



LONGFORD COUNTY COUNCIL

**BYE-LAWS FOR THE
REGULATION AND MANAGEMENT OF CEMETERIES
IN COUNTY LONGFORD 2011**

ADOPTED BY

LONGFORD COUNTY COUNCIL

These Bye-Laws have been prepared by Longford County Council in accordance with the provisions of Part 19 of the Local Government Act 2001 for the purposes of providing for the Regulation and Management of Council Cemeteries in County Longford.

These Bye-Laws were adopted by Longford County Council at the Council Meeting which was held on 16th February 2011. The Bye-Laws shall become operative with effect from 9th April 2011 or such other later date as may be deemed to be appropriate by Longford County Council.

INTERPRETATION OF TERMS

When interpreting these Bye-Laws it should be taken that the following terms have been assigned specific meanings, as set out hereunder, in respect of their use in the Bye-Laws.

“The Council” shall mean Longford County Council.

“Cemetery” shall mean a burial ground which is under the control of or in the ownership of the Council.

“Lawn Cemetery” shall mean a Cemetery or part of a Cemetery in which the installation of kerbs or surrounds is not permitted and where burial plots are maintained as grassed areas.

“Registrar” or “Caretaker” shall mean the Cemetery Registrar or Cemetery Caretaker who has been assigned responsibility in respect of the day to day management of a Cemetery and the recording of information relating to burials that take place in the Cemetery.

“Member of the same family” shall mean the Father, Mother, Husband, Wife, Son, Daughter, Sister or Brother of the person last interred in a grave space, or any person who was permanently residing with the person last interred therein, at the time of that person’s death.

“Agent of the Council” shall mean any employee of the Council or any person retained by the Council to provide a service to it in respect of Cemeteries.

“Misconduct” shall mean any behaviour that would in normal circumstances be deemed by a reasonable person to be inappropriate behaviour in a Cemetery.

APPLICATION OF BYE-LAWS

These Bye-Laws shall apply in respect of the management of all cemeteries under the control of or in the ownership of the Council.

CESSER OF EXISTING BYE-LAWS

On the coming into operation of these Bye-Laws, all previous Bye-Laws, rules and regulations relating to the management of cemeteries under the control of or in the ownership of the Council shall cease to have effect.

LAWN CEMETERY

1. Longford County Council may declare any Cemetery or a part of any Cemetery to be a Lawn Cemetery.

FENCING AND SECURING

2. Every Cemetery shall be appropriately fenced or walled so as to keep it sufficiently secured.

GRAVE SPACES

3. The area of a Cemetery which is to be used for burials shall be divided into grave spaces. These grave spaces shall be designated by convenient marks, so that the position of each grave space may be readily ascertained. A map or maps of the Cemetery shall be kept in some convenient place, at or near the Cemetery. The map or maps shall be made available for inspection by any person who wishes to examine them. The details of every grave space in a cemetery shall be recorded on these maps. The details recorded shall include sufficient detail so as to enable the identification of each grave space.

SIZE OF GRAVE SPACES

4. Grave spaces shall be 2.5 metres long by 1.25 metres wide.

SIZE OF PLOTS

5. Burial plots may be acquired as single, double or treble grave spaces.

FIRST INTERMENT

6. Each grave space, when it is opened for the first interment in it, shall be sunk, if possible, to a depth of 2.5m. Where this is not possible due to the nature of the soil conditions the grave shall be sunk to a lesser depth with the agreement of the Registrar, the Caretaker or the Council.

RE-OPENING OF GRAVE SPACES

7. Grave spaces shall be re-opened only for the purposes of burying another member of the same family, for the purpose of burying body parts or where it is necessary to exhume a body.

DEPTH OF BURIAL

8. A coffin or body shall be buried in a grave space, only at or beneath a depth of at least 1.25m below the ordinary level of the surrounding ground.

INTERRUPTION OF INTERMENT

9. No person shall prevent or attempt to prevent the interring of a deceased person in a Cemetery.

EXHUMATION

10. No body or other human remains shall purposely be removed from a place of burial except under the conditions set out in an Exhumation Order. The Council shall have regard to the conditions that are set out in an Exhumation Order that is granted by Ministerial Order.

REGISTER OF BURIALS

11. A Register of Burials shall be kept in some convenient place at or near a Cemetery, or at the place of residence of the Registrar or Caretaker for a Cemetery. A Register of Burials shall contain sufficient details to provide a record of the persons interred in the Cemetery. A Register of Burials shall be open for inspection at all reasonable times. Only the Registrar or Caretaker of a Cemetery or another person who is authorised by the Council shall be permitted to write in A Register of Burials.

ENTRIES IN A REGISTER OF BURIALS

12. The following provisions shall apply with regard to the making of entries in a Register of Burials.
- (i) Information relating to the deceased person and the burial space that is used shall be recorded in the Register of Burials when a body is buried in a Cemetery or when any receptacle containing the ashes of a deceased person is buried in a cemetery.
 - (ii) The Registrar or Caretaker shall be responsible for the making of the relevant entries in the Register of Burials.
 - (iii) The entry shall provide details with regard to the First Name and Surname, time of death, sex, age, religious persuasion, and occupation or rank in life of the deceased person. Details of the last place of residence of the deceased person, and details as to whether or not the deceased person was “married”, “single”, “divorced”, “separated”, “widower” or “widow” or “the child of A.B.”, etc. shall also be entered in the Register. These details shall be obtained from some relative of the deceased person or from the person having responsibility for the direction and management of the interment of the deceased person.
 - (iv) The entry shall accurately identify the grave space in which the deceased person has been buried.
 - (v) The signature of the person having responsibility for the direction and management of the burial and the signature of the Registrar or Caretaker shall be entered in the Register of Burials in order to confirm the accuracy of the entry that has been made in the Register.

PURCHASE OF CERTIFICATE OF RIGHT OF BURIAL

13. (i) An application to acquire a Right of Burial in a grave space in a Cemetery shall be made to the Registrar, the Caretaker or the Council.
- (ii) In order to provide for the proper and orderly management of cemeteries the advance purchase and reservation of Rights of Burial will not be permitted.
- (ii) The Receipt issued in respect of an Application for a Right of Burial constitutes the Right of Burial. As the recording of details relating to a Right of Burial depend on the accuracy of the information supplied, the Council shall not be liable for difficulties that arise as a result of any inaccuracy in the information that is provided in an application to purchase a Right of Burial.

VISITORS

14. (i) Visitors to a Cemetery shall enter and leave the Cemetery only by means of the entrance.
- (ii) Within reason visitors shall not walk on any shrubberies, grave spaces or enclosures, and shall confine themselves to the paths or avenues provided in a Cemetery. In this regard visitors to Cemeteries should observe the dignity of the deceased and the sensitivities of the next of kin of deceased persons.
- (iii) Visitors shall not interfere with headstones, monuments, buildings, walls, fences, notice boards or any other article in a Cemetery.
- (iv) Visitors shall not interfere with any flowers, shrubs or wreaths within a Cemetery.
- (v) Visitors to a Cemetery who are accompanied by dogs must keep them on a lead and under control.
- (vi) Visitors shall close the gate after entering and leaving a Cemetery.

MISCONDUCT

15. (i) The Registrar, Caretaker or any agent of the Council shall be entitled to request a person who may be guilty of misconduct or who is behaving unacceptably to leave a Cemetery.
- (ii) The Registrar, Caretaker or any agent of the Council shall be entitled to prevent any person from entering a Cemetery who has been removed from a Cemetery for reasons relating to conduct.

DAMAGE TO HEADSTONES OR OTHER PROPERTY

16. (i) No person shall wilfully deface, destroy or damage any headstone, monument, building, wall, fence, notice board or any other article which belongs to any person or the Council that is in a Cemetery.
- (ii) No person shall erect any bill or notice in a Cemetery or on any wall surrounding a Cemetery.

TREES

17. The planting of trees on grave spaces or in other parts of cemeteries by persons other than those who have been authorised by the Council to do so is prohibited.

SHRUBS AND FLOWERS

18. (i) The planting of shrubs on grave spaces in Lawn Cemeteries shall not be permitted.
- (ii) In other Cemeteries the planting of shrubs and flowers on grave spaces shall be permitted.
- (iii) Shrubs and flowers that are planted on grave spaces must be properly managed, pruned and maintained.
- (iv) Flowers or wreaths placed on grave spaces after burials shall be removed from grave spaces when they have withered.
- (v) Withered flowers and wreaths shall be deposited in receptacles or areas that are provided for the purpose in a Cemetery or shall be taken away from the Cemetery for disposal.
- (vi) The placing of flowers and wreaths on grave spaces in Lawn Cemeteries shall be permitted.

HEADSTONES AND KERBS

19. (i) Headstones may only be erected on a place of burial in a Cemetery with the prior approval of the Registrar, Caretaker or the Council.
- (ii) The height of any headstone that is erected on a place of burial shall not exceed 1.2 meters above the ordinary level of the surrounding ground. An exception in this regard will be allowed where it is proposed to erect a Celtic Cross. Where a Celtic Cross is to be erected it shall not exceed 2.5 metres above the ordinary level of the surrounding ground.
- (iii) It shall be the responsibility of the person erecting a headstone to ensure that the structure does not pose any danger to others.
- (iv) When a Cemetery or a part of a Cemetery has been designated as a Lawn Cemetery the installation of kerbs shall not be permitted in it.
- (v) In a Cemetery, other than a Lawn Cemetery, the Council may specify standards and conditions that must be complied with regarding the erection of headstones and kerbs.
- (vi) A person installing kerbs or headstones shall be responsible for the removal of surplus stone, concrete and mortar from a Cemetery.

MAINTENANCE OF HEADSTONES AND KERBS

20. (i) The maintenance of headstones and kerbs shall be the responsibility of the deceased person's next of kin or representatives.
- (ii) The removal of damaged headstones that pose a danger to persons in a Cemetery shall be the responsibility of the deceased person's next of kin or representatives.
- (iii) The Council may remove any headstone, kerb, or any other object which may have been placed at any time within a Cemetery, either with or without authority, where it has fallen into decay, or where it has become a danger to persons in a Cemetery.
- (iv) Where it becomes necessary to undertake work with regard to the making safe of grave spaces, the Council may seek to recover the cost of carrying out the work from the next of kin or representative of the deceased person.
21. A person who contravenes a Provision of these Bye-Laws shall be guilty of an offence and shall be liable, on Summary Conviction in the District Court, to a fine not exceeding €2,000 pursuant to the Provisions of Section 205 of the Local Government Act 2001.

MADE and ADOPTED under the Common Seal of

THE COUNTY COUNCIL OF THE COUNTY OF LONGFORD



Councillor Paul Connell
Mayor of Longford County Council



Ciaran Murphy
A/Director of Services

Dated this 10th day of March 2011.