including the effluent disposal system
  - (c) a plan of the premises on which north is shown indicating adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilized or are to be utilized;
  - (d) Particulars of any person other than the applicant or any of his or her employees who prepares or will prepare corpses on the premises;
  - (e) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown; and
  - (f) a cleansing and disinfection programme.
  - (g) details of registered health care waste remover, transporter and disposer
- (3) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.
- (4) The Council will not issue or transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by an environmental health practitioner appointed by the Council and the environmental health practitioner's report on such inspection, including recommendation on such issue or transfer, is in possession of the Council.

#### **40 Issue or transfer of certificate of competence**

- (1) When the Council is satisfied that the premises concerned —
- (a) complies with all requirements laid down in this bylaws and any other applicable legislation;
  - (b) are in all respects suitable for the preparation of corpses; and
  - (c) will not be offensive to any occupants of premises in the immediate vicinity of such premises, it will, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it may determine or will, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

#### **41 Validity and transfer of certificate of competence**

A certificate of competence, excluding a provisional certificate of competence, is, on endorsement by the Council, be transferable from one holder to a new holder and such certificate is, if so endorsed, be valid from the date of which it was issued until it is revoked or suspended in terms of this bylaw.

#### **42. Issue of provisional certificate of competence**

(a) Notwithstanding the fact that the Council is not satisfied as contemplated in section 40 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the Council may, in the case of existing funeral undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.

(b) A certificate referred to in subsection (a) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of this bylaw.

(c) If, after the period referred to in subsection (b), the premises does not comply with the provisions of this bylaw, the Council may revoke the provisional certificate of competence.

#### **43. Duties of holder**

(1). (a) The holder must immediately inform the Council in writing if there are any changes in the particulars or circumstances supplied to the Council in the application for certificate of competence.

(b) A funeral undertaker must not dispose of a body in any place or premises other than a cemetery or crematoria registered in terms of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. of 1996).

(c) The holder must comply with the provisions of this bylaw, applicable legislation and any conditions imposed by the Council.

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

(1) If the Council is of the opinion, on the strength of an inspection report and/or recommendation by the manager: environmental health or an environmental health practitioner, that there are reasonable grounds to suspect that —

(a) the funeral undertaker's premises concerned are utilized in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or

(b) the premises concerned are utilized in contravention of the provisions of the Health Act, 2003 (Act No. 61 of 2003), this bylaw or other applicable legislation or any conditions imposed by the certificate of competence or provisional certificate of competence, the Council may in its discretion —

(i) revoke certificate of competence or provisional certificate of competent concerned;

(ii) suspend the certificate of competence or provisional certificate of competence concerned for such period as the Council may determine, to enable the holder to comply with the applicable legislation and/or conditions imposed; provided that if the holder fails to comply within the period stipulated in the notice of suspension, the Council may revoke the relevant certificate without further notice.

(2) A notice issued by the Council in terms of section 71(b)(ii) must be issued in writing, and then served on the holder.

(3) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this bylaw will have the effect that, from the date of the notice of suspension or revocation —

(a) no preparation of any corpse must be performed on the premises concerned;

(b) no corpse must be received for preparation on the premises concerned; and

(c) no corpse must be preserved on the premises concerned and every corpse must immediately be removed to a mortuary under the control of the State, a provincial administration or the Council or any other funeral undertaker's premises, provided that this bylaw will not be applicable and the said notice must not be so construed as to restrict any other business activity relating to the funeral undertaking profession including the sale of coffins and policies.

(4) Where the Council is of the opinion that a condition that gave rise to the revocation of a certificate as contemplated in this bylaw was corrected after such revocation, it may, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

#### **45. Requirements relating to funeral undertaker's premises**

(1) Provision for the following must be made on a funeral undertaker's premises -

(a) a preparation room for the preparation of corpses;

(b) change-rooms, separate for each sex, for the use of the employees employed at such premises;

(c) refrigeration facilities for the refrigeration of corpses;

(d) facilities for washing and cleaning of utensils and equipment inside the building;

(e) facilities for cleaning of vehicles on the premises; and



- (f) facilities for loading and unloading corpses as contemplated in clause 72(6).
- (2) No room on a funeral undertaker's premises must be used for any purpose other than the purpose for which it is intended.
- (3) The preparation room —
- (a) must be so designed as to —
- (i) be separate from all other rooms on the premises and so as not to be directly accessible from or in view of any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises is so situated, the entrance thereto must be so concealed that the interior of the preparation room is completely out of sight of any person in any adjoining office or salesroom;
- (ii) enable obnoxious odours and vapours to be adequately treated; and
- (iii) be sufficiently ventilated and lighted.
- (b) must have a floor-covering an area of not less than 6 m<sup>2</sup> for the first table of the kind referred to in section 72(3)(e) and 8m<sup>2</sup> for each additional table; 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 a disposal system approved by the Council; and which, if it is replaced or laid after the date of commencement of this bylaws, will be provided with half round filling where it meets the walls -
- (i) must have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other suitable, smooth, waterproof, light-coloured and washable material;
- (ii) must be provided with a ceiling not less than 2,4 m above the floor level, which ceiling must be dust proof and painted with a light-coloured washable paint;
- (iii) must contain not less than one table of stainless steel or glazed earthenware or other suitable 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;
- (iv) must contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
- (v) must 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

(vi) must have door openings that are not less than 0,82 m in width and 2,00 m in height so that corpses can be taken into and out of such room without any difficulty.

(4) Each change-room must contain at least the following —

(a) one hand-basin with hot and cold running water for every six employees or part thereof;

(b) disposable towels, soap, nailbrushes and disinfectant; and

(c) not less than one toilet for every 15 male employees or part thereof and not less than one toilet for every 15 female employees or part thereof employed at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities, one toilet plus one separate urinal must be permissible for every 30 men or part thereof.

(5) Refrigeration facilities such as refrigeration or cold chambers for the keeping of corpses, must be installed in or close proximity of such preparation room and —

(a) where refrigerators are used, it must be constructed of a material that does not absorb moisture, must be provided with removable trays and must be so designed as to drain into an approved drainage system and be easy to clean;

(b) be of such nature that the surface temperature of any corpse must be no higher than 5°C during preparation. An accurate thermometer must be provided at the refrigerator or cold chamber and must be operational at all times.

(c) In instances where cold chambers are used, it must comply with sections 10(3)(a)(ii), (b)(ii), (c), (d) and (h) and must be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and

(d) Corpses are not to be stored on top of each other and must be stored individually on the trays or shelves.

(6) The cleansing, loading and unloading facilities must consist of a paved area, screened from public view, with a drainage system into a gulley connected to a sewer system approved by the Council.

(7) The loading and unloading of corpses and the cleansing of vehicles must not take place anywhere except in the area contemplated in section 72(6).

(8) The funeral undertaker's premises must be rodent-proof.

#### **46. Conveyance of Mortal Remains**

No person may convey any mortal remains —

- (a) unless the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
- (b) no coffin container in which the mortal remains have been placed may be conveyed unless —
  - (i) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
  - (ii) offensive odours are absent.

#### **47. Hygiene**

- (1) All health care waste generated must be stored, removed, transported and disposed of in accordance with Council's Public Health Bylaws or other applicable legislation.
- (2) Every holder of a certificate of competence relating to funeral undertaker's premises must—
  - (a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats/overalls to all employees and all other persons involved in the preparation of corpses or post-mortems, and each such employee or other person must, at all times when so involved, wear such clothing;
  - (b) keep such premises free of pests and insects at all times;
  - (c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;
  - (d) wash and disinfect all equipment used for the preparation of corpses immediately after use;
  - (e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;
  - (f) keep such premises clean and tidy at all times; and
  - (g) if a corpse has been transported without a moisture-proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

## CHAPTER 8 CLOSURE OF CEMETERIES

### 48. Closure of cemeteries

(1)(a) Despite any provision of this bylaw and subject to the provisions of subsection (f) the Council may use any cemetery or portion thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years for such a purpose as will not desecrate the ground and any human remains or any memorials in such a cemetery.

(b) Despite any provision of this bylaw, and subject to the provisions of subsection (f), the Council may close any cemetery or any part thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years, or if good closure for such closure exists.

(c) Despite any provision in this bylaw, and subject to the provisions of subsection (f), the Council may use a cemetery or portion thereof, which has been used for another purpose in terms of subsection (a), or reopen any cemetery or portion thereof, which has been closed in terms of subsection (b).

(d) The Council may, subject to the provisions of subsection (f), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage by the competent authority or authorities as the case may be.

(e) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsection (a) and (b) will thereupon cease.

(f) Before acting in terms of subsection (a), (b), (c) and (d) the Council must give notice of its intention to do so.

## CHAPTER 9 REPEAL OF BY-LAWS

### 49. **Repeal of existing bylaws and conflicts with the Cemeteries and Crematoria Act, 12 of 1996 (KwaZulu-Natal)**

(1) The Council's existing Cemetery bylaws published under Provincial Notices No 403 of 1945, 80 of 1947, 242 of 1948, 588 of 1950, 703 of 1954, 166 of 1963 and 23 of 1965 and any other bylaw regulating cemeteries and crematoria currently in operation within the area of jurisdiction of the Msunduzi Municipality, are hereby repealed.

(2) Nothing in these bylaws shall detract from the provisions of the Cemeteries and Crematoria Act, 12 of 1996 (KwaZulu-Natal) and any regulations made pursuant thereto. In the event of any conflict between these bylaws and the aforesaid Act and its regulations, the Act and regulations shall prevail to the extent necessary.

**50. Short title and commencement**

These by-laws shall be called the Cemetery and Crematoria bylaws, 2015, and shall come into operation on publication in the Provincial Gazette.

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2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).

