

eThekweni, South Africa

## Crematoria

Legislation as at 17 November 1994

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## Crematoria

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# eThekweni South Africa

## Crematoria By-law, 1994

Published in KwaZulu-Natal Provincial Gazette 5000 on 17 November 1994

**Commenced on 17 November 1994**

*[This is the version of this document from 17 November 1994  
and includes any amendments published up to 9 May 2024.]*

### 1. Definitions

In these By-laws, unless the context otherwise indicates—

"**cemetery**" means any cemetery of the Council;

"**Council**" means the City Council of the City of Durban;

"**crematorium**" means any crematorium of which the Council is the registered proprietor in terms of the Ordinance;

"**Ordinance**" means the Cemeteries and Crematoria Ordinance, 1969 (Ordinance 39 of 1969);

"**Regulations**" means the regulations published on 18 February 1971 under Provincial Notice 100/1971;

"**Superintendent**" means the official of the Council appointed to be in the immediate charge of and to supervise a crematorium, or his deputy or assistant on duty at the time;

and any other word or expression shall have the meaning assigned thereto in the Ordinance and Regulations.

### 2. By-laws in addition to regulations

These By-laws shall be in addition to and not in substitution for the regulations.

### 3. Application for use of crematorium

- (a) Every person wishing to apply for a cremation shall complete the official application form issued by the Council and lodge the same with the Superintendent at his office together with all documents required in terms of the regulations, duly completed, at least two hours before the time applied for.
- (b) If two or more applications are received for cremation at the same time at a crematorium, the Superintendent shall decide the order in which the cremations shall take place.

### 4. Hours of cremations

No cremation shall be commenced at any crematorium other than between the hours of 08:00 and 19:00 on Mondays to Fridays and 12:00 to 19:00 on Saturdays, Sundays and public holidays.

### 5. Control of funeral services

- (a) Every service, ceremony and funeral in connection with a cremation shall be subject to the general control of the Superintendent while within the cemetery, and no person attending any such service, ceremony or funeral shall wilfully disregard a lawful and reasonable order of the Superintendent while within the cemetery.

- (b) The Superintendent shall further have full power to exclude any person whose presence, in his discretion, would be likely to cause pain or annoyance to other persons attending the ceremony and to remove any person who refuses to comply with any order or direction given in the exercise of the powers granted under this By-law.

## **6. Coffins to specification**

- (a) No person shall present for cremation nor shall the Council cremate any dead body which is not so enclosed in a coffin constructed in compliance with the following subsection and enclosed as to be non-offensive and free from nuisance.
- (b) The coffin shall not exceed 2,2m in length by 0,85m in width and 0,5m in depth. It shall be made of some readily combustible wood, such as deal, white pine or three-ply wood. Metal nails shall not be used. The coffin may be polished and may have the usual furniture, but the handles and name-plates (if any), unless made of some readily combustible material, shall be so fixed as to be easily removed. Pitch and sawdust shall not be present in any form. There shall be no cross-pieces or projections of any kind under sole or on the bottom of the coffin and all wooden pegs on this part of it shall be carefully countersunk. If necessary, a thick zinc lining may be inserted in a coffin, but no metal other than zinc shall be used.
- (c) The Superintendent shall be entitled to refuse to proceed with the cremation of any remains where the coffin containing the remains does not comply with the abovementioned requirements.
- (d) Nothing in this By-law shall prevent the use of a suitable outer coffin of any material to enclose an inner coffin complying with the foregoing; provided the consent in writing of an executor, relative or other like person responsible for payment of the funeral expenses of the deceased to such use is deposited with the Superintendent, which consent shall also state that such person knows that such outer is not to be incinerated and agrees to its being returned to the supplier thereof. Such outer coffin shall be removed from the crematorium premises immediately after the cremation.

## **7. Coffin bearers to be provided**

An adequate number of bearers shall be provided by the representative of the deceased for the purpose of carrying the coffin into the chapel and depositing it on the catafalque. No employee of the Council shall be obliged to perform these functions.

## **8. Access to furnace chamber**

No person, except authorised officials, shall be allowed in the furnace chamber at any time unless special permission of the Superintendent has been previously obtained in writing.

## **9. Committal ceremonies**

Subject to the direction of the Superintendent committal ceremonies may be held in the crematoria excluding the furnace chambers.

## **10. Coffins not to be opened without authority**

No dead body shall be removed from any coffin for the purpose of incineration and a coffin shall not be opened in the crematorium except when required by the Superintendent or as permitted by By-law 6 (d) hereof.

## **11. Deposit and preservation of ashes**

The Council may provide buildings, walls of remembrance, niches or other facilities for the deposit and preservation of the ashes of cremated bodies for definite periods or in perpetuity.

**12. Niches and memorial plaques**

- (a) Niches and plaques may only be purchased for immediate use and shall be allocated in sequence upon application to the Director: Cemeteries/Crematoria.
- (b) Niches shall be purchased in perpetuity.
- (c) Only plaques purchased from the Council will be permitted for affixing to niches.
- (d) The matter placed in or on such niches and spaces for memorial plaques and all inscriptions shall be subject to the approval of the Director: Cemeteries/Crematoria.
- (e) The inscription on a plaque shall be arranged by and be to the account of the purchaser.
- (f) The fitting of a plaque shall be undertaken by the Council following its delivery to the Superintendent.
- (g) No iron or other metal liable to rust shall be used in connection with any niches or memorial.

**13. Ashes not to be removed without written consent**

No urn or casket containing ashes once deposited with the Council shall be removed without the consent in writing of the Council previously obtained.

**14. Refusal to approve memorial**

The Council reserves the right to refuse to approve any memorial which, in its opinion, is of inferior workmanship or quality or which is likely in any way to disfigure the crematorium or its grounds.

**15. Council not liable for damage**

The Council shall in no case be liable for any damage which may at any time occur to any memorial from any cause whatsoever.

**16. Fees and charges**

The fees for cremations and charges relating to memorials shall be in accordance with the tariffs and charges published by the Council as prescribed in the Schedule to these By-laws.

**17. Penalties**

Any person convicted of a breach of these By-laws shall be liable for a fine of R20,00 in the case of a first conviction or, in the case of a second or subsequent conviction for the same offence, a fine not exceeding R40,00 or in default of payment of any fine imposed in either case, imprisonment for a period not exceeding three (3) months.

**Schedule**  
**Tariff of fees and charges (Section 16)**

**1. Cremation fees**

(a) Person over 12 years of age	R320,00
(b) Person over 12 years of age	R160,00

**2. Niche and plaque**

Wall of Remembrance

(a) Niche and blank plaque in black granite, each	R150,00
(b) Each subsequent deposit of ashes in the same niche	R100,00
(c) Vase holders for attachment to plaque in (a) above, each	R50,00