

Statutory Instrument No. 63 of 1972

THE TOWNSHIPS PROCLAMATION
(Chapter 120)

THE TOWN COUNCIL REGULATIONS, 1966

THE FRANCISTOWN (CEMETERY) BYE-LAWS, 1972

(Published on the 1st September, 1972)

Bye-Laws made by the Francistown Town Council in exercise of the powers conferred upon it by regulation 31 of the Town Council Regulations, 1966, and of all other powers thereunto it enabling and with the approval of the Minister of Local Government and Lands.

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Interpretation
3. Establishment of cemeteries
4. No burials outside of a cemetery
5. Burials to require permission of the Town Clerk
6. Burial fees
7. Dimensions of graves
8. No body to be buried other than in a coffin
9. Covering of coffin or body
10. Graves to be numbered and burials registered
11. Memorial work
12. Exhumations and reopenings
13. Restricted number of burials in one grave
14. Hours of opening of cemetery
15. Closing of cemetery
16. Exercise of control by caretaker
17. Offences within a cemetery
18. Penalties
 - First Schedule
 - Second Schedule

1. These bye-laws may be cited as the Francistown (Cemetery) Citation Bye-Laws, 1972.

2. In these bye-laws, unless the context otherwise requires: --- Interpretation

"adult" means a person other than a child;

"caretaker" means any person so designated by the Council;

"cemetery" means a cemetery established under the provisions of bye-law

“child” means a person under the age of ten years;

“Council” means the Francistown Town Council;

“Council area” means the area of jurisdiction of the Francistown Town Council;

“memorial work” means any gravestone, monument, cenotaph, tablet or monumental inscription and any work ancillary thereto;

“Town Clerk” means the Town Clerk of Francistown.

Establishment
of cemeteries

3. The areas of land defined in the First Schedule are established as cemeteries for the purposes of these bye-laws.

No burial
outside of a
cemetery

4. No person shall bury or cause to be buried any body elsewhere within the Council area than in a cemetery.

Burials to
require per-
mission of the
Town Clerk

5. (1) No burial shall take place in a cemetery except under and in accordance with a permit issued by the Town Clerk and on payment of the fees prescribed in bye-law 6.

(2) The permit shall be in the form set out in the Second Schedule.

(3) A person making application for a permit shall state —

(a) the name, age and sex of the deceased;

(b) the religious denomination, if any, of the deceased;

(c) the place of death;

and his application shall be accompanied by a certificate of the cause of death signed by a medical practitioner or a duly certified copy thereof or, in the absence of such certificate, by the written permission of a magistrate or District Officer authorising the burial.

(4) The Town Clerk may refuse the issue of a permit where the deceased died outside the Council area and was not, prior to his death, a resident of the Council area.

Burial fees

6. There shall be charged for the issue of a permit in accordance with the provisions of bye-law 5 a burial fee of R5.00.

Provided that the Town Clerk may waive the payment of such fees in whole or in part where he is satisfied that the person responsible for the burial is unable to pay the full amount and may, additionally or alternatively, make arrangements for the payment of the fee in instalments, and, in the event of failure to comply with the terms and conditions of payment imposed by the Town Clerk the outstanding balance owing shall forthwith be a debt due to the Council and shall be recoverable in a court of competent jurisdiction:

Further provided that the Town Clerk may waive the payment of such fees in whole or in part when the person responsible for the burial wishes to

dig the grave himself and agrees to do so only after receiving authorisation from the Town Clerk and undertakes to abide by specified conditions of siting and digging the grave as appear in bye-law 7 and as may be fixed from time to time by the Council.

7. Unless the Town Clerk otherwise directs, graves shall be of the following dimensions --

Length	7'
Width	3'
Depth	6'

Dimensions of graves

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

No body to be buried other than in a coffin

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

Covering of coffin or body

10. (1) All graves in a cemetery shall be allotted a number and all burials shall be registered in a register which shall be kept by the Town Clerk.

Graves to be numbered and burials registered

(2) The register may be inspected by members of the public during office hours.

11. (1) No person shall erect on any grave any memorial work without permission in writing from the Town Clerk and in accordance with such permission.

Memorial work

(2) Any person making application to the Town Clerk for permission to erect any memorial work shall, if required to do so, furnish the Town Clerk with plans or diagrams thereof in such degree of detail as he may specify and shall supply such details as the Town Clerk may require as to the manner in which the work is to be executed.

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

Provided that any person aggrieved by any decision of the Town Clerk may appeal to the Council.

(4) The Council may take down and remove any memorial work which shall have been placed or erected within a cemetery without their authority or which is not maintained in an adequate state of repair and any cost incurred by the Council in so doing may be recovered from the person who erected the work.

Exhumations and reopenings	12. Subject to the provisions of the Inquests Proclamation (Chapter 34) no person shall exhume or cause any body to be exhumed within a cemetery or reopen any grave without the consent of the Council.
Restricted number of burials in one grave	13. Unless the Town Clerk otherwise directs, not more than one adult, or two children, may be buried in any grave: Provided that the body of a still-born child may be buried with the body of its mother.
Hours of opening of cemetery	14. A cemetery shall be open to the public between sunrise and sunset Provided that — (a) the Town Clerk or the caretaker may from time to time authorise an earlier opening or a later closing; (b) nothing in this bye-law shall authorise members of the public to enter any building or enclosed space within a cemetery; and (c) children, unless accompanied by a responsible adult, may be excluded from a cemetery.
Closing of cemetery	15. 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.
Exercise of control by caretaker	16. (1) Every person within a cemetery shall be subject to the direction and control of the caretaker who may, in addition, give reasonable directions as he thinks fit for the arrangements of funerals. (2) No person shall resist or obstruct the caretaker in the execution of his duties or disobey any directions given under the provisions of this bye-law.
Offences within a cemetery	17. No person shall — (a) without the consent of the Town Clerk or the caretaker be in any cemetery other than during the hours when the cemetery is open under the provisions of bye-law 14; (b) destroy or injure any building, wall or fence in the cemetery or destroy or injure any tree or plant therein; (c) put up any bill in any cemetery or any wall thereof; (d) within a cemetery destroy, injure or deface any memorial work; (e) within a cemetery play any game or sport; (f) within a cemetery discharge any firearm except at a military funeral; (g) disturb or annoy any person attending any funeral within a cemetery; (h) within a cemetery shout or scream or behave in an indecent or immodest manner;

- (i) enter a cemetery which is enclosed by a fence or wall other than through a gate or door; or
- (j) allow any dog or livestock within a cemetery.

18. Any person contravening the provisions of these bye-laws shall be guilty of an offence and liable on conviction to a fine of R15.00. Penalties

FIRST SCHEDULE

(Bye-law 3)

List of Cemeteries

- No. 1 - Cemetery adjacent to the Tati River and West of the Railway Bridge within Riverside South Polling Ward which is shown more fully on Plan NO-108.
- No. 2 - Cemetery near the Inchwe River and North of the Monarch Bridge and Road within the Monarch Polling Ward which site is shown more fully on Plan NO-107
- No. 3 - Cemetery northeast of the intersection of the Monarch Road and the Veterinary Offices Road within the Government Camp Polling Ward which site is shown more fully on Plan NO-106.
- No. 4 - Cemetery south of the Maun Road and West of the Railway Reserve near the Nyangabgwe School within the Francistown Central Polling Ward which site is shown more fully on Plan NO-105.
- No. 5 - Cemetery north of the Palapye Road and south of the Matsiloje Road within the Francistown East Polling Ward and Known as Stand No. 1012, which site is shown more fully on Plan NO-104.

SECOND SCHEDULE

(Bye-Law 5 (2))

Number

(Nomore) :- _____

FRANCISTOWN TOWN COUNCIL

BURIAL PERMIT
(SESUPO SA PHITLHO)

Applicant's Name
(Leina la Mokopi) :- _____

Address of Applicant
(Aterese ya Mokopi) :- _____

Name of Deceased :- _____

Date of Death
(Letsatsi la Loso) :- _____

Place of Death
(Felo ga Loso) :- _____

Death Certificate (issued where and by whom and when)
(Sesupo sa Loso) :- _____

Age Sex
(Dingwaga) :- _____ (Ke 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 Boa-Mmaruri)

Signature of Applicant
(Boitlamo jwa Mokopi)

*This section need not be answered
(Potso e ga e patelesege go arabiwa).

Made the _____ day of _____ 1972.

Town Clerk.

Approved by the Minister of Local Government and Lands the 31st day of August, 1972.

R.N. MANNATHOKO,
Permanent Secretary,
Ministry of Local Government and Lands.