

**BYE-LAWS FOR THE REGULATION OF BURIAL GROUNDS
IN CO. MAYO**

Made by the County Council of the County of Mayo under the Local Government Act, 2001 for the Regulation of Burial Grounds in the County of Mayo.

GENERAL REGULATIONS FOR BURIAL GROUNDS

INTERPRETATION OF TERMS

1. Throughout these bye-laws the following terms shall have the following meanings:

“The Council” shall mean the County Council of the County of Mayo.

“Burial Ground” shall include any burial ground, graveyard or similar place of interment for human remains within the functional area of the Council.

“Registrar” or “Caretaker” shall mean the Registrar or Caretaker for the time being of any Burial Ground under the control or in the ownership of the Council.

“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 burial plot, or some person who was permanently residing with the person last interred therein, at the time of that person’s death.

“Remains” means a human body after death.

“Council Burial Ground” shall mean any Burial Ground under the operational control or in the ownership of the Council.

“Private Burial Ground” means any Burial Ground other than a Council Burial Ground.

“Right of burial” means the right to be interred in a particular burial plot under these bye-laws or otherwise.

“Burial rights owner” shall mean a person who has acquired a right of burial in a burial plot whether under these bye-laws or otherwise.

APPLICATION OF BYE-LAWS

2. These bye-laws shall apply to all Burial Grounds under the control or in the ownership of the Council.

HUMAN REMAINS

3. Only human remains and cremated human remains shall be interred in a Burial Ground.

MODE OF BURIAL

4. No interment shall be permitted in any Burial Ground, unless the body is enclosed in a coffin or casket of wood or approved equivalent that may be approved by the Council or as specified by Regulations made under bye-law 34.

DEPTH OF BURIAL

5. No coffin or casket shall be buried in any unwallled burial plot unless the lid or upper surface thereof shall be sunk to a depth of at least 1.2 metres below the ordinary level of the ground where the sub-soil of the ground allows this depth or as specified by Regulations made under bye-law 34.

FIRST INTERMENT

6.
 - (i) Each burial plot, when opened for the first interment therein, shall be sunk to a perpendicular depth as set out below.
 - (ii) Where the Regulations of a Burial Ground specify a minimum perpendicular depth the burial plot shall be sunk to that depth at least.
 - (iii) Wherever a minimum perpendicular depth is not specified under (ii) above, the perpendicular depth shall be 2.5 metres at least in the case of a double plot, or in case the nature of the sub-soil will not permit the burial plot being sunk to such depth, then to such lesser depth as the Council shall specify and agree.

OPENING OF BURIAL PLOTS

7. No grave shall be re-opened within fourteen years after the burial of a person above twelve years of age or within eight years after the burial of a child under twelve years of age, unless to bury another member of the same family in which case a layer of earth not less than 300mm in depth shall be left undisturbed over the previously buried coffin. 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 burial plot.

No burial plot, in which any body has been interred, shall be opened, save for the purpose of interment or the erection of a tombstone or headstone, without the permission of the Council or as specified by Regulations made under bye-law 34.

INTERRUPTION OF INTERMENT

8. Any person unlawfully preventing or attempting to prevent the interment of any person in a Burial Ground, or unlawfully preventing or disturbing the celebration of funeral rites over any person, shall be in breach of these bye-laws.

EXHUMATION

9. Save for under the conditions set forth in bye-law 7, no body, nor the remains of any body, 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 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 bye-law, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these bye-laws.

VISITORS

10. (i) Visitors to a Burial Ground shall enter and leave the Burial Ground only by means of the entrance. A visitor shall close and re-secure any gate he opens at a Burial Ground.
- (ii) Visitors shall not walk on any of the shrubberies, burial plots or enclosures but shall confine themselves to the paths or avenues therein where provided.
- (iii) Visitors shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the Burial Ground.
- (iv) Save as set out at (v) below no person shall allow or cause a dog or other animal to enter a Burial Ground.

- (v) Guide dogs accompanying persons with visual impairment are permitted to enter a Burial Ground.

MISCONDUCT

11. All persons shall conduct themselves in a decent, quiet and orderly manner while in a Burial Ground and no person shall:-
 - (a) Wilfully create any disturbance in a Burial Ground.
 - (b) Commit any nuisance in a Burial Ground.
 - (c) Wilfully interfere with any burial plot or vault, any tombstone or any other memorial or any plants on any such burial plot.
 - (d) Play at any game or sport in a Burial Ground.
 - (e) Ride a bicycle, skateboard or other similar device in a Burial Ground.
 - (f) Knowingly permit trespass by animals.
 - (g) Play music other than when permitted at funerals.
 - (h) Eat or drink any beverages.
 - (i) Write or deface any monument or headstone.
 - (j) Deposit any litter.

The Registrar or Caretaker or any agent of the Council shall at all times be entitled and at liberty to remove from the Burial Ground any person who may be guilty of misconduct therein, and to prevent any person from entering the Burial Ground at prohibited times if specified.

BURIAL PLOT SPACES

12. The area to be used for burial shall be divided into burial plots, to be designated by convenient marks as decided upon by the Council so that the position of each burial plot shall be readily ascertained. In all new Burial Grounds a corresponding map of the Burial Ground shall be available for inspection. On such map or maps every burial plot shall be shown with its unique identifying mark inscribed thereon. Graves shall be allocated in accordance with any Regulations made under bye-law 34 or otherwise.

REGISTER OF BURIALS

13. A Register of Burials shall be kept at all times 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 Burial Ground, shall be permitted to write in the Register of Burials save as hereinafter mentioned.

A printed copy of these bye-laws shall be kept affixed to the Register at all times.

ENTRIES IN REGISTER

14. (i) Before the interment of any person in a Burial Ground, 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, gender, age, religious persuasion, and occupation or rank in life of the deceased, together with his or her last place of residence, date of death, date of interment and situation of plot.
- (ii) After the interment due entry shall be made under its proper heading of the distinctive mark of the burial plot; 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 bye-laws.

PURCHASE OF RIGHT OF BURIAL

15. (i) Application to acquire a right of burial in a Burial Ground shall be to the Registrar.

The application shall include the name and address in sufficient detail to ensure future identification against the Register of Burials.

The applicant shall pay, when requested, to the Council any fees in respect of the acquisition of a right of burial. The Council shall set, from time to time, as specified under Regulations made under bye-law 34, the fees in respect of the acquisition of a right of burial in a Burial Ground.

- (ii) The acquisition of a right of burial in a Burial Ground does not allow the erection of a headstone without reference to said Regulations.
- (iii) The selling of a right of burial in a Burial Ground to a third party is not permitted. However, the Council may facilitate those wishing to return ownership of a right of burial to the Council. A right of burial may be transferred to an immediate family member.

TREES, SHRUBS & FLOWERS

16. (a) No trees shall be planted on any burial plot in the Burial Ground.
- (b) Any fresh flowers or wreaths placed on burial plots after burials have taken place shall be removed by the burial rights owners or their representatives within two months. These shall be deposited in the area provided, if same has been so provided, and, if not, taken away from the Burial Ground for disposal elsewhere.

MONUMENT ERECTORS

17. (a) No monument erector shall erect any monument in a Council Burial Ground or carry out other construction or maintenance work on a monument in a Council Burial Ground after a period of three months from the adoption of these bye-laws unless he is entered on a Register of Authorised Monument Erectors maintained by the Council. An entry in the Register of Authorised Monument Erectors may be in respect of all Council Burial Grounds or in respect of one or more Council Burial Grounds.
- (b) The Council may from time to time set conditions for admission to its Register of Authorised Monument Erectors and conditions for maintaining an entry in the Register of Authorised Monument Erectors.
- (c) The Council may set regulations in respect of;
- (i) insurances to be held by a monument erector,
 - (ii) competence and work record of a monument erector,
- (d) All monument erectors shall comply with such Regulations as may be made under bye-law 34 concerning the provisions referred to in paragraph 17(c).
- (e) The Council may remove a monument erector from the Register of Authorised Monument Erectors if;
- (i) The monument erector erects, or assists in the erection of, a monument in a Council Burial Ground where the erection of such monument has not been authorised by the Council.

- (ii) The monument erector fails in the opinion of the Council to carry out his work in a safe manner.
 - (iii) The monument erector fails in the opinion of the Council to work in a tidy manner within the Council Burial Ground.
- (f) Before the Council removes any monument erector from the Register of Authorised Monument Erectors it will offer him the opportunity to make any representations he considers necessary in accordance with the principles of natural justice.

ERECTION OF MONUMENTS

18. Subject to Regulations made under bye-law 34 or otherwise, 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 Burial Ground, unless and until the structure has been approved of, in writing in advance by the Council and payment of any fee that may be specified under Regulations made under bye-law 34 unless exempted under said Regulations.

In the event of a tomb, monument, vault, headstone, tablet or permanent structure of any description or material being erected in the burial ground without having been first approved of in writing by the Council, the Council or its appointed contractor shall be entitled to take down and remove such tomb, monument, vault, headstone, tablet or permanent structure of any description or material and may recover the cost of any such removal from the burial rights owner or owners, by a simple contract debt.

The heights of any structure proposed shall not exceed 1.5 metres above ground level of the plot, unless specifically authorised by Regulations for the Burial Ground issued under bye-law 34.

All structures shall have re-enforced concrete bases with dowels.

A Certificate of Permission or exemption must be available for inspection by any Council Official on demand.

The names of the deceased shall be clearly identified on the headstone.

PERISHABLE AND UNSUITABLE MATERIALS FOR HEADSTONES

19. The use of perishable, plastic, man made or other materials for the erection of headstones may only be used following special permission issued by the Council as may be specified under Regulations made under bye-law 34.

KERBS

20. (i) Kerbs shall be entirely located within the boundaries of the burial plot.
- (ii) In any Burial Ground, 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.

FOUNDATIONS

21. Foundations shall be constructed in accordance with Regulations made under bye-law 34.

WORKS

22. (i) 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.
- (ii) All surplus materials left over when the work has been completed must be removed from within the confines of the Burial Ground by the contractor or the burial rights owner at the time of the completion of the works.

REMOVAL OF BROKEN OR OTHER MONUMENTS

23. (a) The removal of broken or other monuments is the responsibility of the burial rights 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 Burial Ground, 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 Burial Ground.

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

- (b) Notwithstanding what is stated at bye-law 23(a) above same shall not confer any right to move or otherwise interfere with ancient headstones, footstones or other such feature within the vicinity of a national monument or other place included in the register of monuments and places.

SELLING ARTICLES

24. No person shall sell or offer or expose for sale any articles, commodity or thing of any kind whatsoever or solicit for orders from the same within the Burial Ground. Any person soliciting orders within the Burial Grounds for the erection or repair of memorials will be required to leave the Burial Grounds.

THE USE OF MOTOR VEHICLES

25. Any person using a motor vehicle in a Burial Ground shall only do so on a carriageway provided for that purpose.

MUSIC, TELEVISION AND CAMERAS

26. The use of photographic equipment including digital and video cameras or the playing of music equipment or instruments is strictly prohibited unless prior consent is received as follows:
- (a) During interment by the next of kin or undertaker acting on their behalf.
 - (b) at any other time with the consent the Council.

CREMATED REMAINS

27. (a) Cremated remains shall not be scattered in a Burial Ground.
- (b) Cremated remains may be interred in coffins or caskets or other approved containers in conventional burial plots or burial plots for cremated remains. Cremated remains must be interred in a container of bio-degradable material.

WALLED BURIAL PLOTS

28. All walled burial plots and vaults must be kept in repair by the burial rights owner.

BOUNDARIES OF BURIAL PLOTS

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

HEALTH AND SAFETY LEGISLATION

30. All persons carrying out work within a Burial Ground will have due regard to and shall comply with the provisions of the Health and Safety Legislation currently in force as shall be specified by Regulations made under bye-law 34.

NON-BURIAL GROUND WORKERS

31. Funeral directors, monumental sculptors, contractors, workmen shall all operate as independent contractors and shall abide by Regulations made under bye-law 34 of the Burial Ground they are working in.

DAMAGE

32. Any damage done to lawns, burial plots, walls, drives, trees, shrubs or other property by non-Burial Ground workers must be repaired by those persons causing such damage.

RECORDED MONUMENTS

33. (i) Where a Burial Ground is located within or in the vicinity of a National Monument or within or in the vicinity of a location which is noted in the Record of Monuments and Places or a structure which is entered in the Record of Protected Structures, any monument erected in such a Burial Ground shall be in keeping with the character of such Recorded Monument, Protected Structure or location.
- (ii) Without prejudice to the generality of the foregoing, the Council may as specified by Regulations made under bye-law 34, relevant to any Burial Ground referred to in the preceding sub-paragraph, provide guidance on appropriate material and appropriate styles of construction and may prohibit other materials or forms or styles of construction.

**REGULATIONS FOR BURIAL GROUNDS
IN MAYO COUNTY COUNCIL AREA**
(to be read in conjunction with Adopted Bye-Laws)

- (1) Under bye-law 12, graves will be allocated in consecutive order and shall only be allocated when required for burial. Headstones/Monuments shall be erected so that they form back to back lines.
Single and double grave spaces are to be issued by the Burial Ground Registrar only. Double grave spaces shall be allocated where the Burial Ground Registrar is satisfied that a single grave space would not meet the needs of the applicant. In the event of three or more spaces being applied for, a special request shall be submitted to the Council.
- (2) Under bye-law 18, headstones shall not exceed 1.5 metres in height except in the case of traditional Celtic Crosses, which may be allowed up to a maximum height of 2 metres. Additional adornments to be allowed at the corners of the grave provided they do not extend 0.45 metres in height above ground level and do not extend outside the curtilage of the grave.
- (3) Charges for grave spaces shall be as established by Mayo County Council and revised annually and are measured as follows:
- (4)
 - (a) Single Grave Space 2.75m x 1.25m
 - (b) Double Grave Space 2.75m x 2.5m
 - (c) Treble Grave Space 2.75m x 3.75m
- (4) Under bye-law 17(c) Public liability for operational activities carried out by monumental sculptors must be at least **€6.5 million** and indemnify Mayo County Council. An up to date public liability certificate must be submitted on a yearly basis.
- (5) Under bye-law 21, 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/mm². 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 burial plot, which it is enclosing. Full details of construction should be agreed with the Council before commencement of work.
- (6) Under bye-law 30, in order to assist external contractors in complying with Health & Safety legislation, the Council recommends the use of the Safe System of Work Plan (SSWP) for working in burial grounds.
www.hsa.ie should be accessed for further information.