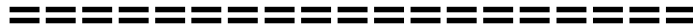


Cemetery

Regulations



Updated: June 2008

MUNICIPALITY OF SWAKOPMUND

No.

2008

CEMETERY REGULATIONS

Notice is hereby given in terms of Section 94(1)(k) of the Local Authorities Act, Act No. 23 of 1992 as amended, that the Municipal Council of Swakopmund hereby wishes to promulgate the following new Cemetery Regulations to be applicable to the Town of Swakopmund.

PART 1

GENERAL

DEFINITIONS:

1. In these regulations, unless inconsistent with the context –
 - (i) “adult” means the corpse of a person who has reached the age of twelve years;
 - (ii) “ashes” means any human remains after cremation in a crematorium;
 - (iii) “authorised person” means the person designated by Council and in charge of a cemetery, a building or niche or other facility for the deposit and preservation of the ashes of cremated corpses;
 - (iv) “berm” means a fortified ledge abutting a grave space on top of which a pedestal for a memorial, grave, tomb or headstone, monument or cross can be placed;
 - (v) “burial” shall, if not inconsistent with the context, in addition to its normal meaning also means the burial or the depositing or placing of ashes in a grave, a building, niche or other facility provided for that purpose;
 - (vi) “cemetery” means any piece of ground established as a cemetery by the Council in terms of the Local Authorities Act, 1992 (Act 23 of 1992 as amended) and includes a building, a place where a niche or other facility for the deposit and preservation of ashes is provided;
 - (vii) “Chief Executive Officer” means the person holding office as Chief Executive Officer with the Council and any other person authorised to act in that capacity;
 - (viii) “child” for the purposes of burial, means the corpse of a person who has not yet reached the age of twelve years;
 - (ix) “corpse” means a human dead body including the body of a still-born child or the remains of any such body;

- (x) "Council" means the Council of the Municipality of Swakopmund;
- (xi) "cremate" means to reduce any corpse to ashes by burning or the application of heat and "cremation" shall have a corresponding meaning;
- (xii) "grave" means any excavation in a cemetery for the burial of a corpse;
- (xiii) "grave space" means any piece of land measured out for the purpose of a single grave;
- (xiv) "grave work" means any gravestone, tombstone, headstone, monument, cross, inscription, railing, enclosure, chain, kerbing or any other work of any kind whatsoever erected, or any part thereof, which is effected on or around a grave space;
- (xv) "identification marker" means any kind of identification at the top or bottom of a grave space which indicates the number of such grave space;
- (xvi) "medical officer of health" means the person appointed by Council from time to time to assist as and when required and any person authorised to act in that capacity or on his or her behalf;
- (xvii) "notice of interment" means a notice in substance and as nearly as is material as prescribed in Schedule A;
- (xviii) "owner" in relation to grave space, means the person who has acquired the exclusive right of burial in such grave space.

ADMISSION OF CHILDREN

2. No children shall enter the cemetery unless in the care of an adult.

ADVERTISING AND SOLICITING

3. No person may solicit or conduct any business or canvass for orders or exhibit, distribute or leave any tract, business card or advertisement in or at a cemetery and no person may use any road and footpath in or at a cemetery to convey any goods or material not intended for the use in or at the cemetery.

ANIMALS

4. (1) No person may bring into or allow any bird or animal in or at a cemetery unless permitted by an authorised person who should be satisfied that such bird or animal is under proper supervision and control of a responsible person;
- (2) Any bird or animal found in or at a cemetery without the necessary permission may be impounded.

DISPOSAL OF CORPSES

5. (1) No person shall dispose of a corpse in any manner except in terms of these regulations by the burial thereof or by the process of cremation in a crematorium established for that purpose.
- (2) Subject to the provisions of Part VII no corpse shall be buried without the written permission of the Council in any place other than a cemetery.

DISTURBANCES

6. Except where it is expressly permitted by these regulations, no person other than an authorised person shall pick a flower or plant or part thereof or remove, destroy or damage any cultivated tree, shrub or plant or disturb or remove the soil around or under it or remove, destroy or disturb or interfere in any way whatsoever with any grave, grave space or grave work or any other section in a cemetery.

FIRE-ARMS

7. No person may, or bring into, or discharge a fire-arm in or at a cemetery except with the approval of an authorised person: Provided that this prohibition shall not apply in the case of a funeral service at which military or police honours are paid or for official security reasons.

HOURS OF ADMISSION

8. Every cemetery shall be open to the public on every day of the week during such hours as the Council may determine by Resolution; Provided that the Council may close the cemetery or part thereof to the public at such times as it deems fit.

NUISANCES

9. No person may in or at a cemetery cause any nuisance or conduct himself or herself in any way which, in the opinion of an authorised person, is indecent, unseemly, disorderly or riotous and any authorised person may remove such person or have such person removed from the cemetery who in his or her opinion causes a nuisance or behaves indecently, or in any unseemly or riotous manner.

OBSTRUCTION

10. No person shall obstruct, resist or oppose an authorised person in the course of his or her duties or refuse to comply with any order or request which an authorised person is entitled to make under these regulations.

PERMISSION FOR BURIAL

11. Permission for the burial of a corpse or ashes shall not be granted unless-
- (a) in the case of a corpse, a burial order issued by the Registrar of Deaths is submitted to an authorized person along with a notice of interment;
 - (b) in the case of ashes, a cremation certificate is submitted to an authorized person at the same time as the burial order and notice of interment;
 - (c) in all cases where an inquest has been held, a magistrate's written authority shall accompany the documents aforesaid;
 - (d) the prescribed fees have been paid; and
 - (e) such burial takes place in accordance with an arrangement with an authorised person at least 24 hours before the intended time of burial. In the event of an alteration of the date and time of intended burial the authorised person shall be given prior notice of not less than 6 hours.

RIGHT IN LAND

12. No person shall acquire any right to or interest in any land or structure in any cemetery other than such rights and interests authorised in terms of these regulations.

VISITORS TO KEEP TO PATHS

13. No person shall enter the cemetery or depart therefrom except by the entrance gates, and no person shall leave a road or paths in or at such cemetery except for purposes permitted by these regulations or to visit a grave or a grave space.

SIGNING OF DOCUMENTS

14. Any document issued by the Council in terms of these regulations shall be valid if it is signed by the Chief Executive Officer.

PART II

INTERMENT AND GRAVE SPACES

GRAVE SPACES

15. (1) The Council may, at its discretion, subdivide any land in a cemetery into grave spaces with or without a berm and may sell to any person the exclusive right of burial in one or more such grave spaces subject to the payment of the fees prescribed.
- (2) Any person who wishes to purchase the exclusive right of burial in such a grave space shall apply in writing to the Chief Executive Officer indicating whether such reservation shall be in a section with a berm, where such a berm is available, or without a berm and the Chief Executive Officer shall allocate a grave space or spaces and issue the necessary certificate of purchase of exclusive right in a grave space as prescribed in Schedule B.
- (3) If after the expiration of 15 years from the date of issue of a certificate of purchase of an exclusive right, such a grave space or spaces have not been used for a burial and the Chief Executive Officer has reason to believe that such reservation will not be used, the Chief Executive Officer shall require by written notice from the person who obtained such exclusive right, to renew such reservation upon payment of the prescribed fees. If a person fails to comply with the notice or the notice is unclaimed, such reservation shall lapse after notice was given as follows:-
 - (a) a notice in the official language once a month for two consecutive months in a newspaper which normally circulate in the area last known to be the address of the person who so reserved a grave space, calling upon the holder of the right to renew such reservation upon payment of the prescribed fees;
 - (b) a notice in the Government Gazette calling upon the person holding the exclusive right to renew that right within a period of 60 days from the date of the publication of such a notice in the Government Gazette, failing which the reservation shall lapse without any claim for damages.
- (4) Grave space shall be allotted and sold in numerical order unless for sound reasons the authorised person shall resolve otherwise.

GRAVE SPACES WITH A BERM

16. A grave space with a berm shall be subject to the following conditions:-
- (a) pedestals for memorial, grave, tomb or headstones, monuments or crosses shall be placed on top of the berm;
 - (b) the maximum length of a pedestal for a single grave shall be 1 m;
 - (c) the maximum length of a pedestal for a double grave shall be 2.75 m;
 - (d) the maximum height of a pedestal shall be 300 mm above the berm;
 - (e) the maximum width of a pedestal shall be 300 mm;
 - (f) the maximum height of a memorial, grave, tomb or headstone, monument or cross shall be 1.20 m above the pedestal;
 - (g) a memorial, grave, tomb or headstone, monument or cross shall not project beyond the pedestal;
 - (h) in the case of a single width berm, the memorial, grave, tomb or headstone, monument or cross shall be placed in such a way that the backs thereof shall be level with the back of the berm;
 - (i) in the case of double width berms, the memorial, grave, tomb or headstone, monument or cross –
 - (j) shall be placed back to back on the berm;
 - (ii) shall be placed in such a manner that the backs thereof shall be in line with the centre-line of the berm;
 - (j) no edging or grave works shall be permitted around and on grave spaces;
 - (k) no object, with the exception of a vase for flowers or greenery for which an opening may be provided in the pedestal, shall be left on a grave for longer than two months after a burial;
 - (l) planting of grave spaces shall be done exclusively by the Council

TRANSFER OF RIGHT IN GRAVE SPACE

17. No person may without the prior consent of Council sell or in any other way transfer his or her right of burial in a grave space.
18. (1) Where a person with the written consent of the Council sells or transfers in any manner his or her right of burial in a grave space to another person, such sale or transfer shall be registered in terms of these regulations with the Council on payment of the fees prescribed;
- (2) Any sale or transfer of grave spaces which does not comply with the provisions of this regulation, shall not be valid.

REGISTER OF BURIALS

19. (1) The Council shall maintain a register and lay-out plan of every grave space or niche or other facility for the deposit and preservation of ashes in a cemetery;
- (2) The Council shall maintain a separate register for recording all burials;
- (3) Any register and lay-out plan shall lie open for inspection at the office of the authorised person during office hours.

DUPLICATION OF DOCUMENTATION

20. Any person requiring a certified copy of a certificate of purchase of an exclusive right or extract from the register of burials, or from the register of grave spaces or niche or other facility or of a registration of transfer of a grave space, niche or other facility for the deposit and preservation of ashes or who wants to examine a register or lay-out plan shall pay the prescribed fees.

DIMENSIONS OF GRAVE SPACE

21. The maximum dimensions of a kerb or bordering of a grave space shall be as follows:-
- (a) Adult grave : 2.20 m x 1.10 m
- (b) Child grave: 1.50 m x 0.75 m

DIMENSIONS OF GRAVES

22. (1) The dimensions of the aperture for any grave space or niche shall be as follows:-
- (a) Graves:-
- (i) For adults -
- Length : 2.10 m
Width : 0.90 m
Depth : 1.80 m
- (ii) For children -
- Length : 1.50 m
Width : 0.60 m
Depth : 1.50 m

(b) Niches:-

Height : 0.50 m

Width : 0.30 m

Depth : 0.50 m

- (2) Any person requiring an aperture of larger dimensions for any burial shall in the notice of interment concerned give the maximum overall dimensions of the coffin including its fittings.
- (3) The minimum depth of a grave shall be 1.35 m: Provided that the grave shall in any case be excavated to the groundwater-table if the groundwater-table is not deeper than the maximum depth of 1.80 m or 1.50 m, as the case may be, under the usual surface of the land above the ground water.
- (4) Where a child's coffin is too large for a grave for a child it shall be buried in a grave for an adult and the fees prescribed for an adult grave shall be payable.

BURIAL IN GRAVES

23. (1) (a) No grave, whether a grave space for which the right of burial has been purchased or not, may contain more than one coffin unless good reason therefore is advanced and the prior approval of the magistrate and the medical officer of health has been obtained.
 - (b) Where such approval has been obtained, the Chief Executive Officer may permit the burial of a second coffin in a grave already containing one coffin if the first coffin at the time of burial had a covering of ground of at least 1.80 m.
 - (c) The top of every coffin shall, in the case of an adult's coffin be at least 1.20 m and in the case of a child's coffin at least 1.10 m below the ordinary surface of the ground.
 - (d) Except where the approval of the Chief Executive Officer and subject to the conditions which may be prescribed, no two corpses may be interred at the same time in a grave.
- (2) The Chief Executive Officer may, where early and rapid decomposition has commenced, or for any reason, on the recommendation of the medical officer of health, partially inter a corpse before the time set for the burial, provided the person signing the notice of interment is informed of the time of the partial burial. Partial burial shall mean a partial coverage of the coffin for reasons as determined by the medical officer of health.
- (3) Where a person has died from a contagious disease, such corpse shall be buried in accordance with the requirements, if any, prescribed by the medical officer of health.

- (4) The Council may permit the re-utilisation of a grave older than 40 years; provided that the near relative of the relevant interred shall be advised per registered post at the last known address that, unless a new application for further utilisation, together with the prescribed fees is tendered, the grave will be re-utilised by the Council.

BURIAL OF ASHES

24. Subject to the provisions of Part VII of these regulations, the Chief Executive Officer may grant approval for the burial of an urn or receptacle or other container containing ashes in an ordinary grave space against payment of the prescribed fees.

ALIGNMENTS AND ENCROACHMENTS

25. (1) Excluding a grave space with a berm, every person in erecting or placing any kerb, railing or any other enclosing work, shall enclose the grave space so as to secure uniformity of alignment and straightness of kerbing and railing as far as possible, and the same principle shall be applied and carried out in erecting vaults, tombstones and headstones or other memorial work.
- (2) Any person who fails to observe any such requirement, order or arrangement, or who, in carrying out such work, encroaches on any road, path or adjoining ground or grave space, shall, if required by the Chief Executive Officer, remove such encroachment, and if he or she fails to do so in the time specified in the notice, the whole of the work may be removed by the Council, and the person responsible shall be liable for all costs thereby incurred.

DISTURBING OF HUMAN REMAINS

26. No person shall disturb any human remains, or any soil adjacent thereto in or at a cemetery, except for a purpose expressly permitted by these regulations.

PART III

BURIALS

NOTICE OF ATTENDANCE OF MOURNERS

27. If at any interment a large number of mourners are expected to be in attendance, the person giving the notice of such interment shall notify the authorised person the day before the burial.

RELIGIOUS CEREMONIES

28. (1) The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the control and the regulations of the Council.
- (2) No person may conduct any religious ceremony in or at a cemetery or part thereof which has been set aside by the Council for members of a specific denomination.

EXPOSURE OF CORPSES

29. No person shall convey any corpse or part thereof in an unseemly manner or expose any corpse or part thereof in any street, cemetery or public place.

DAYS AND HOURS OF BURIALS

30. (1) (a) Burials may take place on every day of the week from 08:00 to 18:00: Provided that in cases of extreme urgency the Chief Executive Officer may permit a burial at any time on good reasons shown: Provided further that interments on Saturdays, Sundays or public holidays shall only take place after prior arrangement with the authorised person;
- (b) For burials on Saturdays, Sundays and public holidays, the prescribed fees shall be payable.

DIRECTIONS OF AUTHORISED PERSON

31. Any person taking part in any funeral, burial, procession or ceremony shall comply with the directions of the authorised person while such person is within or at a cemetery.

PART IV

EXHUMATION OF CORPSES AND RE-OPENING OF GRAVES

EXHUMATIONS

32. (1) No coffin and/or corpse shall be exhumed unless authorised by the relevant authority in terms of a law or regulation or instruction issued by a competent person.
- (2) Notice of exhumation from the office of the magistrate shall be delivered to the Chief Executive Officer by the person requesting such exhumation at least two days before the date proposed for the exhumation of a coffin and/or corpse, except that the Chief Executive Officer may allow a shorter period in cases of emergency.

TIME OF EXHUMATION

33. No person shall exhume or cause to be exhumed any coffin and/or corpse at any time during which a procession or any stage of a burial is taking place at a cemetery.

SCREENING OF EXHUMATION OPERATIONS

34. The grave from which any coffin and/or corpse is to be removed shall be effectively screened from outside view during the exhumation, and a suitable container shall be kept in readiness to receive the exhumed coffin and/or corpse.

REMOVAL BY COUNCIL OF CORPSE FROM A GRAVE

35. (1) If at any time the exhumation and removal of a coffin and/or corpse becomes necessary, or if the coffin and/or the corpse has been buried in a grave in contravention of any of these regulations, the Council may, subject to any law applicable, cause such coffin and/or corpse to be removed to another grave: Provided that every near relative of such deceased person resident within the municipal area and whose residential address is known, shall first be informed of such removal.
- (2) If no relative of a deceased person can be located, the Council will be entitled to exhume and remove such coffin/and or corpse after a notice in the Government Gazette and a newspaper circulating in the municipal area as provided for in regulation 35(3) has been placed.
- (3) The notice contemplated in regulation 35(2) shall be placed in the Government Gazette and two newspapers once per month for three consecutive months stating the name, identity number and last address of the deceased and notifying relatives that the coffin and/or corpse will be exhumed and removed to another grave at the time and date specified in that notice, which date will not be later than 30 days after the date of the last notice in the Government Gazette.

PART V

TENDING OF GRAVE SPACES

MAINTENANCE OF GRAVE SPACES

36. (1) The owner of a grave space shall keep such grave space in a neat and clean condition: Provided that where such owner neglects to maintain such grave space, the Council may do such maintenance and the cost thereof may be recovered from the owner where possible.
- (2) The Council may upon application and upon prepayment of the fees as agreed upon undertake the maintenance of the grave space or cause the maintenance of such a grave space to be undertaken by someone else

PLANTING ON GRAVE SPACES

37. (1) Any person may with the approval of the Council plant any shrub, plant, tree or flower on a grave space.
- (2) The Council may if it deems it necessary prune, trim, dig up or remove any shrub, plant, tree or flower without paying any compensation to the owner of the grave space.
- (3) The Council reserves the right to make plantings on any grave space in a cemetery.

PART VI

ERECTION AND MAINTENANCE OF GRAVE WORK

VAULTS AND BRICK GRAVES

38. (1) No vault and no grave space shall be constructed of bricks or concrete in any part of a cemetery without the prior consent of the authorised person, and no burial in any vault or brick or concrete grave shall take place except on the condition that immediately after interment the grave shall be closed and sealed to the satisfaction of the medical officer of health or be filled up with earth
- (2) The provisions of regulation 22 regarding the depths of coffins below the surface of the ground shall in every case apply.

ERECTION OF GRAVE WORK

39. (1) An adequate drawing and description of every grave of bricks or concrete or any grave work which is intended for erection in a cemetery shall be submitted to the Council for approval.
- (2) No person shall commence such work until the Council has approved in writing the drawing and description and no deviation from the approved drawing and description shall be allowed without the written approval of Council.
- (3) No person shall erect any grave work except in such a position indicated by the authorised person.
- (4) No person shall bring into a cemetery any material, brick or stone, for the purpose of erecting any grave work on a grave unless –
- (a) all fees in respect of such grave space are paid in full; and
- (b) the authorised person has given approval in respect of such erection.
- (5) No person shall leave any material or thing intended to be used for any grave work for longer than seven days in a cemetery without using or erecting it, failing which the Council may remove such material and the costs for such removal shall be recovered from such person.
- (6) Where any grave work for whatsoever purpose has been removed by any person the person so removing the grave work shall be responsible for the re-erection of such grave work to the satisfaction of the authorised person.
- (7) Any person engaged upon any work in a cemetery shall effect such work under the supervision of the authorised person.

REJECTION OF GRAVE WORK

40. The Council may reject any proposed grave work or inscription which, in its opinion, is of inferior workmanship or quality or which is likely in any way to disfigure a cemetery or calculated to hurt or offend the feelings of the public.

SITTING ON A GRAVE WORK

41. No person shall sit, stand or climb upon or over any grave work or on any gate, wall, fence or building in a cemetery.

DEFACING AND DAMAGING OF GRAVE WORK

42. (1) No person shall mark, draw, scribble, erect advertisements on, or in any way deface any wall, building, fence, gate, grave work or other erection within a cemetery.
- (2) The Council shall not accept any responsibility for any damage caused to any grave work except where such damage is caused by any wilful act or negligence of an employee of Council.

NEGLECTED GRAVE WORK

43. (1) Where any grave work becomes so dilapidated that it is, in the opinion of the Council, dangerous or a disfigurement to the cemetery, the Council shall notify the owner or a near relation or the person it deems to be responsible with the request to repair it to the satisfaction of Council.
- (2) If such repairs are not effected within the period stated in the notice, the Council may effect such repairs and the cost thereof may be recovered from the person responsible for such repairs.

REGULATIONS FOR CONSTRUCTION OF GRAVE WORK

44. No person, in constructing any grave work, shall fail to observe any of the following conditions:-
- (a) Any person in erecting a gravestone, tombstone, headstone or monument where a berm is not provided, shall whenever required to do so by the authorised person provide a concrete block extending over the breadth of the grave with each end resting on solid ground to an extent not less than 300 mm to serve as a solid base for such grave work.
- (b) The underside of any flagstone and the base of any other grave work shall be set at least 50 mm below the natural level of the grave space.
- (c) No border stones or kerbing shall without the consent of the authorised person, be more than 220 mm above the surface of the ground or extend more than 200 mm below the surface of the ground altogether.
- (d) Any gravestone, tombstone, headstone or monument shall be securely attached to the base or berm to the satisfaction of the authorised person.
- (e) No soft stone shall be used for any grave work.

- (f) The base stone of any gravestone, tombstone, headstone or monument shall be in proportion to the size and weight of the structure to be erected thereon.

VEHICLES AND TOOLS

45. Any person who works in or at a cemetery with the permission of the authorised person shall provide his or her own vehicles and tools: Provided that such vehicles or tools shall be of such nature that the use thereof shall not constitute any contravention of any of these regulations.

REFUSE AND RUBBLE

46. No person shall leave any refuse, loose soil, sand, stones or other rubble in a cemetery or disfigure any cemetery or any part thereof.

CESSATION OF WORK

47. No person shall bring into a cemetery any grave work or material or do any work within or at a cemetery between the hours 12:00 on a Saturday and 07:00 on the following Monday or on any public holiday: Provided that the authorised person may give approval thereto in exceptional cases.

UNSUITABLE WEATHER OR CONDITIONS

48. No person shall construct or erect any grave work in inclement weather or when the ground is in the opinion of the authorised person not suitable for work to be done.

PART VII

ASHES

DEPOSIT OF ASHES

49. (1) The Council may in a cemetery provide buildings, niches or other facilities for the deposit and preservation of ashes and may further provide memorial tablets of approved material to be fixed on niches or on the face of walls or otherwise: Provided that the owner or person responsible for ashes may with the consent of the Council provide his or her own tablet.
- (2) Any matter placed in or affixed to a memorial tablet and all inscriptions shall be subject to the approval of the Council.
- (3) The Council may provide a garden where ashes may be scattered.
- (4) Niches or facilities for the deposit and preservation of ashes shall be allocated strictly in sequence and no reservations for future use shall be made.

DISPOSAL OF ASHES

50. (1) An urn or for ashes shall be provided by the owner or person responsible for the deposit of ashes, unless ashes are to be scattered.
- (2) Any urn or receptacle to be placed in a niche or facility for the deposit of ashes shall be of material approved by the authorised person.
- (3) No urn or receptacle containing ashes and deposited in a niche or facility for the deposit and preservation of ashes shall be removed without the prior written consent of the Chief Executive Officer.
- (4) Every niche or facility for the deposit and preservation of ashes containing an urn or receptacle shall be sealed by an approved tablet and shall only be opened in the presence of an authorised person for the purpose of withdrawing the urn or receptacle, subject to the consent of the Chief Executive Officer aforesaid, contained therein for disposal elsewhere or for the purpose of depositing an additional urn or receptacle therein.

MEMORIAL WORK

51. (1) No person shall erect, alter or in any way interfere with any memorial work or make any inscription in a niche, wall or tablet or facility without the written consent of the Council.
- (2) No work in connection with a niche, wall, tablet or facility for the deposit and preservation of ashes shall be undertaken until such permission has been exhibited to the authorised person whereafter the work shall be in continuous construction until final completion.
- (3) No person other than an artisan who is a qualified monumental or stonemason shall erect or construct or attempt to erect or construct any memorial work in or at a place referred to in regulation 50(1).
- (4) The Council may reject any proposed memorial work which, in its opinion, is of inferior workmanship or quality or which is likely in any way to disfigure a place referred to in regulation 50(1).
- (5) Any person engaged in any memorial work shall execute such work under the supervision and to the satisfaction of the authorised person, and such work shall be undertaken during ordinary working hours.

MATERIAL FOR MEMORIAL WORK

52. No person shall introduce any material in or at a place referred to in regulation 50(1) for the purpose of constructing or erecting any memorial work therein unless and until:-
- (a) a copy of the approval in terms of regulation 39(1) for such construction or erection or for a proposed inscription has first been submitted to the authorised person; and
 - (b) all fees due in respect of a niche or facility for the deposit and preservation of ashes or memorial tablet have been paid in full.

PERMANENT WREATHS, ETC.

53. No permanent wreath, spray, flower or floral tribute may be placed in or at a place referred to in regulation 50.

COUNCIL NOT LIABLE

54. The Council shall in no instance be liable for any damage to any niche, facility or memorial work from any cause whatsoever.

PART VIII

GENERAL

BRIBING OF COUNCIL'S EMPLOYEES

55. No person shall bribe or offer any gratuity to any staff member of the Council employed in or about a cemetery and no such staff member shall accept any bribe or gratuity.

FEES

56. The fees prescribed in Schedule C shall be paid to the Council in respect of the various items therein contained in accordance with these regulations.

PENALTIES

57. Any person who contravenes any provisions of these regulations or an order given in terms thereof or fails to comply therewith, shall be guilty of an offence and on conviction liable to a fine not exceeding N\$2000.00 or in default of payment, to imprisonment for a period not exceeding six months.

SCHEDULE A
MUNICIPALITY OF SWAKOPMUND
NOTICE OF INTERMENT

Name of deceased (in full) _____

Sex _____

Last residence _____

Cause of death _____

Date of death _____ Time _____

By whom certified _____

To be interred on _____ Time _____

Grave space number _____

Block number _____

DATE

SIGNATURE OF APPLICANT

NOTE: No burial will be effected unless a death certificate and burial order has been presented for purposes of copies to be made and attached to this notice.

Payment must be effected at the same time as the handing in of the burial order. No notice shall be issued or accepted without an official receipt.

SCHEDULE B

MUNICIPALITY OF SWAKOPMUND

CERTIFICATE OF PURCHASE OF EXCLUSIVE RIGHT OF BURIAL IN A GRAVE SPACE

This is to certify that _____

is the registered purchaser of the exclusive right of burial in grave space no

of block no _____

in the _____

cemetery subject to the regulations applicable to the said cemetery.

CHIEF EXECUTIVE OFFICER

Dated at Swakopmund on this _____ day of _____

of the year _____.

Amount: N\$ _____

Receipt: _____

(This certificate must be produced when a burial has to take place in a registered grave space)

NOTE: No notice that the reservation has lapsed shall be given by the Council to the person concerned and the grave space may at any time after the date of lapsing be re-allocated.

GENERAL MANAGER: COMMUNITY & ECONOMIC DEVELOPMENT

Interment fees to the amount of N\$ _____ have been received,

receipt no _____ dated _____

The prescribed order has been received and the above-mentioned interment may take place in the mentioned grave space.

DATE

CHIEF EXECUTIVE OFFICER

SCHEDULE C

MUNICIPALITY OF SWAKOPMUND

1. (A) Fees payable to the Municipal Council in respect of residents or ratepayers of Swakopmund and their dependants:

- (i) Purchase of the exclusive right of Interment/Reservation: Single grave:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- (ii) Purchase of the exclusive right of Interment/Reservation: Double grave:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- (iii) Interment/Burial Fees - Adults:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- (iv) Interment/Burial Fees - Children, including still-born children:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- (v) For a second interment in the same grave, at the same time (except for still-born children which are interred free of charge):

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- (vi) The fees set out in paragraph (iii) and (iv) shall be paid in respect of the interment of ashes in a new grave.

- (vii) Fees for Ashes

- a. For the deposit of ashes in a niche:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

- b. For the placement of urns in the memorial wall (per urn):

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

c. For the interment of ashes in an existing grave or ashes grave:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(viii) For interments on Saturdays , Sundays or public holidays , an additional charge of -

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(ix) Grave maintenance:

(a) (i) For a new planting on a grave space, by the Municipal Council (single grave):

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(ii) For the maintenance of the above grave space, after planting per annum:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(b) (i) For a new planting on a grave space, by the Municipal Council (double grave):

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(ii) For the maintenance of the above grave space after planting, per annum:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(c) The fees payable for a new planting in terms of paragraph (a) (i) or (b)(i) shall also be payable if and when the maintenance of a grave space has been interrupted for a period of three months or longer due to non-payment of the annual maintenance fees.

(x) Cooling Room fees

For the storage of a body in the cooling room, per day or part of a day.

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(xi) Fees for Chapel

For the use of the chapel:

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(B) Sale or transfer of the exclusive right of interment -

For the recording of the sale or transfer of the exclusive right of interment, including the issue of a certificate.

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(C) Fees in respect of memorial work -

Deposit payable in terms of regulation 51 (not refundable) -

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(D) Fees in respect of exhumations -

(a) If the exhumation is done by Council, including the interment of the mortal remains in a freshly - prepared grave and altering of registers.

(i) Before a period of ten years has lapsed since the initial interment -

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(ii) After a period of ten years or more has lapsed since the initial interment -

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(b) If the exhumation is done by an authorised person, excluding the preparation of a new grave and altering the registers -

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(E) Fees for Information and Copies

(a) For the investigation and perusal of registers or documents –

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

(b) For a certified copy –

Swakopmund Cemetery	Tamariskia Cemetery	Mondesa Cemetery
N\$	N\$	N\$

2. Fees payable to Council in respect of persons who are not residents or ratepayers of Swakopmund, or their dependants:

In respect of the Swakopmund, Tamariskia and the Mondesa Cemetery –

- (a) The fees as set out in the sub-item 1(A)(i) to (ix) plus a surcharge of -

Swakopmund Cemetery 100% of such fees	Tamariskia Cemetery N\$	Mondesa Cemetery N\$
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- (b) In respect of sub-item 1 (A) (xi), the fees as set out therein.

THE OLD SCHEDULE C MUNICIPALITY OF SWAKOPMUND

1. Fees payable to the Municipal Council in respect of residents or ratepayers of Swakopmund and their dependants:

- (1) Fees payable for the purchase of the exclusive right of Interment

- (a) In the case of the Swakopmund Cemetery

- (xi) For the exclusive right of interment in respect of a grave space (single grave) : **N\$ 871.20**
(ii) For the exclusive right or interment in respect of a grave space (double grave) : **N\$1 742.40**

- (b) In the Case of the Tamariskia Cemetery

- (i) For the exclusive right of interment in respect of a grave space (single grave) : **N\$ 171.60**
(ii) For the exclusive right of interment in respect of a grave space (double grave) : **N\$ 343.20**
(iii) Interment of children (including still-born children) : **N\$ 105.60**
(iv) Reservation : Single grave : **N\$ 171.20**
Double grave : **N\$ 343.20**

- (v) Grave care taking : **N\$ 92.40**

- (vi) Fees for ashes : **N\$ 66.00**

- (c) In the case of the Mondesa Cemetery

- (i) Reservation : Single grave **N\$ 96.00**
(ii) Reservation : Double grave **N\$ 156.00**
(iii) Burial Fees : Adults **N\$ 171.60**
(iv) Burial Fees : Children **N\$ 105.60**
(v) Grave care taking **N\$ 92.40**
(vi) Fees for ashes **N\$ 66.00**

- (d) For the recording of the sale or transfer of the exclusive right of interment, including the issue of a certificate.
N\$ 52.80

- (2) Interment fees in respect of the Swakopmund Cemetery

- (a) For adults **N\$ 871.00**
(b) For children, including still-born children **N\$ 580.80**

- (c) For a second interment in the same grave, at the same time (except for still-born children which are interred free of charge) **N\$ 448.80**
 - (d) The fees set out in paragraph(a) and (b) shall be paid in respect of the interment of ashes.
 - (e) For the interment of ashes in an existing grave or ashes grave **N\$ 151.80**
 - (f) For interments on Saturdays , Sundays or public holidays , an additional charge of **N\$ 382.80**
- (3) Fees in respect of memorial work
- Deposit payable in terms of regulation 51 (not refundable) **N\$ 180.00**
- (4) Fees in respect of the maintenance of grave space
- (a) (i) For a new planting on a grave space, by the Municipal Council (single grave) **N\$ 105.60**
 - (ii) For the maintenance of the above grave space, after planting per annum **N\$ 105.60**
 - (b) (i) For a new planting on a grave space, by the Municipal Council (double grave) **N\$ 158.40**
 - (ii) For the maintenance of the above grave space after planting, per annum **N\$ 158.40**
 - (c) The fees payable for a new planting in terms of paragraph (a) (i) or (b)(i) shall also be payable if and when the maintenance of a grave space has been interrupted for a period of three months or longer due to non-payment of the annual maintenance fees.
- (5) Fees in respect of exhumations
- (a) If the exhumation is done by Council, including the interment of the mortal remains in a freshly - prepared grave and altering of registers
 - (i) Before a period of ten years has lapsed since the initial interment **N\$1 318.80**
 - (ii) After a period of ten years or more has lapsed since the initial interment **N\$ 871.20**
 - (b) If the exhumation is done by an authorised person, excluding the preparation of a new grave and altering the registers **N\$ 363.00**
- (6) Fees for Ashes
- (i) For the deposit of ashes in a niche **N\$ 92.40**
 - (ii) For the placement of urns in the memorial wall (per urn) **N\$ 363.00**
- (7) Cooling Room fees
- For the storage of a body in the cooling room, per day or part of a day **N\$ 66.00**
- (8) Fees for Chapel
- For the use of the chapel **N\$ 250.80**
- (9) Fees for Information and Copies
- (a) For the investigation and perusal of registers or documents **N\$ 26.40**
 - (b) For a certified copy **N\$ 26.40**
3. Fees payable to Council in respect of persons who are not residents or ratepayers of Swakopmund, or their dependants:
- (a) In respect of the Swakopmund Cemetery
The fees as set out in the sub-item (1)(a)(i) to (ii) and sub-item (2) (a) to (f) plus a surcharge of 100% of such fees;
 - (b) In respect of the Tamariskia Cemetery
The fees as set out in the sub-item (1)(b) (i) to (vi), plus a surcharge of **N\$ 39.60**
 - (c) In respect of the Mondesa Cemetery
The fees as set out in the sub- item (1)(b) (i) to (vi), plus a surcharge of **N\$ 39.60**
 - (d) In respect of sub-item 1 (8), the fees as set out therein.
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