

REPUBLIC OF GHANA



**DRAFT GUIDELINES FOR LICENSING OF
FACILITIES**

**MORTUARIES AND FUNERAL FACILITIES AGENCY
MoFFA**

GUIDELINES FOR LICENSING OF FACILITIES

Mortuaries and Funeral Facilities Agency is an agency of the Ministry of Health. It was established by the Health Institutions and Facilities Act, 2011 (Act 829) with the mandate to “license, control and regulate facilities connected with the storage, transportation and disposal of human remains and to license and register all health practitioners in the sector”.

The purpose of this document is to outline processes and guidelines leading to licensing of facilities in the mortuaries and funeral facilities industry. The specific objectives that underpin the development of the document are to:

1. Provide requirements of application for licensing of a facility;
2. Outline guidelines for licensing of a facility; and
3. Provide required information on the registration form to facilitate appropriate responses from applicants.

The process leading to licensing of facilities include registration, inspection and licensing.

Registration process and guidelines

Registration is a process by which a person applies to the Board through the Agency with appropriate documentation detailing the particulars of a proposed service the person intends to offer to the public.

The following shall guide the registration process:

1. A person who may want to own or operate a facility shall:
 - a. Obtain an approved application form (Form A) from MoFFA offices or download the form from MoFFA’s website through www.moffa.gov.gh;
 - b. Fill the form appropriately;
 - c. Attach to the application;
 - i. preliminary approval from the district planning officer of the suitability of the land or premises to be used for the facility,
 - ii. the block plan of the facility,
 - iii. clearance from the Environmental Protection Agency, and

- iv. evidence of financial capability for the ownership or operation of the facility applied for.
 - d. Pay a non - refundable Registration fee to;
Name: Mortuaries and Funeral Facilities Agency
Bank: GCB Bank Limited
Branch: Ministries, Accra
Account No: 1051180000930
 - e. Remember to keep the pay-in slip,
 - f. Submit the completed application form with all required documents including the original pay –in slip to MoFFA offices;
2. A person who is not a resident of Ghana and may want to own or operate a funeral facility shall:
- a. apply to the Board;
 - b. possess a valid work permit issued by the Minister for Interior;
 - c. have registered with the appropriate regulatory or professional bodies in Ghana;
 - d. have at least five years post qualification experience in a recognized institution of relevance to the profession of the practice;
 - e. have practiced in the country for at least one year in a recognized institution;
 - f. have a Ghanaian professional in a similar discipline as a business partner; and
 - g. have fulfilled any other conditions set by the Board.
3. A corporation, a partnership, a limited liability partnership, a limited liability company or other business entity who may want to own or operate a facility shall apply to the Board and shall in addition to the requirements and regulations attach:
- a. A copy of the certificate of incorporation or certificate of agreement of formation certified by the Registrar General;
 - b. The name, residence addresses and residence telephone numbers of the following;
 - i. officers of the corporation,
 - ii. the general partner(s) of a partnership or limited partnership (and, if a general partner is a corporation, limited liability partnership,

- limited liability company, or other business entity, the officers of the corporation or the members of the limited liability partnership, limited liability company, or other business entity), and
- iii. the managing or operating members of a limited liability company (and, if a member of a limited liability company is a corporation, the officers of the corporation);
 - c. A copy of the corporate resolution (certified by the secretary of the corporation and impressed with the corporate seal), the partnership agreement, or limited liability partnership or limited liability company operating agreement (certified by the general partner of the limited liability partnership or the managing or operating member of the limited liability company) designating the licensed practitioner of the facility;
 - d. In the case of corporations, an original certificate of good standing from the Registrar General's Department;
 - e. In the case of partnerships, an application for registration signed by all partners, a certified copy of the partnership agreement, and the certificate of assumed name, if any, filed in the office of the Registrar General's Department;
 - f. A letter forwarded to the Board by the facility manager indicating that he or she accepts the position; and
 - g. Any other requirements set by the Board.

Inspection process and guidelines

Inspection is where a facility having successfully gone through the registration process submits itself for inspectors/assessors of the Agency or representative of the Agency to visit and check if the facility can be judged as ready to operate or can continue to operate if it is a pre-existing facility.

The inspection of the facility allows the Agency to check if the facility is up to standard.

The inspection process outlines the steps to go through for inspection. The guidelines set the standards for all facilities and inspectors/assessors performing the inspection of the facility. The guidelines describe the overall management system for inspecting, rating, and reporting the

condition of a facility to the Board. Following these guidelines will result in a consistent set of fit- for-purpose inspection reports.

The process and guidelines of inspection shall involve the following:

1. The Registrar after receiving the filled application form and all required documents of a facility shall:
 - a. Issue an inspection letter to the facility to prepare for an inspection to be carried out;
 - b. Schedule date and time for the inspection with the facility;
 - c. Assemble qualified inspection team who shall comprise relevant professionals from the industry;
2. Specifics of the elements or areas to be inspected shall include:
 - a. the built facility and premises;
 - b. plant and equipment;
 - c. the registration certificate of the practitioner;
 - d. staffing of the facility;
 - e. health, safety and waste disposal;
 - f. the licence, register and books of the facility;
 - g. reliable supply of water and electricity; and
 - h. any other aspect of the facility that the Board considers relevant.
3. After the inspection is done, an inspector or team of inspectors shall submit an inspection report to the Registrar and an inspection certificate shall be issued to the facility not more than 30 days after a satisfactory inspection has been conducted by an inspector (s)
4. The Board shall have the authority to request the conduct of follow-up inspections within thirty days of filing of an inspection report in respect of facility which has been cited for failure to comply with these regulations.
5. The Registrar shall review the report and make a recommendation to the Board;
6. Based on the recommendations of the Registrar, the Board shall make a decision to issue the licence to the facility or not;
7. If the Board finds the report and the recommendation satisfactory a licence shall be issued to enable the facility to operate or continue to operate;

8. In cases where the Board finds the report and recommendation unsatisfactory, a period of time shall be given to the facility to address the issues raised and re-submit to the Board for consideration and re-inspection.

Licensing

Licensing is a process by which the Board grants permission to a facility to operate. In general regulations relating to licensing are established to ensure a facility meets minimum standards to protect the public.

The following shall guide the licensing of facilities:

1. A person shall not operate a public or private facility without a licence.
2. A licence shall not be granted to an applicant unless the Board is satisfied that:
 - a. the past or present conduct of the applicant concerned with the operation of the facility provides reasonable grounds to believe that the applicant will operate in accordance with Part Two of Act 829,
 - b. the applicant has the experience or training to manage the facility in accordance with this Part,
 - c. the applicant has submitted a plan of the facility,
 - d. the applicant is able to provide the resources and equipment required to manage the facility, and
 - e. any other requirement specified by the Board has been complied with.
3. Facilities required to be licensed include the following:
 - a. cold storage facilities for human remains;
 - b. mortuaries;
 - c. funeral homes;
 - d. crematoria;
 - e. columbaria;
 - f. mausoleums;
 - g. cemeteries;

- h. hearses and
 - i. any other facility that the Minister may determine on the recommendation of the Board.
4. Where the Registrar is satisfied that an applicant qualifies to operate a funeral facility, and has fulfilled all other conditions required, the Registrar shall issue a provisional licence and inform the Board.
 5. A provisional licence is valid for six months from the date of issue.
 6. A licence issued by the Board is valid for three years from the date of issue and may be renewed subject to Part Two of Act 829.
 7. A licence issued by the Board shall not be assignable or transferable to another facility.
 8. The licence shall be conspicuously displayed at the facility for which the registration was issued.
 9. The applicant shall pay the prescribed fee in respect of the licence or renewal of it.
 10. Successful facilities shall then have their names and details on the official list of facilities to be regulated by the Agency.
 11. The Board may revoke the licence to own or operate a facility if:
 - a. The Board has reasonable grounds to believe that the continued operation of the practice by the facility will create a risk to public health and safety;
 - b. The person managing the facility has been convicted of a felony which was not known to the Board at the time the licence was issued or the person was convicted after the licence was issued;
 - c. The licensee shows evidence of character traits that are indecent or inimical to the health and safety of the public that was not known to the Board at the time of granting the licence.
 12. The Board may refuse to renew a licence to own or operate a facility if:
 - a. the state of the licensee disqualifies the applicant from being granted a licence;
 - b. licensee is a body corporate and the shareholding of that body has changed in such a way as to compromise the financial ability or technical competence and standards of that body; or

- c. the Board has reasonable grounds to believe that the continued operation of the facility by the licensee compromises or is likely to compromise the public interest, public health, public safety or is indecent.
- 13. Where the Board intends to revoke a licence or refuse to issue or renew a licence, the Board shall give the applicant or licensee;
 - a. a notice of intention to revoke or refuse,
 - b. reasons for the intention to revoke or refuse, and
 - c. an opportunity to make representations to the Board within sixty days after the date of receipt of the notice of intention to revoke or refuse.
- 14. Where a representation is not made, the Board shall revoke or refuse the licence after the time specified has expired.
- 15. Where a representation is made, the affected facility shall be closed and shall not operate until the case is determined by the Board and the licence is either restored or not restored.
- 16. Where a licence is either revoked or refused, the applicant or the licensee shall be informed of the reason within 30 days of the revocation or refusal.
- 17. The Board shall provide in its revocation or refusal order the period of the revocation or refusal.