# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 2706**

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**(INTERNAL QUESTION PAPER NO. 29)**

**Ms H Ismail (DA) to ask the Minister of Health:**

What (a) effective implementation agency does his department have in place to ensure that authentic funeral parlours and burial societies have access to mortuaries in order to avoid bribery, corruption and overburdening the forensic facilities and (b) constructive strategies are in place to ensure that mortuaries work closely with the SA Police Service for purposes of investigations and judiciary in order to ensure quicker results? **NW3066E**

**REPLY:**

(a)-(b) Forensic Pathology Service is provided through the Regulations relating to the provision of Forensic Pathology Service and Code of guidelines. These service works within the Criminal Justice Systems as it deals with the non-natural causes of death. The service interaction with the South African Police Service is also defined in the regulations and code of guidelines.

1. **Removal of the body**

The Forensic Pathology Officers may only remove a body from the scene of death after the Investigating Officer has given authority for such removal of the body by the Service.

1. **Transportation of the body**
* A person in charge of a health establishment where a person has died of unnatural causes must immediately notify the South African Police Service of such death.
* Death in transit to or on arrival at a health establishment must be reported by the person in charge of that health establishment.
* The Service, after authorization by the Investigating Officer, must then remove the body as prescribed by the Code, to the designated facility.
1. **Medico-legal Postmortem Examination**

A post-mortem examination may only be conducted-

* in terms of the above-mentioned regulations, provisions of the Act, the Inquest Act,
* at a designated facility or institution.
* with the express request of the Investigating Officer investigating the death, or the authorization of the magistrate in whose district such post-mortem examination is intended to be performed.

The Head of Department or the person to whom such function has been delegated, may authorize any other person other than an authorised person, to participate in a post-mortem examination.

Any person other than-

* the Investigating Officer investigating the cause of death.
* an authorized person; or
* a person authorized by the Head of Health or delegated person, may apply to the magistrate within whose jurisdiction the cause of death is being investigated or to the authorised person, to be present at the post-mortem examination.
1. **Reporting and consultation.**
* No person is allowed to make copies of any documentation relating to a post-mortem examination without prior written approval of the person in charge of that designated facility.
* No person may release information or documentation, original or copied, pertaining to any post-mortem examination to any other person unless duly authorised by the person in charge of the designated facility where such post-mortem examination was conducted.
* When any copy is made or document removed from a post-mortem file, a record
* the name and signature of the person who made the copy or removed them
* the name of the document copied or removed;
* whether the document was copied or removed.
* the number of copies made;
* the purpose for which the copies were made, including reference to the letter for any official request;
* the date and time the document was copied or removed; and
* whether written approval was given.
* When any file is removed, whether for court appearance, studying its contents or for any other purpose, a record must be made in a Forensic Pathology Service Register of files indicating the must be made on the cover of the file indicating document;

- name and signature of the person who removed the file;

- date and time of removal;

- purpose of the removal; and

- date and time of the return; and

- name and signature of the person returning the file. when the file is returned –

* A forensic pathologist, forensic medical officer, or medical practitioner that copies or removes any documentation relating to a post-mortem examination, must return all such documentation, original or copied, that is no longer required for academic or consultative purposes, to the file immediately.

END.