

DECREE-LAW Nr. 21/2009

of 6th May

FUNERAL TRANSPORT SERVICE

The private funeral transport services in Timor-Leste cover a very limited percentage of national territory and are clearly insufficient to meet current needs.

Besides the poor coverage which the private funeral services represent and the limited number of vehicles available, they practise prices incompatible with the average income of Timorese families.

This situation led to the formation of a public funeral transport service, under the responsibility of the then Ministry of Labour and Community Reintegration.

Up to the present, the above mentioned service has also covered a limited part of the country and has not been provided within a legislative framework which would allow it to clearly identify the criteria according to which it should be used.

The 4th Constitutional Government, recognising the importance of this service for the Timorese population, considers it vital that it be reorganised in order to secure the needs of the families

allocated to providing this service from the government body responsible for social protection.

Article 3

General Principles

1. The provision of the funeral transport service shall be governed by the principles of regularity and continuity.
2. For the purposes of this diploma:
 - a) “Regular” means the service provided in a permanent manner, throughout the whole year and in accordance with the timetable established for such service; and
 - b) “Continuous” means the service that once begun shall not be interrupted.

CHAPTER II

FUNERAL TRANSPORT

Article 4

Funeral Transport

1. For the purposes of this legal diploma funeral transport shall be understood as the displacement of a corpse in a funeral hearse, along the following routes:
 - a) between the hospital and the residence of the deceased or his relatives;
 - b) between residences of the deceased or his relatives;
 - c) from the hospital or residence of the deceased or his relatives to a place of worship;
 - d) from the hospital, the residence of the deceased or his relatives or place of worship to a cemetery or crematorium;
 - e) from the location where the corpse is found to the hospital, with the purpose of carrying out an autopsy.
2. For the purposes of this legal diploma, funeral transport shall also be understood as the removal of the remains from one grave or tomb to another.
3. Place of worship shall be understood as the location where the funeral rites of a religious or t”tio

Article 5

Funeral Hearse

1. For the purposes of this legal diploma, a funeral hearse shall be understood as the State vehicle allocated to the funeral transport service.

2. No vehicles considered et-5. for .6(47.1(u)45.8(her.)P)-18619 074 TD-0.0005 Tc315307 Tw1(t)-6A(.2()5se s6)-0

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2. In order to guarantee access to the services, the authority responsible shall be represented in every district.

3. In the event there is such a demand for the use of the funeral transport service, the representation of the authority responsible may be extended to sub-district level.

Article 8

Cooperation

The government authorities and community leaders shall cooperate in the enforcement of this legal diploma with the authority responsible, referred to in article 7 above.

Article 9

Financing the Funeral Transport Service

The Funeral Transport Service shall be financed through the State Budget.

3. The date and time of the displacements shall be defined in accordance with the terms set out in article 14.

4. The information provided in the application shall correspond to real facts.

5. The model used to apply for the funeral services shall be included in the Procedures Manual to which article 18

of this legal diploma refers.

6. The application for the funeral transport service shall be accompanied by:

a) a photocopy of an identification document pertaining to the deceased;

b) a photocopy of an identification document pertaining to the applicant;

c) a medical certificate authorising the removal of the corpse from the health establishment, where the corpse is

found or when it passes it by on its route;

d) a declaration from the Timor-Leste National Police Force or medical certificate authorising the transport of the corpse, whenever death has occurred outside a medical establishment

7. The applicant shall receive a receipt from the authority responsible proving that the application and the documents required have been submitted.

Article 12

Decision

1. The Funeral Transport Service employee shall immediately proceed to the appraisal of the application, assessing the possibility of providing the service.

2. The service shall be refused whenever:

a) it has been reserved for other displacements;

b) the form referred to by article 11 above has not been duly filled in when submitted;

c) the documents listed in article 11 above have not been submitted;

d) the documents submitted contain deletions, inconsistencies or other shortcomings which raise doubts as to their veracity or contents;

e) the corpse to be transported is not properly placed in a coffin;

f) the route chosen may result in damage for persons or goods resulting from bad road conditions or bad weather conditions.

3. In the cases set out in sub-paragraph a) of paragraph 2 above, the Funeral Transport Service employee should, whenever possible, put the application on a waiting list.

4. In the cases set out in sub-paragraphs b) to e) of paragraph 2 above, the Funeral Transport Service employee should endeavour to unofficially resolve the problems caused by these simple irregularities or invite the applicant to resolve the existing problems.

5. In the case of sub-paragraph f) the Funeral Transport Service employee should, whenever possible, propose the use of alternative roads, offering better conditions.

6. The grounds for the decision to refuse the.2)8ds .5é)da.157ldsd,a.1575 T6,a.156.94h.45.6 po)-55e5T6,a.r.5fs)6

3. The routes begun within the working hours should carry on until the funeral service has been concluded.

Article 17

Civil Protection Actions

1. The Funeral Transport Service shall collaborate in civil protection actions whenever it is requested to do so by the legally competent authority.
2. The collaboration in civil protection actions shall follow the special process to be governed

Article 22

Entry into force

This legal diploma shall enter into force on the day immediately following its publication.

Approved by Council of Ministers on 25th February, 2009

The Prime Minister

Kay Rala Xanana Gusmão

Minister of Social Solidarity

Maria Domingas Alves

Promulgated on 24/4/09

To be published.

The President of the Republic

José Ramos-Horta