

DEPARTMENT OF HEALTH

NO. 1884

15 March 2022

NATIONAL HEALTH ACT, 2003 (ACT NO. 61 OF 2003)

REGULATIONS RELATING TO THE MANAGEMENT OF HUMAN REMAINS

The Minister of Health intends, in terms of section 68(1)(b) read with section 90(4)(a) of the National Health Act, 2003 (Act 61 of 2003) to make Regulations contained in the Schedule hereto.

Interested persons are invited to submit within 30 days from the date of publication of this Notice substantiated comments or representations on the proposed regulations to the Director-General, Department of Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Chief Directorate: Environmental Health & Port Health Services), by fax to: 012- 395 8802, attention: Mr Daniel Nkuna or by e-mail to: daniel.nkuna@health.gov.za.



DR M.J. PHAAHLA, MP

MINISTER OF HEALTH

DATE:

14/03/2022

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CHAPTER 1

DEFINITIONS

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates—

“body” means a dead human body or the remains thereof and *“corpse”* has a corresponding meaning;

“burial at sea” means the disposal of human remains in the sea by ship or aircraft excluding human remains ashes;

“certificate of competence” means a document contemplated in regulation 5 of these Regulations;

“certificate holder” means the person in whose name a certificate of competence has been issued;

“coffin” means a box, case, or other receptacle, designed for, and into which, human remains are placed for storage, movement, burial, or cremation;

“crematorium” means a place used for the purpose of burning or cremating human remains and includes every part of the premises;

“embalming” means the treatment of human remains to prevent decay;

“environmental health practitioner” means, subject to the provisions of the Health Professions Act, 1974 (Act No. 56 of 1974), any person registered as such with the Health Professions Council of South Africa, and includes an Environmental Health Practitioner doing compulsory community service;

“export permit” means a permit issued by the Director-General as contemplated in regulation 23;

“funeral undertaker” means a person whose business is to manage funeral and **burial services**, including the handling of human remains that are to be buried or cremated, and **“funeral director”** has a corresponding meaning;

“funeral undertaker’s premises” means premises that are used for the preparation and storage of human remains, and includes the vehicles used for the transportation of human remains;

“Health Professions Act” means the Health Professions Act, 1974 (Act No. 56 of 1974);

“human remains” means a dead human body, or the remains of a dead human body whether decomposed or otherwise and includes ashes and “mortal remains” has a corresponding meaning;

“import permit” means a permit issued by the Director-General as contemplated in regulation 23;

“infectious disease” means a disease capable of being transferred by any means from one person to another;

“mortuary” means premises in which human remains are kept for hygienic storage and preservation or for examination purposes, until burial or cremation;

“municipality” means a municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“potable water” means water which complies with the SANS 241 for drinking water and its subsequent amendments, with regard to its chemical, microbiological and physical quality;

“preparation” means any action aimed at the preparation of human remains for a burial or cremation or for exportation or other disposal and includes the embalming of such human remains for the said purposes, and “prepare” and any word derived there from has a corresponding meaning;

“public transport” means a transport system consisting of vehicles such as buses, trains or taxis used by the general public;

“relevant health authority” means a relevant municipality established under section 155 of the Constitution, and responsible for rendering municipal health services;

“rodent proofing” refers to the construction of premises or containers in such a manner as to ensure that the premises or container cannot be penetrated by rodents and rodent proof has a similar meaning;

“the Act” means the National Health Act, 2003 (Act No. 61 of 2003);

“trailer” means a trailer as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), and used as contemplated in these Regulations; and

“utensils” means tools, devices and apparatus used in burial services.

CHAPTER 2 APPLICATION OF REGULATIONS

Application

2. (1) These Regulations apply to—
- (a) any private or public mortuary, funeral undertaker's premises and crematorium, including a mortuary or crematorium under the control of the state or a Government Department such as the police services and public hospitals;
 - (b) any state or private owned burial sites;
 - (c) a natural person who is not in the service of a funeral undertaker or mortuary and who does not, either directly or indirectly, undertake or arrange funerals but only prepares human remains;
 - (d) a natural person outside or within the Republic who undertakes the movement of or requires the movement of human remains to or from the Republic; and
 - (e) private households burying human remains in their plots, residences, open land or homes.
- (2) (a) The relevant health authority may, in writing temporarily exempt any person, a public or a private mortuary or a funeral undertaker, a non-governmental organisation or a government or a private institution from any provision of these Regulations.
- (b) The temporary exemption referred to in paragraph (a) may be granted if, in the opinion of the relevant health authority, it does not create a health nuisance, health hazard or endanger human health.
- (3) The exemption contemplated in sub-regulation (2) is subject to such conditions, and is valid for such a period, as the relevant health authority may determine.

CHAPTER 3

FUNERAL UNDERTAKER'S PREMISES AND MORTUARIES

Requirements relating to crematoria, funeral undertaker's premises and mortuary

3. (1) Every crematorium, funeral undertakers' premises and mortuary must have all facilities used in connection with the receiving, storage, transportation and preparation of human remains, which facilities must include at least the following:

- (a) A preparation room for the preparation of human remains only;
- (b) separate male and female change-rooms for employees;
- (c) approved and adequate refrigeration facilities for the refrigeration of human remains;
- (d) facilities for the washing and cleaning of utensils and equipment;
- (e) facilities for the cleaning of vehicles equipped with approved drainage systems;
- (f) facilities for the loading and unloading of human remains; and
- (g) an alternative energy source, in the case of power failure.

(2) No room on a funeral undertaker's premises, crematorium or mortuary may be used for a purpose other than the purpose for which it is intended.

(3) The preparation room must—

(a) be so designed as to—

- (i) be separate from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on an existing funeral undertaker's premises so communicates, the entrance thereto must be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
- (ii) enable obnoxious odours and vapors to be adequately eliminated; and

- (iii) be sufficiently ventilated and illuminated;
- (b) have a floor—
 - (i) covering an area of not less than 16m² for the first table of the kind referred to in paragraph (e) and 8m² for each additional such table;
 - (ii) constructed of concrete or similar waterproof material with a smooth non-slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off drains into an approved disposal system; and
 - (iii) that is coved where it meets the walls;
- (c) have walls the inner surface of which has a smooth impervious washable finish, which finish must be of a light colour;
- (d) have a ceiling not less than 2,4 m above the floor level, which is dust-proof and painted with a light-coloured washable paint;
- (e) contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
- (f) contain not less than one wash-basin for each such table, made of stainless steel or glazed earthenware or other approved material, with a working surface of the same material, taps with hot and cold running water and approved drainage system connected to a Municipal disposal system or a disposal approved by the relevant authority, and provided with disposable towels, a nailbrush and soap;
- (g) have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and
- (h) have door openings that are not less than 0,82 meters in width and 2 meters in height so that human remains can be taken into and out of such room without any difficulty.

- (4) The change-room must contain at least the following:
 - (a) One hand-basin with hot and cold running potable water for every six employees or part thereof;
 - (b) disposable towels, soap, nailbrushes and disinfectants; and
 - (c) not less than one toilet for every 12 male employees or part thereof and not less than one toilet for every 12 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 is permissible for every 30 men or part thereof.
- (5)
 - (a) Refrigerators or cold chambers must be —
 - (i) installed in or within easy reach of such preparation room for the keeping of human remains;
 - (ii) made of a material that does not absorb moisture and be fitted with removable trays;
 - (iii) so designed as to drain properly and be easy to clean; and
 - (iv) able to cool the human remains temperature to between 2°C and 6°C within three hours of its being received on the premises and must be maintained at a temperature of between 2°C and 6°C.
 - (b) A sufficient number of trays must be provided for the storage of bodies, with one body stored per tray.
 - (c) Cold chambers must comply with paragraph (a)(i),(ii),(iii) and (iv) and must be fitted with shelves manufactured from a material that does not absorb moisture and that is easy to clean.

(6) Cleaning and loading and unloading facilities must consist of a paved area, screened from public view, with an approved drainage system into a gulley connected to a Municipal disposal system or to disposal system approved by relevant health authority.

(7) The loading and unloading of human remains and the cleaning of vehicles must not take place anywhere except in the area contemplated in subregulation (1)(e) and (6).

- (8) A funeral undertaker's premises or mortuary must be rendered rodent-proof.

Minimum requirements for cremation facility

4. A cremation facility must—
- (a) be located at least 10 meters from any habitable dwelling;
 - (b) have a chimney fitted with anti-ash scrappers and of a height of not less than three metres above the roof;
 - (c) be kept clean, sanitary and good repair; and
 - (d) be adequately ventilated and illuminated.

Certificate of competence

5. (a) Subject to the provisions of these regulations, no person may prepare or store human remains except on approved funeral undertaker's premises or mortuary in respect of which a certificate of competence, the format of which is set out in **Annexure G** to these regulations, has been issued by the relevant health authority, and is in effect.
- (b) No person may transport human remains in a road conveyance without a valid certificate of competence in respect of the vehicle or trailer used to transport such human remains.
- (c) The possession of a valid certificate of competence does not apply to rail, sea and air transportation.

Application for certificate of competence: Premises

6. (1) (a) A person who wishes to apply for a certificate of competence must submit an application form prescribed by the relevant health authority and must attach the following documents to the application form:
- (i) Special consent use issued by the municipality or traditional authority;
 - (ii) a zoning certificate issued by the municipality in urban areas or a permit to occupy issued by traditional authority;

- (iii) proof of public Notice advertisement;
- (iv) approved plans showing drainage connections;
- (v) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100; and
- (vi) copies of identity document, passport or permit of the person in charge or owner or particulars of any person other than the applicant or any of his or her employees who is or are responsible for preparing human remains on the premises.

(2) An application for a certificate of competence may be made by the applicant or his or her authorised representative to the relevant health authority in whose area of jurisdiction the funeral undertaker's premises or mortuary is located.

(3) The relevant health authority, when considering an application for a certificate of competence, may request from the applicant or any other person any such further information as it may deem necessary to enable the authority to properly consider the application concerned.

(4) The relevant health authority may not consider an application for a certificate of competence, unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by the relevant health authority.

(5) The conditions of an existing certificate of competence remain valid for a period of 30 days after a change of ownership.

(6) The new owner is legally responsible for the premises from the date of taking ownership.

(7) The new owner must apply for a certificate of competence within seven days of taking ownership of the premises.

Issue of provisional certificate of competence

7. (1) (a) Where a certificate of competence has been applied for in respect of a funeral undertaker's premises or a mortuary, and the relevant health authority is not satisfied that the applicant has complied with the requirements contemplated in regulations 3, the relevant health authority may, nevertheless, in the case of an existing funeral undertaker's premises or mortuary, issue a provisional certificate of competence.
- (b) A provisional certificate of competence contemplated in paragraph (a) is valid only for a period of six months.
- (c) Before issuing a provisional certificate of competence contemplated in paragraph (a), the relevant health authority must satisfy itself that the use of the funeral undertaker's premises or mortuary concerned does not create a health nuisance or endanger human health.

(2) The relevant health authority may not extend a provisional certificate unless the authority is satisfied that the owner or his or her representative is in the process of making the necessary changes so as to comply with the requirements prescribed in regulation 3.

(3) If the relevant health authority extends a provisional certificate as contemplated in subregulation (2), such extension may not be for a period of more than 12 months.

Issuance of certificate of competence

8. (1) The relevant health authority must, if satisfied that the applicant complies with the requirements set out in these regulations, issue a certificate of competence for the premises, mortuary or crematorium.

(2) Where the relevant health authority refuses to issue the certificate of competence, it must provide reasons for such refusal and inform the applicant of the right to appeal the decision.

Validity of certificate of competence

9. (1) A certificate of competence is—

- (a) renewable every second year; and
- (b) not transferable from one person to another or from one funeral undertaker's premises to another.

(2) An application for the renewal of a certificate of competence must be submitted at least six months before its expiry date.

(3) The relevant health authority may, if the decision to grant the certificate of competence was taken on incorrect or misrepresented information submitted in the application, revoke the certificate of competence with immediate effect.

(4) Before the relevant health authority revokes the certificate of competence as contemplated in subregulation (3), the relevant health authority must give the holder of the certificate a notice to furnish reasons, at a place and time specified in the notice, as to why the certificate must not be revoked.

Application for certificate of competence: vehicle or trailer

10. (1) A person who wishes to apply for a certificate of competence must, when applying for a certificate of competence for premises, also submit an application, on a form prescribed by the relevant health authority, for a certificate of competence for a vehicle or trailer.

(2) The application must be accompanied by—

- (a) registration documents of the vehicle or trailer issued by traffic authorities; and
- (b) a certificate or written confirmation by the manufacturer or modifier regarding the specifications of the vehicle or trailer.

Suspension or revocation of certificate of competence or provisional certificate of competence

11. (1) If the relevant health authority is, on the strength of an inspection report by an Environmental Health Practitioner, is of the opinion, based on reasonable grounds, that—

- (a) the funeral undertaker's premises or mortuary is used or suspected of being used in a manner that poses a health hazard;
- (b) conditions entailing a health nuisance or health hazard have been or are being created on the funeral undertaker's premises or mortuary;
- (c) the funeral undertaker's premises or mortuary is being used in contravention of the provisions of these regulations; or
- (d) the conditions under which the certificate of competence or a provisional certificate of competence in respect of a funeral undertaker's premises or mortuary was issued contravene the provisions of these regulations, the relevant health authority may, subject to the provisions of subregulation (2), serve a written notice to the holder of a certificate of competence or provisional certificate of competence or the person in charge of the funeral undertaker's premises or mortuary to—
 - (i) remove such health nuisance or health hazard from the premises;
 - (ii) cease the use of the premises in contravention of the certificate of competence or a provisional certificate of competence; and
 - (iii) furnish reasons, at a place and a time specified in the notice, why the certificate of competence or provisional certificate of competence, whatever the case may be, must not be suspended or revoked.

(2) A notice referred to in subregulation (1) must set out such particulars that are reasonably adequate to inform the holder of the certificate of competence or provisional certificate of competence why the suspension or revocation of the certificate is contemplated.

(3) If the holder of the certificate of competence or provisional certificate of competence fails to comply with the notice contemplated in subregulation (1), the relevant health authority may suspend or revoke the certificate of competence or the

provisional certificate of competence, whatever the case may be, and close the premises.

(4) From the date of coming into operation of the decision to suspend or revoke a certificate of competence or provisional certificate of competence—

- (a) no preparation or storage of human remains may take place on the funeral undertaker's premises or mortuary concerned;
- (b) no human remains may be received for preparation or storage on the funeral undertaker's premises or mortuary concerned;
- (c) no human remains may be preserved on the funeral undertaker's premises or mortuary concerned;
- (d) no human remains may be examined on the funeral undertaker's premises or mortuary concerned; and
- (e) all human remains on the funeral undertaker's premises or mortuary concerned must immediately be removed to a mortuary under the control of the State, a provincial administration or relevant health authority or any other funeral undertaker's premises, mortuary or religious premises approved by the relevant health authority for storage and preservation, and the cost of such removal, storage and preservation must be borne by the holder of the suspended or revoked certificate of competence or provisional certificate of competence concerned.

Appeals

12. (1) A person affected by a decision taken in terms of these regulations who wishes to appeal against the decision, must lodge an appeal with the Mayor or Member of Executive Council for Health or the Minister within 30 days after that person has been notified of the decision.

(2) The Mayor or Member of Executive Council for Health or the Minister, may, pursuant to a written request and on good cause shown, extend the period within which an appeal must be submitted or indulge the late lodgment of an appeal.

(3) The Mayor or Member of Executive Council for Health or the Minister must, after considering all relevant information make a decision on the appeal and inform the appellant of such decision.

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

Duties of holder of certificate of competence

- 13.** (1) The holder of a certificate of competence must—
- (a) immediately inform the relevant health authority in writing, if there are changes in the particulars supplied in the application for the certificate of competence concerned;
 - (b) ensure that all workers or employees are provided with personal protective clothing (PPE);
 - (c) ensure that all employees working with human remains are vaccinated and tested for Hepatitis B bi-annually;
 - (d) ensure that employees or workers are trained on legislation related to the management of human remains;
 - (e) ensure that premises and equipment used for the management of human remains are kept clean and disinfected at all times;
 - (f) put infection prevention and control measures in place;
 - (g) ensure that waste is managed according to the waste management legislation;
 - (h) keep proper records of all deaths and exhumations handled, coffins used, import and export of human remains handled, for a period of at least five years;
 - (i) ensure that the necessary documentation for all human remains is kept in the premises and must have the documentation available when transporting human remains from one place to another; and
 - (j) ensure that the person transporting human remains has all the relevant documentation in place and that the receiving municipality or tribal authority has given permission for burial.

(2) Failure by the holder of a certificate of competence or a person in charge of a funeral undertaker's premises or mortuary or an authorised person to comply with this regulation is an offence and the holder or person is liable on conviction to a fine or imprisonment or both.

Duties with regard to management of cremations

- 14.** (1) Every crematorium must keep a register for each cremation performed.
- (2) The register must contain the following:
- (a) The date of each cremation;
 - (b) the name, identity number, address, occupation, age, sex, and marital status of each deceased person cremated;
 - (c) the date of death of each deceased person;
 - (d) the name, identity number and address of the person in whose name the crematorium is registered in terms of the certificate of competence referred to in regulation 8;
 - (e) the name, designation and address of the person who issued the certificate relating to the cause of death of each person cremated;
 - (f) the cause of death and the registration number of the death certificate of each person cremated; and
 - (g) the manner in which the ashes of the person cremated were disposed.

Waste Management

15. (1) Disposable empty body bags must be used once, cut and treated as a health care risk waste and disposed of immediately.

(2) All health care general waste generated on the funeral undertaker's premises, crematoria or mortuary must be kept in corrosion-resistant and rodent proof containers with tight-fitting lids and must be dealt with in accordance with the waste management legislation.

(3) Health care risk waste must be segregated from general waste at all times.

(4) All waste generated in the preparation room, including contaminated disposable personal protective clothing and equipment is health care risk waste and the collection, storage, handling and disposal of such waste must be done in accordance with the relevant health care risk waste standards and legislation.

(5) The certificate holder or person in charge and the appointed waste management contractor must conclude a written contract for the collection, removal, transportation, treatment and disposal of health care risk waste.

Hygiene requirements for funeral undertaker's premises, crematoria and mortuary

16. (1) Every holder of a certificate of competence or provisional certificate of competence for a funeral undertaker's premises, crematorium or mortuary must ensure that —

- (a) employees and all other persons involved in the handling of human remains are provided with clean and appropriate personal protective equipment consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person must, at all times when handling human remains, use the personal protective equipment;
- (b) all entrances and exits of the premises are provided with sanitiser dispenser dispensing hand sanitisers with alcohol content of 60% to 70% alcohol;
- (c) premises are kept free of insects, offensive odours, gases and fumes;
- (d) premises are rodent proof;
- (e) a pest control programme is in place;
- (f) all working areas or surfaces at the premises where human remains are prepared, are cleaned and disinfected immediately after the preparation of human remains;
- (g) all equipment used for the preparation of human remains is washed and disinfected immediately after use;

- (h) all used personal protective equipment is washed, cleansed and disinfected daily on the premises; and
- (i) the number of human remains kept within the premises does not exceed the number of removable trays available to accommodate such human remains in the refrigerators or cold chambers.

(2) The number of removable trays that must be stored in the refrigerators must be specified on the certificate of competence.

(3) The deceased person's apparel and other articles on the deceased person's body must be handled with gloves and cleaned with a detergent followed by disinfection with a solution of at least 70% ethanol or 0.1% (1000 ppm) bleach.

(4) Clothing and other fabric worn by the deceased must be machine washed with warm water at 60 ° to 90 °C and laundry detergent.

(5) If machine washing is not possible—

- (a) linens may be soaked in hot water and soap in a large drum using a stick to stir while being careful to avoid splashing;
- (b) the drum must then be emptied, and the linens must be soaked in 0.05% chlorine for approximately 30 minutes; and
- (c) the laundry must be rinsed with clean water and the linens must be allowed to dry in full sunlight.

(6) A surface where the body was prepared, must first be cleaned with soap and water, or a commercially prepared detergent solution and then a disinfectant with a minimum concentration of 0.1% (1000 ppm) sodium hypochlorite (bleach), or 70% ethanol must be used to disinfect such surface.

CHAPTER 4

CONVEYANCE OR TRANSPORTATION OF HUMAN REMAINS

Prohibition of transportation of human remains on public transport

17. No human remains may be transported through the public transport system except transportation by air.

Requirements for body collecting vehicle

18. (1) The vehicle used for the collection of human remains must be permanently marked "**Funeral Undertaker Transport**" and must be certified by the relevant health authority who must issue the certificate of competence.

(2) The certificate of competence for the vehicle must be kept in the vehicle at all times.

(3) The vehicle must be used solely for the removal and transportation of human remains.

(4) The load box or loading space of the vehicle or trailer must have an easy to wash surface which is non-corrosive and is able to contain fluids.

(5) The vehicle or trailer load box or loading space must be fitted with a drainage system.

(6) The contents loaded in the trailer or vehicle must not be visible from outside.

(7) A funeral undertaker's employees must always wear full personal protective clothing every time when collecting human remains.

(8) Human remains must be placed in a body bag, and then in a steel tray during transportation.

(9) The load box or loading space of the trailer or vehicle must be long enough to contain the human remains without exposing the remains.

Requirements for vehicle used for transportation of human remains

19. (1) The vehicle used for the transportation of human remains must—
- (a) be attached to a funeral undertaker's premises or mortuary;
 - (b) be used solely to transport human remains;
 - (c) be approved and issued with a certificate of competence; and
 - (d) not be washed in public car wash bays.

(2) The space for loading the human remains must be made of smooth, non-corrosive and washable material and must be able to contain fluids.

Use of trailers to transport human remains for burial

20. (1) The trailer must be registered for transporting human remains and must have a certificate of competence issued by the relevant health authority.

- (2) (a) The trailer must be permanently marked on both sides as "Funeral Undertaker Transport".
- (b) Temporary or magnetic stickers are not allowed to be used to mark the trailer as required in terms of paragraph (a).

(3) The trailer must only be used for transporting human remains or a sturdy coffin.

(4) The trailer must be long enough to carry the coffin without exposing it and must have a minimum length of 2m.

(5) The trailer must have a closing door or lid to keep its contents hidden from the public's view.

(6) All human remains transported across borders must be embalmed and the embalming certificate must accompany the human remains during transportation and the remains must be stored in sturdy coffin.

(7) The load space of the trailer must be washable and non-corrosive.

(8) The human remains must be well packaged in a body bag in a coffin during transportation.

(9) The trailer must only be used by a registered funeral undertaker who is in possession of a certificate of competence.

(10) The trailer must be enclosed in design and be in a good state of repair.

(11) The trailer must be fitted with a fixed or removable Hearse floor or Roller board with 2m x 1.2m dimensions and must have lockers at the edges.

(12) The trailer must be fitted with a locker that must be kept locked at all times during the transportation of human remains.

(13) The trailer must be roadworthy and be registered with a valid licence issued by the relevant licensing authority.

Conveyance of infectious human remains

21. (1) The human remains of a person who, at the time of his or her death suffered from a disease or condition which is capable of transmitting an illness even after death and which, in the opinion of the relevant health authority, may pose a health hazard or endanger public health in one way or another, may not be imported or exported in any way unless—

(a) such human remains are—

- (i) placed in a moisture-proof clear or transparent polythene bag;
- (ii) sealed in an airtight container;

- (iii) placed in a sturdy non-transparent sealed coffin; and
 - (iv) embalmed or are completely covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant;
- (b) the outer surface of the coffin or container is free from any leakages or any other secretion matter emanating from such human remains;
- (c) offensive odours are not emitted;
- (d) an Environmental Health Practitioner declares in writing that in his or her opinion—
 - (i) the conveyance of such human remains out of the Republic does not constitute a health hazard if packaged and handled in terms of these Regulations; or
 - (ii) the import of such human remains into the Republic does not constitute a health hazard.

(2) The declaration contemplated in subregulation (1)(d) must accompany the human remains at all times during the conveyance and up to the burial and must be shown by the person responsible for the conveyance of the human remains to an official on demand.

(3) The human remains of a person whose cause of death was smallpox, anthrax or viral hemorrhagic fever, may not be embalmed or transported across borders, and such human remains must be buried or cremated within 24 hours at the place of death.

(4) Infectious human remains excluding those referred to in subregulation (3) must be embalmed when transported by Air.

(5) No person, except a law enforcement official, may open a container that contains human remains or remove the human remains from the container or come into direct contact with the human remains after the container has been sealed if he or she does not have a prior approval from an Environmental Health Practitioner.

Requirements for transportation of human remains inland and across borders of Republic

22. (1) A vehicle used for the transportation of human remains must be designed to accommodate a fixed or removable hearse floor or a roller board for ease of movement of the coffin in and out of the vehicle.

(2) The fixed or removable hearse floor or roller board must at least be 2m x 1.2m in dimensions in order to accommodate all sizes of coffins and caskets.

(3) An undertaker transporting human remains from or into the Republic must ensure that the coffin containing the human remains is transported in a vehicle approved by the relevant health authority.

(4) No coffin or container in which the human remains have been placed may be conveyed using public transport.

(5) The person responsible for the transportation of human remains must ensure that where there are leakages, secretions or odours emanating from the coffin or container of the human remains conveyed, such coffin or container is taken forthwith to the nearest mortuary or approved undertaker's premises in order for the necessary measures to be taken to eliminate such conditions.

(6) The holder of a certificate of competence operating in the Republic may be contracted to move human remains up to the border where the body may then be given to a foreign operator.

Authorisation to import and export human remains

23. (1) Subject to the provisions of regulations 21 no person may import or export human remains unless he or she is issued with an import or export permit by the Director-General or his or her delegated person, and such import or export permit is valid for a period of seven days after the date of issue.

(2) A person requiring an import or export permit must apply, on a Form similar to Annexure I, to the Director-General or his or her delegated person in writing three days prior to importation or exportation.

(3) An application for the importation of human remains into the Republic must be made directly to the Director-General or his or her delegated person through the Department of International Relations and Cooperation (DIRCO), and such application must be accompanied by the following:

- (a) A checklist in a form similar to Annexure F to these regulations;
- (b) a death certificate, indicating the deceased's name, the date and place of death and the cause of death. Such information must be provided in one of the official languages of the Republic;
- (c) the name and export permit of the country from which the human remains are to be imported;
- (d) the name of the first point of entry where the human remains are to be imported, the type of transport to be used to import the human remains and convey the remains to the place of burial;
- (e) the name of the municipality and place in the Republic where the burial of the human remains is to take place;
- (f) a permit from the receiving municipality authorising the burial of the human remains;
- (g) a valid certificate of competence of the mortuary or funeral undertaker's premises where the body is to be stored in the Republic;
- (h) the reasons, if the human remains are imported for reasons other than burial; and
- (i) an embalming certificate.

(4) The movement of human remains within the Republic must be accompanied by all relevant permits.

- (5) (a) If any human remains in respect of which an import permit referred to in subregulation (1) has not been issued are imported into the Republic, the Director-General or his or her delegated person may

order that such human remains be returned to the country of export or be kept in a mortuary or at an undertaker's premises at the expense of the importer until such time that the required permit has been issued.

- (b) If the prescribed permit is not issued within 30 days after the date of the order contemplated in paragraph (a), the Director-General may order that such human remains be buried or dealt with in accordance with the burial prescripts in the Republic at the expense of the importer.

(6) The funeral undertaker must provide the seal number to the Medical Practitioner for recording on the non-infectious disease certificate.

(7) The provisions of subregulation (1) apply with the changes required by the context to the human remains of a person that has died—

- (a) in transit on a boat or aircraft the moment that the human remains are being brought into the Republic, irrespective of whether such human remains are to be buried in the Republic; or
- (b) in the Republic and has to be exported out of the Republic for compliance with the requirements of the International Health Regulations IHR (1969) to contain events at their sources.

(8) The person responsible for the conveyance or burial of human remains must have in his or her possession the import permit referred to in subregulation (1), and the permit must be produced, on request by a Port Health Officer, at the port of entry in terms of the International Health Regulations Act, 1974 (Act No. 28 of 1974) or its subsequent amendments.

Embalming of radioactive contaminated human remains

24. (1) Radioactive contaminated human remains must be embalmed through an injection method only.

(2) Embalmers must wear lead coated personal protective equipment.

(3) All radioactive contaminated human remains must have a label attached, identifying the radionuclide and its activity at the time of death.

CHAPTER 5

ADDITIONAL REQUIREMENTS OF EVENT OF INTERNATIONAL CONCERN, DISASTER OR PUBLIC HEALTH EMERGENCY

Persons who die outside health establishment

25. Where a person dies of an infectious disease outside a health establishment, specimen from such person may only be taken either by a—

- (a) medical practitioner when certifying death at home;
- (b) medical practitioner at a funeral parlour when certifying death; or
- (c) mortician or professional nurse or other suitable health personnel at a funeral parlour.

Additional storage and cooling system

26. (1) An undertaker may, for a limited period during an event of international concern, disaster or public health emergency, in addition to the cooling system in his or her premises, use the mortuary containers or mobile cooling systems.

(2) A crematorium may, in order to increase capacity, make use of mortuary containers on its premises.

(3) The mortuary container must be able to store human remains at the temperature of between 2 and 6 Degrees Celsius.

(4) The container must be issued with a temporary certificate of competence in the name of the existing owner, with conditions determined by the relevant authority.

(5) The door leading to the inside of the container must be screened from the public's view.

(6) The container must meet all requirements for a permanent refrigeration structure relating to washability.

(7) The container drainage system must be connected to the main sewer connection of the funeral undertaker.

Storage of radioactive contaminated human remains

27. (1) Persons handling radioactive human remains must wear appropriate lead based protective clothing with thermoluminescent dosimeter (TLD) or film badge to record the level of exposure to radioactive materials.

(2) The human remains must be stored in an adequately refrigerated compartment until the exposure dose rate at one metre from the remains is less than 2.5 millirems per hour (mR/hr).

(3) The storage of radioactive human remains must be marked with a radiation symbol.

Prohibition of viewing of human remains

28. (1) No person may at any given time make contact with or touch the human remains without wearing the appropriate Personal Protective Clothing (PPE).

(2) The family may not wash or prepare the human remains.

(3) A funeral undertaker must deliver the human remains on the morning of burial and not the night before the burial and must ensure that the remains are not touched.

(4) Those tasked with placing the human remains in the grave or on the funeral pyre must wear gloves and wash hands with soap and water once the burial is complete.

(5) People carrying the coffin must wear disposable hand gloves that must be disposed of properly so as not to create a health nuisance.

(6) Burial services during a disaster or a state of public health emergency must be as short as possible and may not exceed two hours, in order to minimise possible exposure.

(7) Mourners must observe physical distancing during and after the burial service.

(8) Only close family members may attend a funeral and burial service.

(9) For the purposes of protecting the health of the mourners at a burial service, a person who is ill or suspected to have contracted an infectious pathogen or is a patient must not attend a burial service irrespective of his or her relationship with the deceased.

(10) A body bag must be used for transferring the body from the mortuary to a private undertaker to be exported for non-South Africans or to the family for final burial or cremation.

(11) The reusable empty heavy duty body bags must be decontaminated after every use.

Personal Protective Clothing and segregation of human remains

29. (1) Personal Protective Clothing must be kept in a sound state and, if damaged, must be discarded.

(2) Funeral undertakers must use surgical masks, heavy duty rubber gloves and heavy duty aprons when handling human remains.

(3) Safety goggles or shield must be used when performing embalming or working with human remains.

(4) The funeral undertaker must store the human remains of a person who died of an infectious disease separately from the human remains of a person who died of a non-infectious disease or other natural or unnatural causes.

(5) The relevant health authority or traditional authority may not create specific cemetery space for the burial of the human remains of a person who died of an infectious disease.

Application of Chapter

30. This Chapter applies to the handling, storage, preparation and the burial or cremation, of the human remains of a person who dies during a disaster or a public health emergency.

CHAPTER 6 DISPOSAL OF HUMAN REMAINS

Declaration and certification of death

31. (1) When a person dies at home or anywhere outside a health facility, Emergency Services, South African Police Service or a traditional authority may be called to declare the person dead: Provided that the traditional authority has been trained and is able to perform the necessary examination of the body so as to declare a person dead.

(2) A Medical Practitioner, Professional Nurse or a forensic pathologist must certify a person dead whether the person died in or outside a health facility.

(3) The Medical Practitioner, Professional Nurse or forensic pathologist that certifies the death must fill in the DHA Form BI -1663.

- (4) (a) A relevant health authority may not issue a cremation permit, unless the application is accompanied by a certificate of death issued by a Medical Practitioner, Professional Nurse or a relevant health professional who certified the person dead, (and if applicable, who also performed a postmortem examination of the deceased) in respect of whom cremation is intended.
- (b) The certificate of death contemplated in paragraph (a) must indicate the cause of death and whether the cause of death is natural or is from a contagious communicable disease, and that the remains of the deceased may be disposed.

Burial sites

32. (1) A burial site must be—

- (a) subjected to the processes of an Environmental Impact Assessment referred to in the National Environmental Management Act and a Land Use application;
- (b) located outside the 100-year floodplain;
- (c) located at least 50 metres from ground water sources used for drinking purposes;
- (d) located at least 10 metres from the nearest habitable building:
Provided that—
- (i) two rows of natural trees are planted, or solid walls are provided around the perimeter of the cemetery to prevent visibility of activities taking place inside;
- (ii) noise control measures are implemented to ensure that residents around the cemetery are not negatively affected by operations;
- (iii) dust control measures are implemented;
- (iv) access control measures are implemented; and

- (v) a plan is developed to monitor the operation of the cemetery throughout its lifespan.

(2) For a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table must be at least 2.5m deep in order to allow for a traditional grave depth of six feet (1.8 meters);

(3) For areas with higher water tables, the relevant health authority may determine a reasonable depth with additional walling recommendations to protect underground water.

- (4) (a) In the case of private burial sites in respect of which a land survey has been conducted by a municipality, the municipality may grant the necessary approval.
- (b) The approval contemplated in paragraph (a) must be in writing and must contain conditions for use relating to the availability of waste management and ablution facilities which must include access to potable water and sanitation facilities.

(5) A private household, homestead and private farm burial may be allowed relevant health authority on condition that—

- (a) Traditional council authority permit must be in place;
- (b) the chosen site must be at least 50 metres from the source of drinking water; and
- (c) for areas with higher water tables, the relevant health authority may determine a reasonable depth with additional walling recommendations to protect underground water, if home burial is a cultural practice in that area.

Disposal by burial

33. (1) Human remains may only be buried in an authorised cemetery in terms of the National Environmental Management Act.

(2) The depth of the grave must at least be six feet (1.8m).

(3) Human remains of a person who died from anthrax or similar disease must be cremated as soon as possible after such death.

Multiple Burials

34. (1) Where the carrying capacity of the cemetery is exceeded, the municipality or traditional authority may allow more than one human remains to a maximum of three, to be buried in one grave.

(2) Multiple burials must be undertaken taking into consideration the spacing between coffins.

(3) The grave earmarked to be used for a multiple burial must be dug to the depth of at least 2.8 metres from the natural ground level as if all bodies are going to be buried simultaneously.

(4) A municipality must ensure that a multiple burial is done in consideration of human dignity and the necessary controls must be put in place to ensure that human remains can be identified.

(5) The top covering soil may not be less than 1 m, if three bodies are buried in the same grave, 300mm of soil must be maintained between the coffins.

Burial of radioactive contaminated human remains

35. (1) The amount of incorporated radioactivity allowed for the burial of radioactive human remains must not exceed 2.5 mR/hr at one metre.

(2) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination and must be disposed of at the hazardous substances landfill.

- (3) The body of radioactive human remains must be marked with a radiation symbol.

Disposal of human remains by cremation

36. (1) Human remains may only be cremated in an authorised crematorium in terms of the National Environmental Management Act.

- (2) The cremation process must be able to break down the human remains to ashes.

Disposal of radioactive contaminated human remains by cremation

- 37.** (a) Human remains containing radioactive levels higher than 15 mCi (millicurie) must not be released for cremation but must be stored until the limit of 15 mCi is reached.
- (b) A radiologist must be consulted to issue certificate declaration the human remains free of any radiological material before the human remains referred to in paragraph (a) are released for cremation.

Disposal by burial at sea

38. (1) Burial of human remains at sea must take place no closer than three nautical miles (equivalent to 6 kilometers) from land and in water no less than 600 feet (equivalent to 200 metres) deep.

- (2) The boat used to transport human remains of a person infected by an infectious disease must be decontaminated immediately after use.

(3) All necessary measures must be taken to ensure that the human remains sink to the bottom rapidly and permanently.

(4) Human remains ashes may be disposed of in or on ocean waters without regard to the depth limitations specified in subregulation (1): Provided that the burial

takes place within a distance of three (3) nautical miles (equivalent to six (6) kilometers) from land.

(5) Only flowers and wreaths consisting of materials that are readily decomposable in the marine environment may be disposed of under the general permit provided for in regulation 39 at the site at which the disposal of human remains is authorised.

Issuance of permit for burial at sea

- 39.** (1) (a) No person may bury at sea the body of a person who died in the Republic unless such burial has been permitted by the relevant health authority, on a prescribed form, the format of which is set out in Annexure A to these regulations.
- (b) An application for the permit referred to in paragraph (a) must be—
- (i) made in a prescribed form similar to Annexure B to these regulations;
 - (ii) signed by an executor or the nearest surviving relative of the deceased; and
 - (iii) accompanied by a declaration in accordance with Annexure C or a certificate in accordance with Annexure D, whatever the case may be, to these regulations.
- (c) If the application for a permit is made by a person other than the executor or the nearest relative of the deceased, that person must provide a satisfactory reason why the application is made by him or her and not made by the executor or the nearest surviving relative of the deceased.
- (2) (a) The relevant health authority may not issue a permit contemplated in subregulation (1)(a) unless the provisions of subregulation (1)(b)(i), (ii) and (iii) and (c) are complied with.
- (b) If the relevant health authority so directs, the applicant for a permit must obtain a confirmatory certificate signed by a medical practitioner

in accordance with Annexure E to these regulations and furnish such confirmatory certificate to the relevant health authority.

(3) A permit referred to in subregulation (1) (a) may not be issued for the burial at sea of the body of a person who is known to have left a written direction that his or her remains must not be buried at the sea or must be buried elsewhere than at sea.

- (4) (a) A permit referred to in subregulation (1) (a) may not be issued unless the environmental health practitioner authorised to issue permits is satisfied that the coffin or container in which the body is to be buried is of a suitable construction and weighted in a satisfactory manner.
- (b) In issuing the permit, the environmental health practitioner authorised to issue permits may impose a condition that the permit be issued on condition that the coffin or container be constructed and weighted as determined by the relevant health authority.

(5) If a body is buried at sea without compliance with any of the conditions set forth in the permit for the burial, the body is deemed to have been buried without such permit and may be exhumed by the relevant health authority for reburial or cremation at the owner's expense.

CHAPTER 7

EXHUMATION AND REBURIAL OF HUMAN REMAINS

Authorisation for exhumation of human remains

40. (1) No exhumation and reburial of human remains may take place unless authorised by —

- (a) the relevant health authority and permitted by the relevant municipality; or
- (b) a court order.

(2) An exhumation may not be authorised without a reburial permit issued by the relevant municipality in whose area the reburial will take place, or without a cremation permit, in cases where the exhumed body must be cremated.

(3) No person may exhume human remains, unless it is for the following purposes:

- (a) Removal from the original grave to a new grave acquired in the same cemetery;
- (b) removal for burial in another cemetery;
- (c) removal for cremation;
- (d) removal for forensic examination of the deceased;
- (e) transfer from a public grave to a private grave;
- (f) for legal reasons, such as crime related investigations;
- (g) for archeological reasons; or
- (h) for any other reason deemed necessary by a court.

(4) The relevant health authority may grant a permit for an exhumation on condition that the exhumation of the human remains may only be done by an undertaker with a valid certificate of competence issued by the relevant authority.

(5) An exhumation may be authorised only if the cause of death was not anthrax or similar disease capable of causing disease over period of time after burial.

Exhumation requirements

41. The following are the requirements for an exhumation:

- (a) The station commander must inform the Provincial Commissioner of the South African Police Service whenever an exhumation is to take place.
- (b) A member of the South African Police Service must always be present when an exhumation is conducted.
- (c) The area where an exhumation is conducted must be screened from the general public and must take place under the supervision of the environmental health practitioner.

- (d) The human remains must be placed in a non-transparent polythene body bag.
- (e) An undertaker must provide a leak proof container for the transportation of the exhumed human remains.
- (f) The grave must be guarded if it is going to be used for reburial of the exhumed human remains.
- (g) The grave must be disinfected after the cover soil has been replaced.

Reburial of human remains

- 42.** The undertaker must register a reburial with the relevant municipality.

CHAPTER 8 GENERAL PROVISIONS

Delegation of powers

- 43.** The Director-General may in writing delegate any duty or power imposed or conferred upon him or her by these Regulations to any official in the Department or assign any duty or power imposed or conferred upon him or her by these Regulations to any provincial department of Health or any municipality.

Offences

- 44.** A person who contravenes a provision of these Regulations or allows such a contravention to take place is guilty of an offence and liable to an imprisonment not exceeding six years or a fine or both such a fine and imprisonment.

Transitional measures

- 45.** (1) Anything done in terms of the repealed Regulations is deemed to have been done in terms of these Regulations.

(2) Any certificate, permit or authorisation issued in terms of the repealed Regulations that has not expired remains valid until its date of expiry.

Repeal of Regulations

46. The Regulations Relating to the Management of Human Remains, 2013 published in *Government Gazette* No.36473, Government Notice No. R.363 of 22 May 2013, are hereby repealed.

Short Title and Commencement

47. These Regulations are called the Regulations Relating to the Management of Human Remains, 2022 and come into force on the date of publication in the *Government Gazette*.

ANNEXURE A

Application forms and approval certificate for burial at sea

AUTHORITY TO BURY AT SEA IN TERMS OF REGULATION 39 (1) (a)

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

(Name)-----

(Address)-----

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

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

(Signature)-----

(Designation)-----

(Date)-----

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

ANNEXURE B

**APPLICATION FOR PERMISSION TO BURY A BODY AT SEA WITH STATUTORY
DECLARATION IN TERMS OF REGULATION 39 (1) (b).**

I (name of applicant)-----

Address-----

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

(Name of deceased)-----

(Address)-----

(Occupation)-----

(Age)-----

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

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

1. Are you an executor or the nearest surviving relative of the deceased?-----

2. If not, state your relationship to the deceased -----

3. The reason(s) why the application is made by yourself and not by an executor of the deceased estate or the nearest surviving relative of the deceased -----

4. Did the deceased leave any written directions regarding how his or her remains must be disposed of? If so, what?-----

5. Have close relatives of the deceased been informed of the proposed burial at sea?
 Yes/No -----

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

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

6. What was the date and time of the death of the deceased?-----
7. Where (place) did the deceased die?-----

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

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

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

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

I do hereby solemnly and sincerely declare that the information stated above is true, and to the best of my knowledge and belief no material information has been omitted, and I make this solemn declaration* conscientiously believing it to be true.

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

(Signature)-----

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

.....

Official stamp: commissioner of oaths

ANNEXURE C

DECLARATION BY MEDICAL PRACTITIONER IN TERMS OF REGULATION 39(2) (b)(iii)

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

(Name of deceased)-----

(Address)-----

(Occupation)-----

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

1. On what date and at what time did the deceased die?-----

2. Where did the deceased die?-----

3. Are you a relative of the deceased? If so, state the relationship-----

4. Do you have, so far as you are aware, any pecuniary interest in the death of the deceased? -----

5. Were you the ordinary medical attendant of the deceased? If so, for how long?-----

6. Did you attend to the deceased during his or her last illness? If so, for how long?-----

7. When did you last see the deceased alive?----- (say
how many days or hours before death).

8. How soon after death did you see the body of the deceased, and what examination did you make on the body?-----

9. What was the cause of death?----- (primary/secondary). (specify the disease, injury, etc, and if possible, distinguish the primary from the secondary cause as in the death certificate).
10. Is there any other cause which contributed to or accelerated the death of the deceased? If so, state it, and if there is more than one cause, state them all-----

11. What was the mode of death? (syncope, coma, exhaustion, convulsions, etc.)-----

12. What was its duration in days, hours, or minutes?-----

13. State whether the answers to the last two questions are the result of your own observations, or are based on statements made by others. If based on statements made by others, say by whom?-----

14. Did the deceased undergo any operation during the final illness or within a year before his or her death? If so, what was its nature, and who performed it?-----

15. By whom was the deceased nursed during his or her last illness? (Give names, and say whether professional nurse, relative, etc... . If the illness was a long one, this question must be answered with reference to the period of four weeks before the death)-----

16. Who was, if anyone, present at the time the deceased died?-----

17. In view of the knowledge of the deceased's habits and constitution, do you feel any
doubt whatever as to the nature of the disease or the cause of death?-----

18. Do you know, or have you any reason to suspect, that the death of the deceased was
due, directly or indirectly, to violence, poison, privation or neglect? -----

19. Do you have any reason to believe that a further examination of the deceased's body is
desirable?-----

20. Did you issue the certificate required for registration of death?-----

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

(signature) ----- (Date) ----- (Place)-----

(Address)-----

(Registered qualifications)-----

ANNEXURE D

**CERTIFICATE AFTER POST-MORTEM EXAMINATION IN TERMS OF REGULATION
39(2)(b)(iii)**

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

(Name)-----

(Address)-----

The result of the examination is as follows:-

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

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

(Signature)-----

(Address)-----

(Registered qualifications)-----

(Date)-----

(Place)-----

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

ANNEXURE E

CONFIRMATORY MEDICAL CERTIFICATE IN TERMS OF REGULATION 39(2)(b)

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

1. Have you seen the body of the deceased?-----

2. Have you carefully examined the body externally?-----

3. Have you made a post-mortem examination?-----

4. Have you seen and questioned the medical practitioner who gave the above certificate?
5. Have you seen and questioned any other medical practitioner who attended the deceased?-----

6. Have you seen and questioned any person who nursed the deceased during his or her last illness, or was present at the time of the death of the deceased?-----

7. Have you seen and questioned any of the relatives of the deceased? -----

8. Have you seen and questioned any other person?-----

(On the answers to questions 5, 6, 7 and 8, give names and addresses of persons seen and say whether you saw them alone).

I am satisfied that the cause of death was-----and
I certify that I know of no circumstances which can give rise to any suspicion that
death was due wholly or in part to any other cause than disease/accident-----
-----and that there is no circumstance of any sort known to me which makes it
undesirable that the body be buried at sea.

(signature) -----

(Address)-----

(Registered qualifications)-----

(Date) -----

(Place)-----

ANNEXURE F

CHECKLIST FOR CONVEYANCE OF HUMAN REMAINS IN TERMS OF CHAPTER 4 OF REGULATIONS

- (1) Documents needed for importation (non-infectious)
 - (a) The following documents must be provided for the importation of human remains:
A death certificate, identity document or passport, embalming certificate, letter from the family member requesting importation, and a covering letter from either the Embassy or the undertaker that includes the following:
 - (i) Name of deceased;
 - (ii) date of death;
 - (iii) cause of death;
 - (iv) country of death;
 - (v) place of burial; and
 - (vi) full contact numbers including codes.
 - (b) If the documents are not in English, a certified translation must be attached.
- (2) Documents needed for importation (infectious)
 - (a) The following documents must be provided for the importation of human remains:
A death certificate, identity document or passport, embalming certificate, autopsy report, letter from the family member requesting importation, and a covering letter from either the Embassy or the undertaker that includes the following:
 - (i) Name of deceased;
 - (ii) date of death;
 - (iii) cause of death;
 - (iv) country of death;
 - (v) place of burial; and
 - (vi) full contact numbers including codes.
 - (b) If the documents are not in English, a certified translation must be attached.

Exportation of human remains

- (1) Documents needed for exportation (non-infectious)
 - (a) The following documents must be provided for the exportation of human remains:
A death certificate, identity document, passport, embalming certificate, letter from the family member requesting exportation and a covering letter from either the Embassy or the undertaker that includes the following:
 - (i) Name of deceased;
 - (ii) date of death;
 - (iii) cause of death;
 - (iv) country of death;
 - (v) place of burial; and
 - (vi) full contact numbers including codes.
 - (b) If the documents are not in English, a certified translation must be attached.
- (2) Documents needed for exportation (infectious)
 - (a) The following documents must be provided for the exportation of human remains:
A death certificate, identity document, passport, embalming certificate, letter from the family member requesting exportation and a covering letter from either the Embassy or the undertaker that includes the following:
 - (i) Name of deceased;
 - (ii) date of death;
 - (iii) cause of death;
 - (iv) country of death;
 - (v) place of burial; and
 - (vi) full contact numbers including codes.
 - (b) If the documents are not in English, a certified translation must be attached.

Transit through South Africa - human remains

- (1) Documents needed in the case of a transit through South Africa

- (a) The following documents must be provided in respect of human remains in transit through the Republic for exportation: A death certificate, identity document, passport, embalming certificate, letter from the family member requesting importation and a covering letter from either the Embassy or the undertaker that includes the following:

- (i) Name of deceased;
- (ii) date of death;
- (iii) cause of death;
- (iv) country of death;
- (v) place of burial; and
- (vi) full contact numbers including codes.

- (b) If the documents are not in English, a certified translation must be attached.

Exhumation and importation or exportation of human remains

- (1) Documents needed for exhumation and exportation.

- (a) The following documents must be provided for exhumation and exportation of human remains: A death certificate, identity document, passport, embalming certificate, letter from the family member requesting exportation and a covering letter from either the Embassy or the undertaker that includes the following:

- (i) Name of deceased;
- (ii) date of death;
- (iii) cause of death;
- (iv) country of death;
- (v) place of burial; and
- (vi) full contact numbers including codes.

- (b) If the documents are not in English, a certified translation must be attached.

- (2) Documents needed for exhumation and importation:

- (a) A covering letter from either the Embassy or undertaker, that includes the following:

- (i) Name of deceased;
 - (ii) date of death
 - (iii) place of burial
 - (iv) place of reburial **(including grave numbers)**; and
 - (v) full contact numbers including correct codes for phone and fax.
- (b) Death Certificate **(If body is over 20 years in grave, no death certificate is required)**
- (c) Letter from a family member requesting exhumation.
- (d) If graves are on a privately owned ground, a letter from the owner granting permission for the burial or exhumation of the body is required.
- (e) If the documents are not in English, a certified translation must be attached.

Unknown Graves

- (a) Request from Company or undertakers must include the following:
 - (i) Place of grave;
 - (ii) copies of the newspaper advertisement advertising the discovery of the grave (the advertisement must run for two weeks);
 - (iii) place of reburial;
 - (iv) if graves are on a private owned ground, a letter of from the owner granting permission for the burial or exhumation of the body is required; and
 - (v) full contact number including correct codes.
- (b) If the documents are not in English, a certified translation must be attached.

Documents needed for exhumation and cremation:

The following documents are required for exhumation and cremation:

- (1) Identity document or passport;
- (2) death certificate;
- (3) letter from the family member requesting exhumation and cremation;
- (4) if the grave is on a privately owned ground, a letter from the owner granting permission for the exhumation of the body; and
- (5) a covering letter from the undertaker that must include the following:
 - (a) Name of deceased;
 - (b) date of death;

- (c) cause of death;
 - (d) place of burial (including grave number); and
 - (e) full contact numbers including codes.
- (6) If the documents are not in English, a certified translation must be attached.

ANNEXURE G

CERTIFICATE

NO:.....

**CERTIFICATE OF COMPETENCE FOR FUNERAL UNDERTAKERS PREMISES OR
MORTUARIES IN TERMS OF REGULATION 5.**

FUNERAL UNDERTAKERS PREMISES/MORTUARY

Name _____

Address

OWNER/PERSON IN CHARGE

Name _____

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

CERTIFICATION AND RESTRICTION

**It is hereby certified that the above mentioned premises complies with the provisions
of these regulations.**

RESTRICTIONS, CONDITIONS OR STIPULATION

ENVIRONMENTAL HEALTH PRACTITIONER

NAME:

PLACE:

DATE:

**** THIS CERTIFICATE IS NOT TRANSFERABLE***

ANNEXURE H**CHECKLIST FOR ISSUING CERTIFICATE OF COMPETENCE IN TERMS OF REGULATIONS 5 AND 6.**

The following areas must be checked for compliance. All facilities must also be checked to ascertain that they are in a working order.

1.

AREAS OF FOCUS	COMPLY	NOT COMPLY	COMMENTS
A preparation room for the preparation of human remains.			
Change-rooms , separate for each gender, for the use of the employees employed at such premises.			
Refrigeration facilities for the refrigeration of human remains.			
Facilities for the washing and cleaning of utensils and equipment inside the building.			
Facilities for the cleaning of vehicles on the premises.			
Facilities for the loading and unloading of human remains as contemplated in regulation 3.			
Comply with all the requirements mentioned in regulations 10 and 11.			

ANNEXURE I

**APPLICATION AND AUTHORISATION FORM TO IMPORT/EXPORT HUMAN REMAINS IN
TERMS OF REGULATION 23**

Authorisation

number:.....

WHEREAS application has been made for the importation/exportation of the remains of:

Name of the
deceased.....

Address.....
.....

Place of
death.....
.....

Cause of
death.....
.....

Country and place of
burial.....

Declaration of whether the human remains are infectious or non-infectious.....

AND WHEREAS I have satisfied myself that all the requirements of these regulations and any other relevant legislation have been complied with, and that there exists no reason for any further enquiry or examination.

I hereby give permission for the importation/exportation of the said human remains from(Country) to the REPUBLIC OF SOUTH AFRICA/COUNTRY OF DESTINATION on condition that the human remains are embalmed and sealed in an airtight container and placed in a sturdy non-transparent coffin.

Any other
conditions.....
...

(Signature).....
(Designation).....
(Date).....