



**Comhairle Contae Chorcaí**

**Cork County Council**

**Draft**

**Cemetery Byelaws**

**2016**

## BYELAWS

*Made by Cork County Council, under Section 199 of the Local Government Act 2001(as amended) for the Regulation of Cemeteries, in the operational control or in the ownership of Cork County Council.*

### SHORT TITLE

1. These Bye-Laws may be cited as the Cork County Council (Cemeteries) Bye-Laws, 2016.

### INTERPRETATION OF TERMS

2. Throughout these byelaws the use of the following terms shall have the following meanings:

*“Beam”* means the Headstone Beam where already provided in the Cemetery.

*“Cemetery”* means any Cemetery or Burial Ground under the control or in the ownership of the Council.

*“Deed Owner”* means the person who purchased a Certificate of Right of Burial in accordance with byelaw 19, or if that person is deceased, the person or persons who arranges for the erection of the headstone or any other structure over the grave plot identified in the Certificate of Right of Burial.

*“Foundation”* means the support for a headstone.

*“Lawn Cemetery”* means a Cemetery or part of a Cemetery wherein kerbs or other such items shall not be permitted to be placed and where all or designated parts of the Cemetery comprising burial plots shall be maintained as grassed areas.

*“Member of the same Family”* means 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.

*“Registrar”* or *“Caretaker”* means the Registrar or Caretaker at the time being of any Cemetery under the control or in the ownership of the Council.

*“Right of burial”* means the right to be interred or to have cremated remains interred in a particular grave space, whether under these bye-laws or otherwise.

*“The Council”* means Cork County Council

### **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.

### **FENCING**

5. Every Cemetery shall, in as much as is practicable, be kept sufficiently secured.

### **GRAVE SPACES**

6. In all new Cemeteries, 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.

In all new Cemeteries a corresponding map or maps of the Cemetery shall be constantly kept in some convenient place, at or near the Cemetery, and shall be made available for inspection by all persons. On such map or maps every grave space shall be shown with its distinctive mark inscribed thereon, i.e. section, row and number.

The designation of areas within a Cemetery as being grave spaces suitable for any particular mode of burial is at the discretion of the Council.

### **SIZE OF GRAVE SPACES**

7. The grave spaces for the burial of persons shall be 2.5m long by 1.22m wide excluding beam dimension.

The grave spaces for the burial of cremated remains may be of differing sizes and the number of interments will be determined by the size of each individual space.

### **HUMAN REMAINS**

8. Only human remains and cremated human remains shall be interred in a Cemetery.

## **FIRST INTERMENT – Burial of remains**

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

Up to a maximum of 3 coffin burials will be permitted in a single grave, subject to conditions.

## **MODE OF BURIAL**

10. 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 of wood or other sufficiently strong material.

Where possible, in new Cemeteries, areas will be designated to accommodate the interment of cremated remains.

Uncoffined burials may be permitted 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 wrappings of the uncoffined body.

## **OPENING OF GRAVES**

11. The Caretaker or Registrar must always be notified prior to the opening of a grave.

No grave, in which any body 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 the Registrar.

No un-walled burial plot shall be re-opened within fourteen years after the burial of a person unless a layer of not less than 250mm (10inches) in depth shall be left undisturbed above the previously buried coffin or casket; but if on re-opening any gravespace the soil is found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the gravespace. Depth of burial shall be in accordance with Bye Law 12.

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**

12. No coffin shall be buried in any unwallled grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.22m below the ordinary level of the ground.

## **CREMATED REMAINS**

13. Cremated remains may be interred in an urn or small casket or other approved containers in conventional grave spaces, grave spaces for cremated remains or inurned in a Columbarium Wall, or other facilities, where provided.

The following provisions shall apply in relation to burial in a conventional grave space where it is proposed to inter both remains and cremated remains.

Where at the time of the making of these Bye Laws cremated remains have already been interred any subsequent internments shall be undertaken in accordance with Bye Laws 9 to 12. That is the interment of cremated remains is treated as if it was a burial of remains.

Where no interment has taken place the following provisions shall apply: The first cremated remains interred in a conventional grave space must be interred immediately adjacent to the headstone. The maximum number of interments of cremated remains that will be allowed in a conventional grave space is determined by the following requirements:

- Where a conventional grave space is being used for conventional and cremated remains internments a layer of earth not less than 300mm in depth shall be left undisturbed above the previously buried coffin and the base of an urn or casket.
- Interments must be to a depth to allow for a minimum of 300mm between the top of the urn or casket and the top of the beam or foundation.
- A space of 300mm must be maintained between urns or caskets.
- All interments of cremated remains must be at a single depth.
- Internments of remains are to be undertaken in accordance with Bye Laws 9 to 11.

Cremated remains interred in a grave space specifically for cremated remains only must be buried to a depth that allows for 300 mm between the top of the urn or casket and the level of the beam or foundation. A clear space of a minimum of 300 mm on all sides must be maintained between urns/caskets. All interments of cremated remains must be at a single depth.

## **COLUMBARIUM**

14. Each standard niche in the Columbarium is sufficient for two standard receptacles. Larger niches can take up to 4 receptacles. Ashes must be contained in standard receptacles as specified by the Council.

Only Council personnel will be authorised to open a niche in the Columbarium.

Inscriptions on Niches must comply with Council Engraving Standards as supplied. Engravings that do not comply with the Standards shall not be placed on the Columbarium. Inscriptions on any other facilities allowed will be required to meet with Council Engraving standards

## **INTERRUPTION OF INTERMENT**

15. 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**

16. No body, nor the remains of any body, shall be removed from one place of burial to another, or exhumed (except under the conditions set forth in Byelaw 11) without the prior written consent of the Council which shall be in the form of a Licence (“the Licence”) and with such precautions as the Council may prescribe as the condition of such Licence; and 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**

17. A proper Register (hereinafter referred to as the Register) shall be constantly kept in some convenient place at or near the Cemetery, or at a 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 Byelaws called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned.

A printed copy of these Byelaws shall be kept constantly affixed to the Register.

## **ENTRIES IN REGISTER**

18. Before the interment of any person or their cremated remains 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 numerical order, of the First Name and Surname, time of death, sex, age, religious persuasion, 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.”, or such other information as would adequately identify the remains.

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 CERTIFICATE OF RIGHT OF BURIAL**

19. An application to acquire a right of burial in a grave plot in any Cemetery shall be made to the Council.

The application shall include the name and address in sufficient detail to ensure future identification against the Register, and also the specified fee.

While 60% of grave plots are still remaining in any Cemetery, the purchase of right of burial in multiple plots will be permitted.

Notwithstanding (ii) above no new certificates will issue within a historic graveyard as identified in the Record of Monuments and Places as established under the National Monuments (Amendment) Act 1994.

The Certificate of Right of Burial (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.

The Deed is issued at time of allocation and cannot be replaced.

A grave plot Deed does not allow the erection of a headstone without a separate application being made to the Council in accordance with byelaw 28.

The selling of a grave plot to a third party is not permitted. However, the Council will facilitate those wishing to return the plot to the Council which can only be permitted on relinquishment of the original Deed. A right of burial may be transferred to a member of the same family.

## **VISITORS**

20. 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.

Visitors shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein where provided.

Visitors shall not interfere with any of the tombs or monuments or headstones or with the Columbarium or with any flowers, shrubs or wreaths within the Cemetery.

Save as set out in (v) below no person shall allow or cause a dog to enter a Cemetery.

Guide dogs accompanying persons with visual impairment are permitted to enter a Cemetery.

No vehicles other than with the exception of funeral cars and vehicles or wheelchairs carrying disabled persons shall be allowed enter the Cemetery without the Caretaker's permission.

## **TELEVISIONS AND CAMERAS**

21. The use of still, cine and television cameras or other recording devices is strictly prohibited at or near any grave space before, during or after an interment. Such equipment shall not be used to photograph mourners or any part of a funeral cortege within the Cemetery, without the prior consent of the Council.

## **SELLING ARTICLES**

22. No person shall sell or offer or expose for sale any articles, commodity or thing of any kind whatsoever or solicit for orders for same within the Cemetery.

Any person soliciting orders within a Cemetery or Cemeteries for the erection or repair of memorials will be required to leave the Cemetery and will not be admitted again without the permission of the Council.



## **MISCONDUCT**

23. 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.

For the purposes of this byelaw, "misconduct" includes:

Any contravention of byelaw 20, byelaw 21, byelaw 22 or byelaw 24; any behaviour of a criminal, immoral, lewd or offensive nature; and the consumption of alcoholic drinks or controlled drugs as defined by the Misuse of Drugs Act 1977 as amended.

## **DAMAGE TO HEADSTONES etc**

24. No person shall wilfully deface, destroy or damage any building, wall, fence, columbarium, 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.

## **SANDBLASTING OF OLD HEADSTONES**

25. Sandblasting or polishing of old headstones may weaken the headstone. No sandblasting or polishing works are permitted to headstones erected prior to 1900 A.D.

## **TREES**

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

## **SHRUBS AND FLOWERS**

27. The planting of shrubs and flowers in lawn Cemeteries is not permitted. In older Cemeteries the planting of shrubs and flowers on grave plots shall only take place where the plots are enclosed by kerbs.

Any flowers or wreaths placed on graves after burials have taken place shall be removed by the grave plot 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.

Where, after a burial, flowers or wreath or other items have not been removed within the two month period the Council, without any notice, may remove and dispose of them.

Memorial flowers will be permitted only when placed on the headstone beam or in the holders provided on the columbarium.

Cemetery staff may move or remove and dispose of items at their discretion to ensure good management of the Cemetery.

## **ERECTION OF MONUMENTS**

28. No Tomb, Monument, Vault, Headstone, Tablet, kerbstone 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.

A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1 is to 20 shall accompany all such requests for approval.

The height of any structure proposed shall not exceed 1.2 metres above beam level.

An exception to this general rule is permitted where, in any given cemetery, there has been a practise of permitting the erection of a Celtic Cross. No cross shall exceed the height of any existing Celtic Cross in that cemetery but in any event the permitted maximum height of a Celtic Cross is 2.44m save for North Abbey Cemetery in Youghal where the maximum permitted height shall be 2.m.

For the purpose of clarification a Celtic Cross will not be allowed in any cemetery where, at the time of the making of this Bye-Law, they have not previously been permitted.

All structures shall have reinforced concrete bases with dowels.

The number of the grave space shall be clearly identified on the headstone.

At any time during the course of the construction or erection of a tomb, monument, vault, headstone, tablet, kerbstone or permanent structure of any description within a Cemetery, any Council Official may demand of the person or persons carrying out the works the production of the Certificate of Permission relating to those works and the person or persons carrying out the works shall immediately produce the Certificate of Permission for that Council Official's inspection.

Where a person of whom the production of a Certificate of Permission is demanded under these byelaws produces the Certificate of Permission, but refuses or fails to permit the Council Official making the demand to read the Certificate of Permission, that person shall be guilty of an offence.

The Council may take down any monument which shall have been erected contrary to the terms and conditions upon which permission to erect same was granted, or in the event of it being erected without an official Certificate of Permission from the Council, or in the event of it exceeding the height permitted by these Byelaws, or in the event of it being constructed of materials other than those permitted by these byelaws. The Council may recover the cost of any removal from the grave Deed Owner or owners as a simple contract debt in a court of competent jurisdiction.

#### **PERISHABLE AND UNSUITABLE MATERIALS**

29. The use of materials of a perishable nature such as timber or ironwork as part of any monument or structure in any Cemetery will not be permitted, except in cases of the erection of a temporary monument.

The Deed Owner shall ensure that a Temporary monument erected on the grave plot is removed from the Cemetery within 18 months of the date on which it was erected.

Temporary monuments shall not exceed a height of 0.6 metres above ground level.

An application for the use of plastic or man made (synthetic) materials as part of a headstone shall be made to the Council in writing and the Council may in its absolute discretion permit the use of such materials. Any such application shall be made before said materials are used as part of the headstone.

#### **KERBS FOOTSTONES ETC**

30. Where any Cemetery or part of a Cemetery, has been provided and developed as a "lawn" type Cemetery, no kerbstones/footstones of any description will be permitted under any circumstances.

In any Cemetery, other than a lawn type Cemetery, where the layout is such that the Council may grant permission for kerbs to be erected, the Council may specify that the top of the kerb shall be kept flush with the adjoining ground level.

Where in contravention of these Bye-Laws a kerbstone/footstone is erected in a lawn Cemetery, the Deed Owner or owners will be advised of the breach of these Bye-Laws and instructed in writing to remove the kerbstone/footstone within a specified period, not being less than 21 days from the date of instruction. Where the Deed Owner or owners has not complied with a notification the Council may, without any further notice, remove it and may recover the cost of any removal from the grave Deed Owner or owners as a simple contract debt in a court of competent jurisdiction.

## **FOUNDATIONS USING BEAMS**

31. In any Cemetery where Beams have been or will be provided by the Council, the Headstone or any other type of monument being proposed shall be erected using the provided Headstone Beam as the foundation.

Where Beams are in place to provide for 'back to back' Headstones the Headstone shall be erected on the portion of the beam immediately adjacent to the plot acquired and shall not exceed more than 50% of the overall beam. Any material such as concrete, mortar or the like used in the erection of the monument shall not be allowed to extend outside the top of the Beam, and all surplus material shall be removed from the Cemetery by the person in charge of the erection of the monument.

No kerbs will be permitted in this case and foundations are not required at either of the long sides of the grave space.

Railings, chains and wind chimes are not permissible on grave spaces or monuments. No monument or fences constructed of plastic, wood, glass, ferrous metals or tiles shall be permitted.

## **FOUNDATIONS WHERE BEAMS WILL NOT BE AVAILABLE**

(This relates to older type Cemeteries)

32. Where the beam is not provided by the Council the foundation for the headstone shall be cast as a single unit. The foundation shall be constructed of good quality concrete with an 8-day crushing strength of not less than 30N/mm<sup>2</sup>. The minimum dimensions shall be 300mm deep by 225mm wide. It shall contain minimum reinforcement of 4 No. 12mm mild steel bars, 2 of which shall be located near the lower face of the foundation and 2 of which shall be located near the upper face of the foundation. The steel will have minimum cover on all sides of 50mm. The foundation shall be entirely within the boundaries of the grave plot, which it is enclosing. Full details of construction of beam should be agreed with the Council before commencement of work. It shall be the responsibility of the person or persons carrying out the works and the Deed Owner to ensure that this byelaw is complied with.

## **HEALTH AND SAFETY & INSURANCE**

33. All persons carrying out work within a Cemetery will have due regard to and shall comply with the provisions of Health and Safety Legislation

All persons carrying out work within a Cemetery shall comply with the Council's Procedure for Occupational Safety, Health and Welfare Requirements for Contractors, Grave Diggers, Masons, Undertakers and Funeral Directors carrying out Works in Cork County Local Authority Cemeteries ("the Procedure")

The Procedure may be amended, revised or replaced by the Council from time to time and it shall be the responsibility of the persons carrying out works

within a Cemetery to comply with the Procedure in place at the time of the carrying out of said works.

All persons carrying out work within a Cemetery shall be required to confirm to the Council they have adequate Public Liability and Employers Liability insurance (if applicable), to a level as as determined by the Council from time to time and shall produce if so demanded a copy of the relevant insurance policies.

### **WORKS IN CEMETERIES**

34. No persons shall engage in works in any Cemetery except where expressly requested by the Council (including sculptors, landscape and landscape workers) without prior permission from the Council.

Persons carrying out works in a Cemetery shall ensure that the deposit of, and mixing of sand, gravel and cement for making concrete will not take place on paths or unprotected ground, and shall ensure that it is carried out on portable platforms.

All surplus materials left over when the work has been completed must be removed from within the confines of the Cemetery by the persons carrying out the works or the Deed Owner at the time of the completion of the works.

Any damage caused to lawns, grave spaces, walls, drives, trees, shrubs, or other property within a Cemetery by persons carrying out work must be repaired by those persons causing such damage.

### **REMOVAL OF BROKEN OR OTHER MONUMENTS**

35. The removal of broken or other monuments is the responsibility of the Deed Owner. 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.

In such cases, the Council may recover the cost of any such removal from the Deed Owner as a simple contract debt in a Court of competent jurisdiction.

All ancient graveyards and associated churches/ site of church are designated archaeological sites and registered in the Recorded Monuments Places (see [www.archaeology.ie](http://www.archaeology.ie)). Recorded Monuments are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.

Notwithstanding what is stated in Bye Laws 34 & 35 above the same shall not confer any right on the Council and/or the burial rights owner(s) to move or otherwise interfere with ancient headstones, footstones or any archaeological features (above or below the ground) within the Recorded Monument, outside

of authorised burials and activities by the Local Authority and/or the Department of Arts Heritage & Gaeltacht. Any proposal to undertake works within or in the vicinity of the Recorded Monument must be in accordance with National Monument's Act (1930-2004) and be approved by the County Archaeologist, and any approval so granted, and in accordance with any conditions attached to such approval.

**CONTRAVENTION OF BYE-LAWS**

36. 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 €2,500.

**MADE and ADOPTED** under the Common Seal of

**CORK COUNTY COUNCIL**

This day of

\_\_\_\_\_  
**SENIOR EXECUTIVE OFFICER  
CORPORATE AFFAIRS**

\_\_\_\_\_  
**Clerical Officer**

\_\_\_\_\_  
**Clerical Officer**