

TOWNSHIPS ACT
(Cap. 40:02)

JWANENG TOWN COUNCIL (CEMETERY) BYE-LAWS, 1997
(Published on 11th April, 1997)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Establishment of cemeteries
4. Permission for burials
5. Burials
6. Register of burials
7. Memorial work
8. Exhumations
9. Opening and closing of cemeteries
10. Powers of caretakers
11. Offences and penalties

SCHEDULE

IN EXERCISE of the powers conferred by regulations 30 and 31 of the Town Council Regulations, and with the approval of the Minister of Local Government and Lands, the Jwaneng Town Council hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the Jwaneng Township (Cemetery) Bye-Laws, 1997. Citation

2. In these Regulations, unless the context otherwise requires — Interpretation
“adult” means a person of or above the age of 10 years;
“caretaker” means a person so designated by the Council;
“cemetery” means a cemetery established in accordance with bye-law 3;
“child” means a person under the person age of 10 years;
“Council” means the Jwaneng Town Council;
“memorial work” means any gravestone, monument, cenotaph, tablet or
monumental inscription erected over a grave, or any work ancillary
thereto;
“Town Clerk” means the Town Clerk of Jwaneng.

3. (1) The Council shall establish, designate and identify areas within the Township as cemeteries. Establishment
of cemeteries

(2) No person shall bury or cause to be buried any body within the Township elsewhere than in a cemetery established and designated in accordance with this bye-law.

Permission
for burial

4. (1) No burial shall take place except under and in accordance with a permit issued by the Town Clerk, and on payment of the fee of P5;

Provided that the Town Clerk may —

- (i) waive the payment of such fee, in whole or in part, where —
 - (a) he is satisfied that the person responsible for the burial is unable to pay the full amount;
 - (b) where the person responsible for the burial, at his own request, and in accordance with any conditions with regard to the sitting and digging of graves as may be prescribed or required by or under these Bye-Laws, is authorized by the Town Clerk to dig the grave himself;
- (ii) additionally or alternatively, permit and make arrangements for the payment of the fee by instalments, the noncompliance with which arrangements, or the nonpayment of such instalments resulting in the whole of the fee, or any outstanding amount thereof, becoming a debt due to the Council, recoverable in a court of competent jurisdiction.

(2) An application for a permit under this bye-law shall state the name, age and sex of the deceased, his religious denomination, if any, and his place of birth, and shall be accompanied by a certificate, signed by a medical practitioner, or a duly certified copy thereof, showing the cause of death, or, in the absence of such a certificate, by the written permission of a magistrate or a district officer authorizing the burial.

(3) A permit issued under this bye-law shall be in the form indicated in the Schedule.

(4) The Town Clerk may refuse to issue a permit under this bye-law where the deceased died outside the Township, and was not, prior to his death, a resident of the Township.

Burials

5. (1) Unless the Town Clerk otherwise directs, graves shall conform with the following dimensions —

Length	7 feet
Width	3 feet
Depth	6 feet

(2) Unless the Town Clerk otherwise directs, no burial shall take place unless the body is enclosed in a coffin of solid and sound construction.

(3) Unless the Town Clerk otherwise directs, not more than one adult, or two children, may be buried in the same grave:

Provided that the body of a still-born child may be buried with the body of its mother.

(4) The caretaker responsible for a cemetery shall ensure that forthwith upon the placing of the coffin or body in a grave it is covered with earth and the grave is filled in.

Register of
burials

6 (1) All graves in a cemetery shall be allotted a number, and all burials shall be recorded in a register to be kept by the Town Clerk.

(2) The register required under sub-bye-law (1) shall be kept open for inspection by members of the public during office hours.

Memorial
work

7. (1) Memorial work shall not be erected on or in relation to any grave without the written permission of the Town Clerk, and otherwise than in accordance with any conditons subject to which such permission is given.

(2) Any person wishing to erect memorial work in a cemetery shall make application to the Town Clerk, and if required to do so shall furnish to the Town Clerk plans and diagrams thereof, and as to the manner in which the work is to be executed, in such detail as he may require.

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

Provided that a person aggrieved by a decision of the Town Clerk may appeal therefrom directly to the Council.

(4) The Council may take down, or cause to be taken down, and removed any memorial work which has been placed or erected in a cemetery without permission, or which is not maintained in an adequate state of repair, and any costs incurred thereby may be recovered from the person who erected the works.

8 Subject to the provisions of the Inquests Act, and without the permission of the Council, no person shall exhume any body, or cause any body to be exhumed, within a cemetery, or reopen any grave, without the written permission of the Council.

Exhumations
Cap. 07:01

9. (1) A cemetery shall be open to the public between the hours of sunrise and sunset:

Opening and
closing of
cemeteries

Provided that —

- (i) the Town Clerk, or the caretaker of the cemetery concerned may, from time to time, authorize an earlier opening or a later closing thereof,
- (ii) children, unless accompanied by a responsible adult, may be excluded from a cemetery.

(2) The Council may close any cemetery, but any cemetery so closed shall continue to be a cemetery, save that no burial may take place therein except on the authority of the Council.

(3) Nothing in this bye-law shall authorize members of the public to enter any building or enclosed space within a cemetery.

10. (1) Every person within a cemetery shall be subject to the direction and control of the caretaker of that cemetery, who may also, as he consider necessary, give reasonable directions with regard to the arrangement of funerals.

Powers of
caretakers

(2) Any person who resists or obstructs a caretaker in the exercise of his duties under these Bye-Laws, or who disobeys a reasonable direction given by him in accordance with his duties and responsibilities under these Bye-Laws, shall be guilty of an offence and liable to a fine of P15.

11. Any person who —

Offences and
penalties

- (a) without the consent of the Town Clerk, or the caretaker, enters or is found within a cemetery other than during the hours when the cemetery is open to the public in accordance with the provisions of bye-law 9;
- (b) destroys or damages any building, wall, fence, tree or plant in a cemetery;
- (c) puts up any poster or advertisement in a cemetery or on any wall thereof;
- (d) destroys, damages or defaces any memorial within a cemetery;
- (e) plays any game or sport within a cemetery;
- (f) discharges any firearm within a cemetery, except at a military funeral;
- (g) disturbs or annoys any person in a cemetery to attend a funeral;
- (h) shouts or screams, or otherwise behaves in an indecent or offensive manner in a cemetery;
- (i) enters a cemetery enclosed by a wall or a fence otherwise than through a door or gate provided for entry thereto; or
- (j) takes any dog or livestock into, or permits any dog or livestock to enter,

a cemetery,
shall be guilty of an offence against these Bye-Laws and liable to a
fine of P15.

SCHEDULE

No.
Nomoro

JWANENG TOWN COUNCIL

BURIAL PERMIT SESUPO SA PHITLHO

Name of Applicant:.....(Full name)

Leina la Mokopi: (Block Letters)

Address of Applicant:.....

Aterese ya Mokopi:

Name of Deceased:.....

Leina la Moswi:

Address of Deceased:.....

Aterese ya Moswi:

Date of Death:.....

Letsatsi la Loso:

Place of Death:.....

Felo ga Loso:

Death Certificate:.....

Sesupo sa Loso:

Age:.....

Dingwaga:

Sex:.....

Mong:

*Religious Denomination:.....

Wa Kereke efe:

I certify that the information given above is true in every respect.
Mafoko otlhe a ke a buileng ke boammaaruri.

.....
Signature/Boitlamo jwa mokopi.

*The question need not be answered/Potso e ga e patelesege go arabiwa.

.....

FOR OFFICIAL USE ONLY/GA TIRISO YA BABEREKI FELA

Fee:..... Official Receipt No:.....
Tuelo: Nomoro ya Sesupo sa Tuelo:

Grave Number:.....
Nomore ya Lebitla:

Date:.....
Letsatsi:

.....
Town Clerk,
Mokwaledi wa Toropo

MADE this 28th day of January, 1997.

P.L.D MODISENYANE,
Town Clerk, Jwaneng Town Council,
Mokwaledi wa Toropo

APPROVED this 26th day of March, 1997.

P.K. BALOPI,
Minister of Local Government,
Lands and Housing.

L2/8/17 II