

Namibia

Burial Place Ordinance, 1966

Legislation as at 1966-06-10.

FRBR URI: /akn/na/act/1966/27/eng@1966-06-10

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Republic of Namibia
Annotated Statutes

Burial Place Ordinance, 1966

Act 27 of 1966

Published in [Official Gazette no. 2728](#) on 10 June 1966

Assented to on 3 June 1966

Commenced on 10 June 1966

[Up to date as at 17 September 2021]

ORDINANCE

To prohibit the desecration or disturbance of graves in burial places and to regulate matters relating to the removal or disposal of dead bodies.

(English text signed by the Administrator)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:-

1. Definitions

In this ordinance, unless the context indicates otherwise -

“**Administrator**” means the Administrator of the Territory of South West Africa;

“**body**” means any human dead body including the body of any still-born child;

“**burial place**” means any burial ground, whether public or private, or any place wherein one or more bodies are buried, cremated or otherwise disposed of or intended to be buried, cremated or otherwise disposed of.

2. Desecration of graves and removal of bodies

- (1) No person shall desecrate or destroy a grave in a burial place or, without the written permission of the Administrator, disturb or cause such grave to be disturbed.
- (2) Except where the exhumation of a dead body is ordered in terms of any other law for the purposes of forensic medicine or public health and subject to the provisions of section 222 of the Municipal Ordinance, 1963 (Ordinance 13 of 1963) no person shall exhume or cause to be exhumed or disturb or cause to be disturbed or remove or cause to be removed a body or the mortal remains of a body buried in a

burial place without the written permission of the Administrator or unless such precautions are observed as may be prescribed by the Administrator or any medical practitioner appointed by him: Provided that no person shall be guilty of a contravention of this sub-section who temporarily of necessity disturbs or causes to be disturbed a body or the mortal remains of a body which is buried for the purpose of burying another body in the same grave.

[The Municipal Ordinance 13 of 1963 has been replaced by the Local Authorities Act 23 of 1992.]

- (3) No person shall, except with the permission of the Administrator, in any way disturb, damage, remove or destroy a grave, monument, gravestone, cross, inscription, rail, enclosure, chain or erection of any kind whatever, or part thereof in any burial place.
- (4) Any person acting in contravention of the provisions of this ordinance shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

3. Short title

This ordinance shall be called the Burial Place Ordinance, 1966.