

Drakenstein, South Africa

Cemeteries and Crematoria

Legislation as at 16 March 2007

FRBR URI: /akn/za-wc023/act/by-law/2007/cemeteries-and-crematoria/eng@2007-03-16

There may have been updates since this file was created.

PDF created on 7 December 2023 at 09:12.

Collection last checked for updates: 17 November 2023.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Cemeteries and Crematoria
Contents

- 1. Definitions 1
- 2. Application 2
- 3. Establishment 2
- 4. Control 2
- Part 1 – Cemeteries 2
 - 5. Authority for burial 2
 - 6. Hours of burial 2
 - 7. Register of burials 2
 - 8. Demarcation of grave plots 2
 - 9. Reservation of grave plots 3
 - 10. Provisions relating to the transfer of certificates of reservation 3
 - 11. Notice of burial 3
 - 12. Removal of monuments or structures 4
 - 13. Grave to be identified 4
 - 14. Dimensions of graves 4
 - 15. Provisions relating to grave plots 4
 - 16. Burials in one grave 4
 - 17. Preparation of graves, and coffins 5
 - 18. Provisions relating to funerals 5
 - 19. Provisions relating to exhumations 5
 - 20. Provisions relating to memorial stones or monuments 5
 - 21. Grave plots supplied with a berm 6
 - 22. Maintenance of graves 7
 - 23. Provisions relating to persons dying outside the municipal area 7
 - 24. Fees payable 7
- Part 2 – Crematoria 8
 - 25. Application for cremation 8
 - 26. Cremations 8
 - 27. Coffins 8
 - 28. General requirements for memorials and memorial work 8
 - 29. Disposal of ashes 9
- Part 3 – General 9
 - 30. General provisions relating to cemeteries and crematoria 9
 - 31. Offences and penalties 11

32. Repeal of by-laws	11
33. Short title and commencement	11
Schedule 1	11
Schedule 2	11
Schedule 3	12
Schedule 4	13

Drakenstein South Africa

Cemeteries and Crematoria By-law, 2007

Published in Western Cape Provincial Gazette 6426 on 16 March 2007

Commenced on 16 March 2007

[This is the version of this document from 16 March 2007 and includes any amendments published up to 17 November 2023.]

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the [Constitution of the Republic of South Africa](#) as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#)) as amended, has made the By-Law set out in the schedule below:

Purpose of By-law

- To provide for cemeteries for the burial of dead bodies and crematoria for cremation of dead bodies.
- To provide for procedures, methods and practices to regulate the burial and exhumation of dead bodies, the provision of grave plots and the maintenance thereof as well as the cremation of dead bodies.

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates:—

"**ashes**" means the cremated remains of a body;

"**berm**" means a concrete strip laid by the Municipality on a grave plot, on which a memorial stone, if any, is to be erected;

"**body**" shall mean any dead human body, including the body of any stillborn child;

"**burial**" means burial in the earth or some other form of internment and shall include any other mode of disposal of a body;

"**burial order**" means an order issued in terms of the Births and Deaths Registration Act, 1992 ([Act 51 of 1992](#));

"**cemetery**" means any burial place which, as contemplated in [section 3](#), has been duly set apart by the municipality for the burial or disposal of bodies within the municipal area of Drakenstein;

"**coffin**" means any form of opaque outer shell which completely encloses the body and is of sufficient strength to bear the weight of a body without collapsing;

"**crematoria**" means all the crematoria under the management and control of the municipality;

"**holder of reservation certificate**" means a person to whom a certificate has been issued or transferred in terms of [section 10](#);

"**memorial gardens**" means any lawned or landscaped section or similar section cultivated in a cemetery for the purposes of commemorating any deceased;

"**municipal area**" means the area described in Clause 2(1) of the Establishment Notice published under Provincial Notice 487 dated 22 September 2000;

"**municipality**" means the Municipality of Drakenstein established in terms of section 12 of the Municipal Structures [Act, 117 of 1998](#), Provincial Notice 488 dated 22 September 2000 and includes any political

structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;

"name" includes any identifying description of a deceased human being who possessed no name or whose name is unknown.

2. Application

This by-law shall be applicable in the municipal area of Drakenstein.

3. Establishment

- (1) The municipality may acquire, hold and alienate land for the purpose of establishing cemeteries and crematoria.
- (2) The municipality may set aside cemeteries or any section thereof for the burial of the dead of any religious denomination or other body or community; provided that such setting aside will not vest in any person the right to be buried in any particular place in any cemetery.
- (3) The municipality may set aside cemeteries or any section thereof to be maintained by the municipality in the form of memorial gardens.

4. Control

Cemeteries and crematoria shall be under the control of the municipality.

Part 1 – Cemeteries

5. Authority for burial

- (1) No person shall bury any body in the earth or cause such body to be so buried within the municipal area other than in a cemetery.
- (2)
 - (a) No body shall be buried in the earth in a cemetery within the municipal area without permission of the municipality.
 - (b) Such permission shall not be given without a burial order authorising such burial, and payment of the fees determined by the municipality. If the grave plot has been reserved in terms of [section 10](#), the certificate concerned shall be produced in lieu of payment of the relevant fees.
- (3) The municipality may at its discretion, in such manner as it may deem fit, allow the burial of any body without charge in that portion of a cemetery set apart for such purpose.

6. Hours of burial

Except with the permission of the municipality, who shall record the circumstances under which such permission is granted, no person shall bury a body in a cemetery during the hours 16h30 and 09h00.

7. Register of burials

- (1) The municipality shall keep a register of burials and of graves.
- (2) Such register shall be completed as far as possible immediately after a burial has taken place.

8. Demarcation of grave plots

The municipality shall demarcate grave plots in accordance with an approved layout plan.

9. Reservation of grave plots

- (1)
 - (a) Except in the case of grave plots reserved in terms of subsection (2), every grave plot in respect of which a burial has been authorised in terms of this by-law shall be reserved in the name of the next of kin, and, in the event of there being no known next of kin, in the name of the person applying for the grave.
 - (b) Where a burial has been authorised upon application received from a body or an association or institution or the government, the plot allotted for such burial shall be reserved in the name of such body, association or institution or the Government, as the case may be.
- (2) A grave plot for a person of the age of nine years or over as specified in [section 15\(1\)](#) may in the discretion of the municipality be reserved in advance upon application submitted to the municipality and upon payment of the respective grave plot charges as determined by the municipality, provided that no reservation effected in terms of this subsection shall confer the right for the body of a person who at the time of his death was liable for the payment of the additional charges, as determined by the municipality, to be buried in the grave plot in respect of which such reservation was effected, unless such additional charges shall have been paid.
- (3) The reservation of a grave plot in terms of sub-section (2) must be re-confirmed by the applicant after 20 years from the date of first reservation. Failure to do so will result in the cancellation of the reservation.
- (4) A certificate of reservation in the form prescribed in the first schedule to this by-law shall be issued in respect of every grave plot reserved in terms of this by-law.

10. Provisions relating to the transfer of certificates of reservation

- (1) A certificate of reservation in respect of any grave plot may be transferred, assigned or alienated with the written consent of the municipality in the form prescribed in the second schedule to this by-law.
- (2) All particulars in regard to every reservation and transfer in terms of subsection (1) shall be entered and shown in the register of burial and graves.
- (3) At the request of any religious denomination, the municipality may in such manner as the municipality may deem fit, set apart within a cemetery such area of land as the municipality may deem necessary for the burial of the bodies of persons belonging to such denomination and for the use of persons belonging to such denomination for such other purpose as may in the discretion of the municipality be incidental to the purpose of the cemetery; provided that the municipality may at its discretion utilise the land so set apart for other purposes.
- (4) No persons shall acquire any title to or ownership of any grave plot reserved in terms of [section 10](#) or any land set apart in terms of subsection (3), and no person shall acquire any right to or interest in any such grave plot or land in any cemetery other than such rights or interest as may be permitted under this by-law.

11. Notice of burial

- (1) Except in urgent cases, the municipality shall be notified of any burial at least one working day before the time set for such burial; provided that for a burial on a Saturday, Monday or public holiday, at least two working days notice shall be given. If a burial will take place on the day after a public holiday or a weekend, the requirement of two working days notice shall also apply.
- (2) Every such notice shall be accompanied by the fees determined by the municipality and, in the case of the prior reservation of a grave plot, also by the certificate of reservation or transfer concerned, as the case may be.
- (3) The municipality shall, as soon as possible, issue the necessary authority for such burial.

12. Removal of monuments or structures

If it is necessary to remove a monument or other structure for the purpose of a burial, it shall be removed by the holder of the certificate of reservation in respect of such plot or by his duly authorised representatives not less than two working days before the burial is to take place.

13. Grave to be identified

In every case where a burial has been authorised in terms of [section 12](#), the municipality shall number the plot allotted for such burial and no person shall bury any body in any grave other than that allotted by the municipality for such purpose.

14. Dimensions of graves

- (1) The excavation for a single grave for a deceased person of the age of twelve years or over shall be at least 1 800 mm deep, 2 200 mm long and 750 mm wide.
- (2) The excavation for a single grave for a deceased person under the age of nine years shall be at least 1 300 mm deep, 1 200 mm long and 750 mm wide.

15. Provisions relating to grave plots

- (1) The extent of a grave plot for a deceased person of the age of nine years or over shall be 2 500 mm by 1 500 mm; provided that in the case of a grave plot which is supplied with a berm, the width shall be reduced by 300 mm.
- (2) The extent of a grave plot for a deceased person under the age of nine years shall be 1 500 mm by 1 000 mm.
- (3) The width of a kerb on any grave plot shall be 150 mm.
- (4) The extent of any double grave plot shall be double the extent of any single grave plot.
- (5) Where a grave of a greater depth, length or width than that specified is required, application in respect thereof, together with payment of an extra fee, as determined by the municipality shall be made when notice of burial is given.
- (6) All graves shall be prepared by the municipality with the exception of brick-lined or concrete-lined graves, in which case the brickwork or concrete work shall be carried out by the undertaker under the supervision of the municipality and in conformity with the specifications applicable to ordinary graves.
- (7) The family of a deceased person will be allowed to prepare the grave subject to the following conditions—
 - (a) that an application for approval to prepare such grave be submitted to the municipality at least two working days prior to the burial;
 - (b) that the prepared grave be inspected and approved by the responsible municipal official at least eight hours prior to the burial; and
 - (c) that no digging be undertaken over weekends or between the hours of 16:30 and 07:45 on weekdays.

16. Burials in one grave

In the case of a family, more than two bodies may be buried in one single grave at the discretion of the municipality; provided that not more than two coffins shall be used; provided further that the lid of the second coffin placed in the grave under no circumstances be less than 900 mm from the surface, that, in the event of the reopening of the grave for the purpose of the burial of a further body, a layer of soil not

less than 150 mm thick shall be left undisturbed above the coffin previously placed in the grave and that, if on the reopening of any grave the soil is found to be offensive, the reopening shall not be proceeded with and the grave shall be refilled.

17. Preparation of graves, and coffins

- (1) All graves shall be prepared under the supervision of the municipality.
- (2) Bodies shall be placed in coffins for burials except where religious beliefs prohibit its use.
- (3) A coffin not constructed of perishable material shall not be placed or caused to be placed in a grave.

18. Provisions relating to funerals

- (1) No person shall, without prior permission of the municipality, conduct any religious ceremony or service according to the rites of any denomination in any portion of any cemetery which in terms of [section 11\(3\)](#) has been set apart by the municipality for the use of any other denomination.
- (2) No person shall cause any hearse, while a cemetery, to leave the roads, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (3) Every person taking part in any funeral procession or ceremony shall comply with the directions of the municipality as to the route to be taken within the cemetery.

19. Provisions relating to exhumations

- (1) No person shall exhume, disturb or remove a body from, or re-inter a body in a grave without the written permission of the municipality, which authorisation may be subject to conditions as determined by the municipality.
- (2) Any person duly authorised to exhume a body in terms of subsection (1) shall hand the order in respect thereof to the municipality and shall give him not less than eight working hours' notice of the date and time proposed for the exhumation of such body and shall at the same time pay the fees determined by the municipality.
- (3) No person shall exhume or remove any body unless the employee of the municipality who is responsible for cemeteries is present.
- (4) The grave from which any body is to be removed shall, if the municipality so requires, be effectively screened from view during the exhumation.

20. Provisions relating to memorial stones or monuments

- (1) No person shall bring or cause to be brought any material into any cemetery for the purpose of carrying out any work in connection with a memorial stone or brickwork or stonework upon any grave, and no person shall erect or place in position any tombstone, kerbing, or monument or any structure whatsoever on any grave, unless and until
 - (a) the grave plot shall have been reserved in terms of [section 10\(1\)](#) in the name of the person authorising such work;
 - (b) a drawing with dimensions and figures thereon showing the position of the proposed work together with a specification of the material to be used, and a copy of any proposed epitaph or ornamentation have been handed to the municipality not less than three working days before it is intended to bring such material into the cemetery;
 - (c) all fees, determined by the municipality, which are due in respect of such work shall have been paid;
 - (d) the municipality's written approval of the proposed work shall have been given to the holder of the certificate of reservation or his authorised representative.

- (2) The municipality may refuse to approve any proposed work with regard to a memorial stone or monument, the plan and specification of which reveals that it will disfigure any cemetery, or which bears any epitaph which may cause offence to users of the cemetery or visitors to it.
- (3) No person shall convey any stonework or brickwork or monuments or any portion thereof within any cemetery upon any vehicle or truck which is not fitted with wheels having pneumatic tyres and which is of a kind likely to cause damage to the roads and grounds of such cemetery.
- (4) No person engaged in work in connection with any memorial stone or monument shall at any time disturb any adjacent grave plot or, on completion of the work, leave the grave plot before it is in a clean and tidy condition.
- (5) All work in connection with a monument which is carried out within any cemetery shall be completed in accordance with the drawing and specification approved in terms of subsection (1).
- (6) Any person carrying out any work in connection with any memorial stones or monuments shall comply with the following provisions—
 - (a) The various parts of any memorial stone or monument, other than masonry, shall be affixed by copper or galvanised iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
 - (b) any part of such work which rests upon any stone or other foundation shall be fairly squared and pointed;
 - (c) the underside of every flat memorial stone made of stone and the base or foundation of every monument or headstone shall be set at least 50 mm below the natural level of the ground;
 - (d) every headstone shall be securely attached to the base;
 - (e) the base shall consist of one solid piece in the case of a single grave plot;
 - (f) all kerbing or monuments on single grave plots shall be erected on concrete foundation at least 610 mm wide and 205 mm deep over the full width;
 - (g) all kerbing on plots larger than single grave plots shall be fixed to a solid concrete surface at the four comers and wherever joints occur;
 - (h) the municipality may require any concrete foundation on any grave plot to be reinforced where, owing to the mass of the monument or headstone, it is necessary in the interests of safety.
- (7)
 - (a) No person shall erect any memorial stone within any cemetery unless the number and section letter of the plot upon which such work is to be placed are indelibly engraved thereon in such a position as to be legible at all times from a pathway.
 - (b) With the consent of the registered certificate holder, the name only of the maker of such memorial stone may appear on the base.
- (8) No person shall, without municipality's permission, bring any memorial stone or material into a cemetery nor do any work in connection with any memorial stones or monuments within any cemetery from twelve noon on a Friday until the opening hour on the following Monday.
- (9) Any person carrying out work within any cemetery shall in all matters comply with the directions of the municipality.

21. Grave plots supplied with a berm

Notwithstanding anything to the contrary contained in this by-law, a grave plot which is supplied with a berm shall be subject to the following conditions—

- (a) No kerbing shall be erected on such a plot.

- (b) The base of a memorial stone shall not be larger than 610 mm by 260 mm; provided that the base of a memorial stone which is erected over two adjoining grave plots may be 1 220 mm by 260 mm.
- (c) A memorial stone which is erected shall not protrude beyond the base and shall be at least 120 mm from the front edge of the berm.

22. Maintenance of graves

- (1)
 - (a) Any memorial stone or monument erected upon any grave shall at all times be maintained in good order and condition by the holder of the reservation certificate in respect of such grave.
 - (b) If any such memorial stone or monument is allowed to fall into a state of disrepair or to constitute a danger or to disfigure the cemetery, the municipality may, by written notice sent by registered post to the holder of the reservation certificate at his last-known postal address, require him to effect such repairs as may be necessary.
 - (c) Failure on the part of the holder of the reservation certificate to effect the required repairs within one month of the date of such notice shall be a breach of this by-law and the municipality may have the repairs effected or may have the memorial stone or monument removed, as it deems fit, and may recover the expense of such repairs or removal from the holder of the reservation certificate.
- (2)
 - (a) Any memorial stone or monument dismantled for the purpose of a further burial shall be either re-erected or removed from the cemetery by the holder of the reservation certificate within two months of date of such dismantling.
 - (b) Failure to do so shall constitute a breach of this by-law.
 - (c) In the event of such failure, the municipality shall be entitled to remove any such dismantled memorial stone or monument from the cemetery without further notice to the holder of the reservation certificate and recover from him the cost of such removal.
- (3) The municipality shall not be liable for any loss of or damage to any memorial stone, monument or any article placed upon any grave plot which may occur at any time from any cause whatsoever, nor for any compensation in respect of any memorial stone or monument repaired or removed in terms of subsections (1) and (2).
- (4)
 - (a) No person shall without the prior permission in writing of the municipality plant any tree, shrub, bush or any other plant on any grave plot, nor shall any such tree, shrub bush or plant be planted upon any portion of such plot other than that indicated by the municipality.
 - (b) No holder of a reservation certificate shall allow any shrub, bush or plant to overhang or extend beyond the boundaries of such grave plot.
- (5) The municipality shall have the right to remove, trim or prune any plant which extends beyond the boundaries of the grave plot upon which it is planted or which is untidy.

23. Provisions relating to persons dying outside the municipal area

- (1) The provisions of this by-law shall apply *mutatis mutandis* to any burial within the municipal area of the human remains of any person who has died outside such area.
- (2) Every application and every document relating to any burial shall be marked with a number which corresponds with the number in the register referred to in [section 7](#) and shall be filed in order and kept by the municipality for a period of not less than 10 years.

24. Fees payable

All fees payable in respect of burials and cremations shall be determined by the municipality.

Part 2 – Crematoria

25. Application for cremation

- (1) Applications for cremations must be made upon such terms, a such times and places and upon payment of such fees as determined by the municipality.
- (2) A person may only cremate or cause to be cremated any body within any crematorium after—
 - (a) complying with applicable legislation;
 - (b) obtaining the approval of the municipality; and
 - (c) complying with all the conditions as determined by the municipality.

26. Cremations

- (1) Where application has been made for cremation, the applicant or his or her representative must provide bearers for the purpose of carrying the coffin into the crematorium.
- (2) Where a member of the public desires to be present in a crematory, a request to that effect must be made to the municipality, which will consider the request as it deems fit.
- (3) Any body which contains a cardiac pacemaker or radio-active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated, may not be cremated unless it is removed.

27. Coffins

- (1) When cremated, a body must be contained in a coffin.
- (2) A coffin must conform to the specifications as determined by the municipality.
- (3) No body may be removed from any coffin for the purpose of incineration and a coffin may not be opened in the crematorium except when directed by the municipality.

28. General requirements for memorials and memorial work

- (1) The municipality may provide—
 - (a) buildings, niches or other facilities for the deposit and preservation of ashes for definite periods or in perpetuity upon such terms and conditions as may be determined by the municipality;
 - (b) facilities for memorial tablets of approved material, upon such terms and conditions as may be determined by the municipality; and
 - (c) gardens for the scattering and/or burial of ashes, which gardens may be known as "Gardens of Remembrance".
- (2) All inscriptions on niches, memorial tablets or in books of remembrance must comply with general standards of decency and propriety and must not be of such a nature so as to offend the feelings of the public.
- (3) A person may only—
 - (a) open a niche containing ashes, or
 - (b) remove an urn or casket containing ashes from a niche;with the permission of the municipality, which will not be unreasonably withheld.

- (4) If ashes are buried in a grave in a container, such container must be constructed of perishable material.
- (5) Only urns or caskets containing ashes may be deposited in a niche.
- (6) No person may place wreaths, sprays, flowers or floral tributes in the columbaria or in their grounds.
- (7) The municipality or its employees will not be liable to members of the public for any damage to or theft from niches, urns, memorials or any other embellishments thereon within a crematorium under its control or its grounds.

29. Disposal of ashes

- (1) Ashes must be disposed of as requested by the applicant for cremation or his or her representative.
- (2) Directions as to the disposal of ashes must be given by the applicant or his or her representative at the time of application for cremation.
- (3) Notwithstanding the above, the municipality has the right to dispose of the ashes in accordance with applicable legislation.

Part 3 – General

30. General provisions relating to cemeteries and crematoria

- (1) No person under the age of 12 years shall enter any cemetery or crematorium unless he is in the care of an adult.
- (2) No person shall—
 - (a) enter or leave any cemetery or crematorium except by the gates and/or doors provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery except on business;
 - (b) carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement, within any cemetery or crematorium, except on sites specifically determined and set apart for such purposes;
 - (c) sit, stand or climb upon any grave, tombstone, work, gate, wall, fence or building in any cemetery or crematorium;
 - (d) bring or cause to be brought any animal into any cemetery or crematorium without the permission of the municipality;
 - (e) obstruct, resist or oppose the municipality or any employee of the municipality in the course of his duty, or refuse to comply with any order or request which the municipality may give or make under this by-law;
 - (f) destroy or do or cause to be done any damage to, or shall mark or draw or erect any advertisement, bill or placard upon, or in any other way deface any grave, tombstone, monument, wall, building, fence, railing or other structure or any road in any cemetery or crematorium;
 - (g) disturb the soil, or plant or uproot any plant, shrub or flowering plant, or in any way interfere with any grave or structure in any cemetery or crematorium;
 - (h) play any game or take part in any sport or fire any firearm, except as a salute in a military funeral, or discharge any airgun or catapult, or disturb or interfere with any person in any cemetery or crematorium;

- (i) use any part of a cemetery or crematorium, or any road or footpath therein for hawking or conducting of any other business without the written consent of the municipality;
 - (j) leave or deposit any rubbish, loose soil, stone or other debris within a cemetery or crematorium other than at a place provided for that purpose;
 - (k) overnight in, trespass on or enter and remain in any cemetery unless for the purposes of a burial or visiting a grave in such cemetery;
 - (l) use a cemetery or crematorium, or any road or footpath therein, for the conveyance of goods, parcels or other materials or as a thoroughfare or short cut;
 - (m) play or perform any music in a cemetery or crematorium without the permission of the municipality;
 - (n) hold or take part in any demonstration for any purpose in a cemetery or crematorium without the prior consent of the municipality;
 - (o) enter and drive in a cemetery with a vehicle except in accordance with the terms and conditions determined by the municipality;
 - (p) bring intoxicating liquor or any dependence-producing substance into a cemetery or crematorium, or be in possession of such liquor or dependence-producing substance in a cemetery or crematorium, without the consent of the municipality;
 - (q) expose or convey a body in an unseemly manner in a cemetery;
 - (r) pick or in any way interfere with plants, shrubs, flowers or trees in a cemetery;
 - (s) plant a tree or shrub on a grave or plot or in any other place in a cemetery without the permission of the municipality, and for these purposes, the municipality shall be entitled to prune, cut down or remove any shrub, plant, flower or tree in a cemetery and the municipality shall not be liable to any person who may suffer damages as a result of such pruning or removal;
 - (t) disturb or annoy any person lawfully present in a cemetery or crematorium;
 - (u) knowingly make any false statement under this by-law or wilfully conceal any fact or any document required by this by-law.
- (3) The maximum speed limit in a cemetery is 20 km/h or as otherwise determined by the municipality.
- (4) The driver of a vehicle within a cemetery passing in close proximity to any point where a funeral service is being conducted, must pay the necessary respect by driving in an orderly and dignified manner.
- (5) Persons entering the municipality's cemeteries and crematoria do so at their own risk and the municipality shall not be liable or accept any responsibility for damage, loss or injury to any person or property howsoever arising, except where such loss, damage or injury is proved to be due to the wilful misconduct of municipal employees acting in the course and scope of their employment.
- (6) Every cemetery and crematorium shall be open to the general public from 09:00 to 17:00. No person may be present in a cemetery or crematorium outside these hours, except with the permission of the municipality.
- (7) Where offices are operated within the cemeteries and crematoria, it shall be open during the hours as determined by the municipality.

31. Offences and penalties

Any person contravening the provisions of this by-law shall be guilty of an offence and liable on conviction to—

- (1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

32. Repeal of by-laws

The by-laws listed in the fourth schedule hereto are hereby repealed to the extent indicated in the third column thereof.

33. Short title and commencement

This by-law shall be known as the By-Law Relating to Cemeteries and Crematoria and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Schedule 1**Drakenstein Municipality*****Cemeteries***

Certificate of Reservation No..... (Issued in terms of section 10)

It is hereby certified that of having paid the prescribed fees of R..... is entitled to use the site(s) described below for the purposes of burial:

Grave plot No..... Section.....

Measuring

Cemetery.....

Dated at.....on this.....day of.....20.....

.....

Authorised Official

Schedule 2**Drakenstein Municipality*****Cemeteries***

Transfer of Certificate of Reservation No.....

(Issued in terms of section 11)

It is hereby certified that Certificate of Reservation No.....in respect of grave plot No.....has been transferred from.....

Address

to

Address

.....

Transferor

Confirmed on behalf of the Municipality on this.....day of 20.....

.....

Authorised Official

Schedule 3

Drakenstein Municipality

Application for burial No.....

To the Authorised Official of Cemeteries

..... 20.....

Please supply grave in

Denomination.....

Size of coffin lid

Time at gate.....

For the late (state name and surname in full)

.....

Nationality

Sex

Age

(1) Address where death occurred.....

(2) Residential address

Date of death

Cause of death

Name of next of kin

Name of applicant

.....

Undertaker

Note — To be attached to burial order and presented at the office of the municipality before burial can take place in accordance with section 12.

Schedule 4

By-laws of the Destablished Municipality of Paarl		
PN No.	Short title	Extent of repeal
8/1945	Cemetery	The whole
By-laws of the Disestablished Municipality of Wellington		
20/1953	Cemetery	The whole
92/1971	Additional Cemetery	The whole
By-laws applicable to Gouda via the Disestablished Municipality of Tulbagh		
1027/1971	Cemetery	In so far as it has been made applicable to Drakenstein Municipality by the demarcation of boundaries and the establishment of Drakenstein Municipality in terms of PN 484/2000
806/1973	Additional Cemetery	
By-laws of the Distablished Town Municipality of Mbekweni		
455/1990	Control over cemeteries and cremation	The whole