



**Comhairle Contae Chiarraí
Kerry County Council**

**Fodhlithe Reiligí do
Chomhairle Contae Chiarraí 2018**

**Kerry County Council
Cemeteries Bye Laws 2018**

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

These Bye-Laws shall come into force on the first day of March, 2019. These Bye Laws may be cited as Kerry County Council Cemeteries Bye Laws, 2018.

GENERAL REGULATIONS FOR CEMETERIES

1. INTERPRETATION OF TERMS

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

'The Council' shall mean the Council of the County of Kerry.

"Council Cemetery" shall mean any cemetery, graveyard or burial ground under the operational control or in the ownership of the Council as specified in Schedule 1.

'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. Burial Grounds which are Lawn Cemeteries are prescribed in Schedule 1.

'Plot' shall mean an area of a Cemetery consisting of one, two or three grave spaces otherwise described as a single plot, double plot or a family plot.

'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.

'Engineer' shall mean the official as may be nominated by Kerry County Council.

'Register' shall mean the record of burials in the said burial ground.

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

"Burial Rights Owner" shall mean a person who has acquired a right of burial in a grave space whether under these Bye-laws or otherwise.

2. APPLICATON OF BYELAWS

These byelaws shall apply to all Cemeteries under the control or in the ownership of the Council as specified in Schedule 1.

3. CESSER OF EXISTING BYELAWS

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

4. GRAVE SPACES / PLOTS

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. Where Burial maps are available the map or maps of the Council Cemetery shall be constantly kept by the Registrar and by the Council and shall be made available for inspection by all persons. Existing Burial grounds that have maps available are outlined in Schedule 1. On such map or maps every grave space shall be shown with its distinctive mark inscribed thereon, i.e. section and number.

5. SIZE OF GRAVE SPACES

The grave spaces for the burial of persons, in a single plot, shall be 2.75m long by 1.25m wide excluding continuous concrete base dimension. Double plots shall measure 2.75m long by 2.5m wide excluding continuous concrete base.

Grave spaces for cremated remains only shall be of a size designated by the council. (At least 900mm x 900mm).

6. FIRST INTERMENT

Each grave, when opened for one and only one interment should be dug to a depth of 1.65m. Any grave, where it is proposed to open for a second interment should be dug to a depth of 2.45m.

7. MODE OF BURIAL FOR HUMAN REMAINS AND CREMATED REMAINS

(i) Subject to (ii), no interment shall be permitted in any Council 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. Any person presenting a body for interment in violation of this rule shall be liable to a penalty of €125.

(ii) 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.

(iii) All spoil and excess material resulting from the excavation of grave shall be collected and removed from the Council Cemetery for proper disposal elsewhere by the undertaker or person carrying out the burial.

(iv) Cremated remains may be interred in an urn or small casket or other approved containers in conventional grave spaces or grave spaces designated for cremated remains by the Council.

Cremated remains interred in a grave space specifically for cremated remains only must be buried to a depth that allows 300mm below ground level. A clear space of a minimum of 300mm on all sides must be maintained between the urns or caskets.

Full details of the deceased person's cremated remains must be recorded in the burial ground register.

(v) On columbarium walls or other facilities for cremated remains, inscriptions on niches shall be in accordance with council policy.

8. OPENING OF GRAVES

(i) The Caretaker must always be notified prior to the opening of a grave.

(ii) No unwalled grave shall be re-opened within fourteen years after the burial of a person unless a layer of earth not less than 300mm 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, (save in accordance with law).

(iii) 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 to be previously produced to and left with the Registrar.

(iv) Excavation of graves shall be carried out by hand or by mini-digger. Under no circumstances shall heavy machinery be used for opening graves. Use of Heavy Machinery in Council Cemeteries will be subject to the permission of Kerry County Council. All necessary precautions to protect footpaths, kerbs, monuments and surrounding graves from damage shall be taken by the operative or undertaker carrying out the works. This includes the laying of protective covering on the footpaths.

9. DEPTH OF BURIAL

No coffin should be buried in any unwalled 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.

10. INTERRUPTION OF INTERMENT

No person shall unlawfully prevent or attempt to prevent the interment of any person in a Cemetery or prevent or disturb the celebration of funeral rites over any person being interred.

11. EXHUMATION

No body, nor the remains of any body, nor 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 the Health Service Executive may prescribe as the condition of such Licence.

12. REGISTER OF BURIALS

(i) The proper Register (hereinafter referred to as the Register) shall be constantly kept in some convenient place at or near the burial ground or at the place of residence of the Registrar and shall be open for inspection at all reasonable times.

(ii) No person except the Registrar shall be permitted to write in the Register save as hereinafter mentioned.

(iii) A printed copy of these Bye Laws shall be kept constantly affixed to the Register.

13. ENTRIES IN REGISTER

(i) Before the interment of any person or their cremated remains in a Council Cemetery, 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, widower' or 'widow', or 'the child of A.B.' or such other information as would adequately identify the remains.

(ii) 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.

(iii) No person shall wilfully refuse to give to the Registrar information as to the matters aforesaid, or to affix his/her signature as aforesaid.

14. PURCHASE OF RIGHT OF BURIAL

(i) The purchase of right of burial in a grave plot shall only be allowed at the time of burial. Pre-purchase of plots shall not be permitted.

(ii) Application to acquire a right of burial in a grave plot in a Council Cemetery shall be made to the Council. The application shall include the name and address of the deceased in sufficient detail to ensure future identification against the Register. The application shall also include the specified

fee. The charge for the purchase right of burial in a burial plot shall be determined by the council and may be varied from time to time.

(iii) Where sufficient plots are still remaining in a Council Cemetery, the purchase of right of burial in multiple plots of two or three graves will be considered by the council.

(iv) The receipt issued in response to the application constitutes the applicants right of burial. As the details depend on the accuracy of the information supplied, the Council shall not be liable for any errors.

(v) The right to burial receipt does not allow the erection of a headstone without a separate application being made to the Council (see byelaw 20).

(vi) The selling of a grave plot to a third party is not permitted. However, the Council will facilitate those wishing to return ownership to the Council.

15. VISITORS

(i) Visitors to a Council Cemetery shall enter or leave the Council Cemetery only by means of the entrance.

(ii) Visitors to a Council Cemetery shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein.

(iii) Visitors to a Council Cemetery shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the Cemetery.

(iv) No dogs or other animals shall be allowed into the Cemetery and visitors shall close the gate after entering and leaving to prevent trespass by stray animals. Guide dogs shall be permitted.

16. MISCONDUCT

The Registrar or any agent of the Council or member of the Garda Síochána shall at all times be entitled and at liberty to remove from a Council Cemetery any person who may be guilty of misconduct therein, and to prevent any person from entering the Council Cemetery at prohibited times.

All persons shall conduct themselves in a quiet and orderly manner while in a Council Cemetery and no person shall:-

- Wilfully create any disturbance in the cemeteries.
- Commit any nuisance in the cemeteries.
- Wilfully interfere with any burial taking place in the cemeteries.
- Wilfully interfere with any gravespace or vault, any tombstone or any other memorial or any plants on any such gravespace.
- Play any game or sport in the cemeteries.

- Ride a bicycle, skateboard or other similar machine in the cemeteries..
- Cause damage to headstones.
- Dump waste, litter or cause fly tipping.
- Permit trespass by animals

17. DAMAGE TO HEADSTONES

No person shall wilfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, notice board or any other article within the cemetery.

18. TREES

No trees shall be planted on any grave space in a Council Cemetery.

19. SHRUBS AND FLOWERS

(i) The planting of shrubs and flowers in lawn Cemeteries is not permitted. In Cemeteries other than Lawn Cemeteries the planting of shrubs and flowers on grave plots shall only take place where the plots are enclosed by kerbs. Any unkempt shrubs can be removed by the Council.

(ii) Any flowers or wreaths placed on graves after burials have taken place shall be removed by the purchaser of the right of burial or their representatives within two months. These shall be taken away from the Cemetery for disposal elsewhere.

(iii) Memorial flowers shall be permitted only when placed on the headstone continuous concrete base.

20. ERECTION OF MONUMENTS

(i) No tomb, monument, vault, headstone, tablet or permanent structure of any description or material shall be erected or constructed on any place of burial in the Council Cemetery, unless and until the structure has been approved of, in writing, in the form of a Certificate of Permission, by the Engineer, or such other Officer as the Council shall appoint for this purpose and any outstanding monies for the purchase of the plot has been paid.

(ii) A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1 is to 25 shall accompany all such requests for approval.

(iii) The Council will not accept any liability for injury or loss to any third party as a result of the works involved in the erection of monument or any defects associated with the works or damage to other headstones.

(iv) The headstone or monument shall be of natural stone only viz., marble, limestone or granite and shall be erected on a suitable concrete foundation at a normal depth of 600mm. The monument or headstone shall be of traditional design and finish and shall be in keeping with the existing headstones in the area.

(v) In a Council Cemetery, other than a Lawn Cemetery, the headstone or monument, including base, other than the specific exception mentioned herein, shall not exceed 1.5 m in height and shall have a maximum length of 1.0m (1.5m in the case of multiple plots). All heights are measured from the continuous concrete base or from ordinary ground level of the footpath/roadway contiguous with the plot. Secondary monuments, additional to the headstone, such as statues including those of animals etc. shall not be permitted.

In a lawn Cemetery, the height shall not exceed 1.2m.

(vi) Where a Celtic or Latin cross of traditional design is proposed, the height shall not exceed 1.8 m and the width shall not be greater than 1.0 m.

(vii) All works shall be kept within the confines of the burial plot. Work shall not encroach onto adjacent plots or onto footpaths.

(viii) In a Lawn Cemetery, no kerb or coping of any description shall be permitted. In lawn type cemeteries no chippings shall be permitted to be laid over graves.

(ix) In a Council Cemetery other than a Lawn Cemetery, kerb or coping shall not exceed 150mm in height, and shall be placed on a solid foundation sunk at least 150mm below ground level. Corner posts shall not exceed 250mm in height.

(x) 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.

(xi) 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.

(xii) The Council reserves the right to direct 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 or where there has been failure to comply with Certificate of Permission issued by Kerry County Council. Furthermore, the Council may take down any monument which shall have been erected contrary to the terms and conditions upon 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 in these Byelaws. The Council may recover the cost of any removal from the grave owner or the person who erected the monument as a simple debt in a court of competent jurisdiction.

(xiii) The Certificate of Permission must be available on demand for inspection and verification by any Council Official.

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

21. PERISHABLE AND UNSUITABLE MATERIALS

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

(ii) Use of materials of a perishable nature (such as timber or non-galvanised iron work) as part of any monument or structure in a Council Cemetery shall not be permitted. Special permission must be obtained in writing in advance from the Engineer in regard to the use of plastic or man-made (synthetic) materials.

22. FOUNDATIONS USING CONTINUOUS CONCRETE BASES

(i) In a Council Cemetery where continuous concrete bases have been or will be provided, the headstone or any other type of monument being proposed shall be erected using the appropriate headstone continuous concrete base as the foundation.

(ii) 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 continuous concrete base, and all surplus material shall be removed from the Cemetery by the person in charge of the erection of the monument.

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

23. FOUNDATIONS WHERE CONTINUOUS CONCRETE BASES ARE NOT AVAILABLE

(This relates to older type Cemeteries)

Full details of construction of continuous concrete base should be agreed with the Council before commencement of work.

24. SUPERVISION OF WORKS

(i) All works in erecting monuments or the like carried out in a Council Cemetery may be subject to supervision and control of the Engineer or his/her representative.

(ii) 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.

(iii) All surplus materials left over when the work has been completed must be removed from within the confines of the Cemetery at the time of the completion of the works.

25. REMOVAL OF BROKEN OR OTHER MONUMENTS

(i) The removal of broken or other monuments is the responsibility of the purchaser of the right of burial. The Council shall give two weeks' notice of its intention to take down and remove any monument, headstone, kerb, tablet or any other object which may have been placed at any time within a Council 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.

(ii) In the event that the purchaser of the right of burial fails to respond to the notice given in 25(i) above, the Council may recover the cost of any such removal from the purchaser of the right of burial by a simple contract debt.

26. REMOVAL OF SURPLUS AND UNUSED MATERIAL FROM CEMETERY

(i) All surplus materials left over when the works on graves has been completed shall be removed from within the confines of a Council Cemetery by the contractor or the purchaser of the right of burial at the time of the completion of the works. This includes surplus excavated material, unused concrete, shuttering etc. and discarded floral monuments (natural or artificial).

(ii) The cemetery shall not be used as a temporary or long-term storage area for any material, shuttering or tools by operatives carrying out works in the cemetery.

27. PARKING

Where a Car Park is provided by the Council within or adjoining a Council Cemetery parking shall be limited to the vehicles used by persons attending burials and visiting graves. No overnight or long-term parking shall be permitted. The locations of Car Parks ancillary to a Council Cemetery and regulated by this bye law is set out in Schedule 1.

28. MONUMENT SCULPTORS AND STONEMASONS

(i) Any monument sculptor or stonemason wishing to carry out work in any Council Cemetery/Burial Ground in the functional area of Kerry County Council, must be registered with the Council and hold an annual work permit. The annual work permit is due for renewal on the 1st January each year and may be subject to a registration fee.

(ii) The Council may from time to time set conditions for admission to its Register of Authorised Monument Sculptors and conditions for maintaining an entry in the Register of Authorised Monument Sculptors.

(iii) The Council may set rules and regulations in respect of;

- Insurances to be held by a monument sculptor
- Experience and Work record of a monument sculptor

(iv) The Council may remove a monument sculptor from the Register of Authorised Monument Sculptors if;

- The monument sculptor erects, or assists in the erection of, a monument in a Council cemetery where the erection of such monument has not been authorised in writing by the Council or where it has not been erected in accordance with the terms of permit.
- The monument sculptor fails in the opinion of the Council to carry out his work in a safe manner,
- The monument sculptor fails in the opinion of the Council to work in a tidy manner within the Council cemetery.
- The monument sculptor does not abide by the Bye Laws.

(v) Before the Council removes any monument sculptor from the Register of Authorised Monument Sculptors it will offer them the opportunity to make any representations considered necessary in accordance with the principles of natural justice.

(vi) A Monument Sculptor shall not erect a monument without a Certificate of Permission having been issued by the Council in accordance with the provisions of the Byelaws.

(vii) All works carried out within Burial Grounds must be carried out in accordance with current Health and Safety Legislation.

29. PENALTIES FOR OFFENCES

(i) An offence under these Bye-Laws may be prosecuted by the local authority which made the relevant bye-law, by any other local authority acting on its behalf or by a member of the Garda Síochána.

(ii) A person who contravenes a provision of any bye-law is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900

(iii) If the contravention of a provision of a bye-law is continued after conviction, the person causing the contravention is guilty of an offence on each day on which that contravention continues and is liable on summary conviction for each such offence to a fine not exceeding €125.

Made under the Official Seal of Kerry County Council

Dated this 31st day of January 2019.

PRESENT when the Official Seal of Kerry County Council was affixed hereto:-

Brenda Co
Cathaoirleach or Nominated Employee

Schedule 1

Burial Ground	Map Available	Lawn Style	Car Park
Abbeydorney	Y		Y
Abbeyisland Extension	Y	Y	
Aghadoe	Y		
Aglish (Ballyhar)	Y		
Aglish (Lios Póil)			
Ahavoher	Y		Y
Annagh new	Y		Y
Annagh old	Y		Y
Arabella	Y		
Ardcrone new	Y		
Ardcrone old	Y		
Ardfert (Sackville)	Y		
Ardfert (Cathedral)	Y		
Ardmoneel (Killorglin)	Y		Y
Aughavallin	Y		
Baile Uí Bhaoithín New	Y	Y	Y
Baile Uí Bhaoithín Old	Y		
Ballinclare (Annascaul)	Y		
Ballinskelligs new	Y		Y
Ballinskelligs old	Y		
Ballybunion St. Johns	Y	Y	Y
Ballybunion St. Johns - Old Section	Y		Y
Ballyduff (Castlegregory)	Y		
Ballyheigue (Holy Family)	Y		
Ballyheigue New (St. Mary's)	Y	Y	
Ballyheigue Old (St. James's)			
Ballylongford St Michaels	Y	Y	Y
Ballynacourty	Y		
Ballynahaglish	Y		
Ballynakilla	Y		Y
Ballyseedy	Y		
Beheenagh	Y		
Brosna new	Y		Y
Brosna old	Y		Y
Caherciveen, Holy Cross	Y		
Cahersiveen, Cill Fhaoláin	Y	Y	Y
Cahersiveen, Killavarnogue			
Camp	Y		Y
Causeway	Y		Y
Churchill new	Y		Y
Churchill old	Y		
Churchisland (Waterville Lake)	Y		

Burial Ground	Map Available	Lawn Style	Car Park
Churchtown, Beaufort	Y		Y
Cloghane New	Y		Y
Cloghane old	Y		
Clogher	Y		Y
Clogherbrien	Y		
Coad New	Y		Y
Coad Old	Y		
Cordal	Y		Y
Cromane	Y	Y	Y
Cummer (Glencar)	Y		Y
Curra (Killeen)	Y		
Derryco	Y		Y
Derrynane	Y		
Dromavally	Y		
Dromod	Y		
Duagh new	Y		Y
Duagh old	Y		Y
Dunquin new	Y		
Dunquin old	Y		
Dunurlin	Y		
Dysert (Castleisland)	Y		
Dysert (Lixnaw)	Y		
Feaghna (Bonane)	Y		Y
Finuge New Extension	Y	Y	Y
Finuge Old			Y
Freemount	Y		
Galey	Y	Y	Y
Galey Old	Y		Y
Garfinny	Y		
Gortagass (Kenmare New / Holy Cross)	Y		Y
Inch (Lack)	Y		Y
Inch Extension	Y		Y
Keel	Y		
Kenmare old	Y		
Kilbannivane No 1 (Pembroke)	Y		
Kilbannivane No 2 (Mahers)	Y		
Kilbannivane Old (Bull Station)	Y		
Kilbonane	Y		Y
Kilbrack (Dingle Town)	Y		
Kilcolman Abbey (Milltown)	Y		
Kilconly	Y		

Burial Ground	Map Available	Lawn Style	Car Park
Kilcummin Extension (Old - Dooneen)	Y	Y	
Kilcummin new (Holy Cross)	Y		Y
Kilcummin old (Dooneen)	Y		
Kildrum	Y		Y
Kilehenry	Y		
Kilfeighney	Y		Y
Kilflynn	Y		Y
Kilgarvan new	Y		
Kilgarvan old	Y		
Kilgobbin (Camp old)	Y		
Killaha	Y		Y
Killahan	Y		
Killarney	Y		Y
Killeentierna	Y		Y
Killiney	Y		
Killowen			
Killury	Y		
Kilmakilloge	Y		Y
Kilmalkedar Old	Y		
Kilmalkedar	Y	Y	Y
Kilmore	Y		
Kilmoyley (Togherbawn) Old	Y		
Kilmoyley new	Y		
Kilmurry			
Kilnanare new	Y		
Kilnanare old	Y		
Kilnanim			
Kilnaughtin	Y		Y
Kilquane (Headford)	Y		
Kilquane New (Dingle)	Y	Y	Y
Kilquane Old (Dingle)	Y		Y
Kilsarkan	Y		
Kilshannig (Maharees)	Y		
Kilshenane	Y		
Kiltomy	Y		
Kinard	Y		
Knockane	Y		Y
Knockanure	Y		Y
Knocknagoshel	Y		
Kylemore (Valentia)	Y		Y
Kylemore Old (Valentia)	Y		
Lislaughtin Abbey	Y		Y
Lispól	Y	Y	
Lisselton	Y		

Burial Ground	Map Available	Lawn Style	Car Park
Listowel Town St Michaels	Y		
Listowel Town John Paul II	Y		Y
Listry	Y		Y
Lixnaw	Y	Y	
Lyreacrompane	Y		Y
Maulagallane (Sneem)	Y		Y
Molahiffe	Y		
Murhur	Y		Y
New Cemetery (Coolcorcoran)	Y		
Nohoval			Y
O'Braonainn	Y		Y
Portmagee	Y		Y
Rahealy	Y		
Raheenyhooig	Y		
Rath	Y	Y	Y
Rathduff	Y		
Rathmore	Y	Y	Y
Rattoo	Y		
Scartaglin	Y		
Scartaglin Extension	Y	Y	
Shroneahiree (Incharoo)	Y		Y
Srugreana	Y		
St. John's, Castleisland	Y		Y
St. John's, Tralee	Y		
Stradbally	Y		
Templenoë new	Y		Y
Templenoë old	Y		
The Glen new	Y		Y
The Glen old	Y		
Ventry	Y		Y