



CARLOW COUNTY COUNCIL

BURIAL GROUND BYELAWS



**For the Management of all burial grounds under the control or in the ownership of
Carlow County Council
Draft 2021**

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Made by the Council of the County of Carlow under the Local Government Act 2001 for the Regulation of Cemeteries in the County of Carlow.

COMMENCEMENT

1. These Bye Laws shall come into operation on the _____ 2021.

GENERAL REGULATIONS FOR CEMETERIES INTERPRETATION OF TERMS

2. Throughout these byelaws the use of the following terms shall have the following means:
 - a. "The Council" shall mean the Council of the County of Carlow.
 - b. "Cemetery" shall mean any Cemetery or Burial Ground under the control or in the ownership of the Council.
 - c. "Gravespace" shall mean an area 2.4 metres long by 1.2 metres wide.
 - d. "Lawn Cemetery" shall mean a Cemetery or part of a Cemetery wherein kerbs or other such items shall not be permitted to be placed and where all parts of the Cemetery comprising burial plots shall be maintained as grassed areas.
 - e. "Plot" shall mean an area of a graveyard consisting of one, two or three gravespaces otherwise described as a single plot, double plot or a family plot.
 - f. "Registrar" or "Caretaker" shall mean the Registrar or Caretaker at the time being of any Cemetery under the control or in the ownership of the Council.
 - g. "Member of the same Family" shall mean the Father, Mother, Husband, Wife, Son, Daughter, Sister or Brother of the person last interred in a specific grave, or some person who was permanently residing with the person last interred therein, at the time of that person's death.

APPLICATION OF BYELAWS

3. These byelaws shall apply to all cemeteries under the control or in the ownership of the Council.

CESSER OF EXISTING BYELAWS

4. On the coming into operation of these byelaws, all existing byelaws, rules and regulations relating to cemeteries under the control or in the ownership of the Council shall cease to have effect.

GRAVE SPACES

5. The area to be used for graves shall be divided into grave spaces, to be designated by convenient marks, so that the position of each grave space may be readily ascertained.

SIZE OF GRAVE SPACES

6. The grave spaces for the burial of persons shall be 2.4 metres long by 1.2 metres wide.

FIRST INTERMENT

7. Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth of 2.45 metres at least, or in case the nature of the sub-soil will not permit the grave being sunk to such depth, then to such lesser depth as the Council shall specify and agree.

MODE OF BURIAL

8. No interment shall be permitted in any Cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to interment, unless the body be enclosed in a coffin/casket of wood, metal or eco friendly material provided that the material is of sufficient structural strength and is agreed with Carlow County Council in writing.
9. Uncoffined burials may be permitted, unless a direction has been issued not to do so by the relevant sanitary authority or medical officer of health of the sanitary authority, in an area of a burial ground designated exclusively for that purpose. Where an uncoffined burial is permitted, any reference in these provisions to a coffin includes a reference to the wrappings of the uncoffined body.

CREMATED REMAINS

10. Cremated remains may be interred in an urn or small casket or other approved containers in conventional gravespaces or gravespaces for cremated remains.
11. The Council may also provide columbarium walls or other facilities for cremated remains.
12. Full details of the deceased person's cremated remains must be recorded in the burial ground register.

OPENING OF GRAVES

13. The Caretaker or, where applicable, the Cemetery Manager must always be notified prior to the opening of a grave.
14. No grave, in which any body has been interred, shall be opened, save for the purpose of interment or exhumation or the erection of a tombstone or headstone, without the written

permission of the Council which must be produced in advance to the Caretaker or where applicable, the Cemetery Manager.

15. No unwalled grave shall be re-opened within fourteen years after the burial of a person unless to bury another member of the same family, in which case a layer of earth not less than 250mm (10ins) in depth shall be left undisturbed above the previously buried coffin; but if on re-opening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave.
16. In cemeteries, where Council employees are not employed to open/close graves, a gravespace owner shall employ his own workmen to carry out such works. Such workmen shall comply with such conditions as may be specified from time to time by the Council. Any person contravening this Bye Law shall immediately leave the cemetery on request and shall not enter without the permission of the Council.

DEPTH OF BURIAL

17. The Council reserves the right to determine the capacity of each grave space and cannot be held responsible for the capacity of any grave space unless a depth test is carried out.
18. No coffin shall be buried in any unwalled grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.2 metres (4ft) below the ordinary level of the ground, unless otherwise agreed with the Caretaker/Cemetery Manager.
19. Permission of the Council must be sought to install pre-cast concrete vaults.
20. In older cemeteries, the depth of pre-existing burials shall be established by probing.

INTERRUPTION OF INTERMENT

21. Any person unlawfully preventing or attempting to prevent the interment of any person in a Cemetery, or unlawfully preventing or disturbing the celebration of funeral rites over any person, shall be in breach of these byelaws.

EXHUMATION

22. No body, nor the remains of any body including cremated remains, shall be removed from one place of burial to another, or exhumed without the prior written consent of the Council and with such precautions as such Authority may prescribe as the condition of such Licence and nothing in these Bye-Laws shall conflict with this statutory requirement. Any person who shall remove or assist in removing any such body or remains contrary to this Rule, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these byelaws.

REGISTER OF BURIALS

23. A proper Register (hereinafter referred to as the Register) shall be constantly kept in some convenient place at or near the Cemetery, or at the place of residence of the Registrar and shall be open for inspection at all reasonable times; but no person, except the person having the care and management of the Cemetery, and in these rules called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned.
24. A printed copy of these rules shall be kept constantly affixed to the Register.

ENTRIES IN REGISTER

25. Before the interment of any person in a Cemetery, or before admission into such place of reception as aforesaid, the Registrar shall, after due enquiry as to the facts from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register, in plain and legible characters, under its proper headings, and in order, of the First Name and Surname, time of death, sex, age, religious, and occupation or rank in life of the deceased, together with his or her last place of residence, and condition, as whether “married”, “single”, “divorced”, “separated”, “widower” or “widow”, or “the child of A.B.”, etc.
26. After the interment due entry shall be made under its proper heading of the distinctive mark of the grave; and the signature of the person having the management of the interment shall be affixed in the last column but one, in token of the accuracy of the foregoing statements; and such signature shall be attested by the signature of the Registrar, in the last column. Any such person wilfully refusing to give to the Registrar information as to the matters aforesaid, or to affix his signature as aforesaid, shall be in breach of these byelaws.

PURCHASE OF BURIAL PLOT

27. No guarantee can be given as to the number of interments that can be effected in any plot in the burial ground. As a general guideline, it shall be understood that, on average, a single plot will accommodate the interment of up to 3 adult persons.
28. The purchase of multiple plots will not be permitted. No one individual shall be allowed to purchase more than 2 adjoining plots, i.e. a double plot, which will generally accommodate 6 interments.
29. No plot is, under any pretext, to be opened for the interment of any person, except by the express authority of such owner, his or her “representative” or “duly authorized agent”.
30. No plot is, under any circumstances, to be registered in the name of more than one person and such person can only be recognized by Carlow County Council as the owner. In cases where the plot is purchased by several persons, only one person, to be decided on by the purchasers, shall be entered on the Register and shall be deemed the owner of such plot.
31. No general permission for the interment of the members of a family in any plot can be entertained. For each interment there must be a distinct and separate order from the owner.

32. No plot will be sold nor will any undistinguished plot be reopened unless arrangements are made at time of purchase, or burial, as the case may be, to distinguish same. In the case of a second or subsequent burial, the onus will be on the owner of the plot (or his/her representative) to produce documentary evidence of ownership, in the event of any dispute arising regarding identification of the plot.
33. The pre-purchase of burial plots shall in general be prohibited, it is in exceptional circumstances only that the pre-purchase of burial plots will be allowed e.g. where the applicant is terminally ill as certified by a medical consultant and in these exceptional circumstances wishing to finalise arrangements.
34. Where this is sought applications in writing should be made to the SEO/SE, Environment Department, Carlow County Council or another designated officer in Carlow County Council as delegated by delegation order, setting out the exceptional circumstances for the application and including relevant documentation.
35. The Deed and Receipt issued in response to the application constitutes the owner's right of burial. As the details depend on the accuracy of the information supplied, the Council shall not be liable for any errors in the Deed as issued.
36. A grave plot Deed does not allow the erection of a headstone without a separate application being made to the Council (see byelaw 51-61).
37. The selling of a grave deed to a third party is not permitted. However, the Council will facilitate those wishing to return ownership of deed to the Council.
38. Plots are disposed of in consecutive order and no selection is permitted. All plots must be adjacent to some previously occupied plot and no plot in an isolated position will be sold.

VISITORS

39. Visitors to the Cemetery shall enter or leave the Cemetery only by means of the entrance. A visitor shall close and re-secure any gate he/she opens at a cemetery.
40. They shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein where provided.
41. They shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the Cemetery.
42. Cemeteries are not a suitable or appropriate place in which to exercise dogs. No person shall allow or cause a dog to enter a cemetery save for in the company of a visitor to a grave. No dog shall be allowed to enter the cemetery unless on a leash. Dogs are not permitted off-leash, or to roam or run in the cemetery. Dog owners are reminded of their obligations to clean up after their dogs and reminded that dog fouling is profoundly disrespectful within a cemetery where families have buried loved ones.

43. Guide dogs accompanying persons with visual impairment are permitted to enter a cemetery.
44. Vehicles are discouraged from entering the cemetery with the exception of funeral cars and vehicles or wheelchairs carrying disabled persons. Maintenance vehicles will be allowed by prior permission of the Caretaker or where applicable, the Cemetery Manager. Drivers are reminded to be respectful of visitors to the cemetery and to take due care and attention when in the cemetery.

MISCONDUCT

45. The Registrar or any agent of the Council, shall at all times, be entitled and at liberty to remove from the Cemetery any person who may be guilty of misconduct therein, and to prevent any person from entering the Cemetery at prohibited times.
46. All persons shall conduct themselves in a decent, quiet and orderly manner while in a cemetery and no person shall:-
 - a. Wilfully create any disturbance in a cemetery.
 - b. Commit any nuisance in a cemetery.
 - c. Wilfully interfere with any burial taking place in a cemetery.
 - d. Wilfully interfere with any gravespace or vault, any tombstone or any other memorial or any plants on any such gravespace.
 - e. Play at any game or sport in a cemetery.
 - f. Ride a bicycle within the cemetery unless visiting a grave. (Additionally, cyclists are asked to dismount and walk where possible and be mindful of the safety of other visitors to the cemetery)
 - g. Ride a skateboard, scooter or other similar machine in a cemetery.
 - h. Cause damage to headstones.
 - i. Dump waste, litter or cause fly tipping.
 - j. Permit trespass by animals.

DAMAGE TO HEADSTONES

47. No person shall willfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, notice board or any other article, whether belonging to the Council or deed holders of plot, or pull up any tree, shrub or flower therein, or put up any bill or notice on any wall, or play any game or sport therein or unlawfully disturb any persons assembled in the Cemetery for a burial, nor shall commit any nuisance within the Cemetery.

TREES

48. No trees shall be planted on any grave space in the Cemetery.

SHRUBS AND FLOWERS

49. In older cemeteries the planting of shrubs and flowers on grave plots shall only take place where the plots are enclosed by kerbs.
50. Any flowers or wreaths placed on graves after burials have taken place shall be removed by the grave deed owners or their representatives within two months. These shall be deposited in the area provided, if it has been, and, if not, taken away from the Cemetery for disposal elsewhere.

ERECTION OF MONUMENTS

51. No Tomb, Monument, Headstone, Tablet or permanent structure of any description or material shall be erected or constructed on any place of burial in the Cemetery, unless and until the structure has been approved of, in writing, in the form of a Certificate of Permission by the Council's Engineer, or such other Officer as the Council shall appoint for this purpose.
52. No monument or coping shall be placed on any grave space except by the owner of such grave space or with his permission in writing.
53. No monument or coping of any description shall be erected on any Burial Ground under the control of the Council except where permission in the form of a valid written permit has first been obtained from Carlow County Council. Replacement monuments or coping of any description shall also require permission in the form of a valid written permit.
54. Any headstone or monument erected shall be so erected on a solid masonry or concrete foundation placed not less than 0.6 metres (24 inches) below ground level. Where applicable, a monument or headstone shall not be placed in position until a Certificate that this regulation has been complied with, has been issued by the Registrar of the Burial Ground, to the Contractor or person responsible for the erection. Maximum height of a memorial shall be 1.2 metres (48 inches) above ground level.
 - i. The exception to such height restriction may only apply to applications for the erection of traditional Irish stone monument designs such as Celtic/Latin Crosses or traditional monuments. Maximum height of Celtic/Latin Cross or traditional monument shall be 1.8 metres (72 inches) above ground level.
55. Any coping placed around a grave space or plot shall be placed on a solid foundation sunk at least 0.15 metres (6 inches) below ground level.
56. No monument or coping erected on any grave space or plot shall extend outside the boundary of such grave space or plot and this Regulation also applies to the foundation for such monument or coping.
57. On sloping ground the maximum coping height above ground level on the high side to be 0.15 metres (6 inches). Exception to this rule may be made where the ground is uneven, in this case a realistic distance is to be left between grave spaces.

58. No monument or coping shall be placed on any grave space or plot unless notice has been first given to the Burial Ground Registrar of the date on which it is proposed to proceed with same.
59. All spoil and excess material resulting from the preparation for and erection of a monument or coping to a grave shall be collected and removed by the person or contractor erecting the monument or coping.
60. Any permission sought for the erection of a monument over a grave space or plot should be accompanied by an indicative sketch of the proposed memorial.
61. Carlow County Council reserves to itself the right to order the removal of any monument, headstone or coping if in the opinion of the Council such monument, headstone, coping or erection is in its general appearance offensive or contradictory to good practice principles.

PERISHABLE AND UNSUITABLE MATERIALS

62. The use of materials of a perishable nature such as timber, ironwork or the like as part of any monument or structure in any Cemetery will not be permitted, except in cases of the erection of a temporary monument. Temporary monuments would be for a period of less than 12 months.
63. The use of plastic or man made (synthetic) materials may only be used following special permission issued by the Council.

SUPERVISION OF WORKS

64. All works in erecting monuments or the like carried out in the cemetery either by the owners of the grave deeds, their agents or representative, including monumental contractors, is subject to supervision and control of the Cemetery Caretaker and/or Engineer or his representative. The permit to erect a headstone must be available on request for inspection.
65. The dumping and mixing of sand, gravel and cement for making concrete will not be permitted on paths or unprotected ground, and must be carried out on portable platforms.
66. All surplus materials left over when the work has been completed must be removed from within the confines of the Cemetery by the contractor or the owner of the grave deed at the time of the completion of the works.

REMOVAL OF BROKEN OR OTHER MONUMENTS

67. The removal of broken or other monuments is the responsibility of the deed owner.
68. The Council may take down and remove any monument, headstone, kerb, tablet or any other object which may have been placed at any time within the Cemetery, either with or without

authority, which may have fallen into decay, or which in the opinion of the Council is not being maintained or has become a nuisance or a danger to ordinary users of the Cemetery.

69. In such cases, the Council may recover the cost of any such removal from the grave deed owner or owners, by a simple contract debt.

70. A person who contravenes a provision of these byelaws shall be guilty of an offence and shall be liable, on summary conviction in the District Court, to a fine not exceeding €3,000.

MADE and ADOPTED under the Common Seal of
THE COUNTY COUNCIL OF THE COUNTY OF CARLOW.

This _____ day of _____ 2021.

Member of Council
Carlow County Council

Padraig O Gorman
Director of Services
Carlow County Council