



BYE LAWS

FOR CEMETERIES UNDER THE CONTROL OF

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

Made under the
The Local Government (Sanitary Services) Act 1948
Local Government Acts 1925 – 2001

December 2013

1. TITLE & COMMENCEMENT

These Bye laws are cited as the Dún Laoghaire Rathdown County Council Cemetery Bye Laws 2013 and shall come into force on 1st February 2014.

2. INTERPRETATION OF TERMS

Throughout these Bye Laws the use of the following terms shall have the following means:

"The Council" shall mean the County Council of Dún Laoghaire-Rathdown.

Cemetery shall mean any Cemetery or Burial Ground under the control or in the ownership of the Council.

Grave space shall mean an area designated for the burial of persons.

Lawn Cemetery shall mean a Cemetery or part of a Cemetery wherein kerbs or other such items shall not be permitted and where all parts of the Cemetery comprising burial plots shall be maintained as grassed areas.

Plot shall mean an area of a graveyard consisting of one or two grave spaces otherwise described as a single plot or a family plot.

Member of the same Family shall mean the Father, Mother, Husband, Wife, Partner, Son, Daughter, Sister, Brother, Aunt, Uncle, Niece, Nephew, Grandparent or Grandchild of the persons interred in a specific grave.

Cemetery Office shall mean the office at Dean's Grange Cemetery where administration for all Cemeteries is carried out.

Closed Burial Ground shall mean any Cemetery that has been closed by ministerial order.

3. APPLICATION OF BYELAWS

3.1 The Council pursuant to Part 19 of the Local Government Act 2001 hereby makes the following Bye Laws.

3.2 These byelaws shall apply to all Cemeteries under the control or in the ownership of the Council as set out in schedule 1 except bye laws 5.1, 7.3, 8.1, 8.2, 8.3, 9.1 and 9.2 which do not apply to the closed burial grounds as set out in schedule 1.

3.3 On the coming into operation of these byelaws, the 1942 Bye Laws made by Deansgrange Joint Burial Board, are hereby revoked.

4. FUNERALS

4.1 Hours

The hours of funerals shall be as laid out in Schedule 2.

4.2 Notice

Orders for burials, including all necessary information specified in bye law 4.3, must be furnished to the Cemetery Office as early as possible and at the latest by 12.00 noon on the day preceding interment. Where the interment is to take place on a Monday the order and other necessary information, must be received by the Cemetery Office before 12.00 noon of the preceding Saturday, at the latest.

4.3 Information to be furnished

The information which must be furnished to the Cemetery Office prior to any interment in accordance with bye law 4.2 above is;

- a) Name and age of deceased.
- b) Last residence of deceased.
- c) Place of death.
- d) Time and place of funeral service.
- e) Date and hour of arrival of funeral cortege.
- f) Size of coffin, detailing width, length and depth including handles and any ornate mountings.
- g) Name of funeral director if applicable
- h) In the case of an infant, a medical certificate or letter from relevant hospital.
- i) In the case of cremated remains, a certificate from the crematorium.

4.4 Time of arrival

It is essential that the arrival of all funerals be regulated by the Council so as not to disturb earlier funerals or cause congestion.

5. INTERMENTS

5.1 First Interment

Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth of 8ft (244cm) 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 which the council shall specify.

5.2 Mode of Burial

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 is enclosed in a coffin of wood or other sufficiently strong material, except cardboard. Cremated remains must be contained in an urn or small casket. Scattering of cremated remains is not permitted.

5.3 Interruption of Interment

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

5.4 Exhumation

The Local Government (Sanitary Services) Act 1948 and Local Government Acts 1925 – 2001 gives Dún Laoghaire-Rathdown County Council the power to grant an Exhumation Licence to anybody wishing to exhume remains from any Cemetery in its administrative area, under certain conditions.

No grave shall be opened nor shall the remains of any body be removed from a grave nor transferred from one place of burial to another except under the circumstances and subject to the conditions specially provided by law in that behalf, and except with the prior written consent of the Council and upon payment of the prescribed fees.

6. FUNERAL DIRECTORS

6.1 All funeral directors engaged in providing funeral services at the Cemetery shall have in place Public Liability Insurance cover to a minimum value of €6.5 million, Employers Liability Insurance Cover to a minimum value of €13 million and Product Liability Insurance Cover to a minimum value of €6.5 million. All policies shall be extended to specifically indemnify Dún Laoghaire Rathdown County Council against any or all claims which may arise.

6.2 Funeral Directors must ensure that coffins/caskets are fitted with handles that will support the lowering of the coffin.

7. GRAVES

7.1 Excavation

The excavation of graves, other than by authorised persons of the Council or other persons approved by the Council, shall be prohibited.

7.2 Capacity

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.

7.3 Grave Spaces

a) 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 may be readily ascertained.

b) Save in exceptional circumstances approved by the Council, grave spaces for the burial of persons shall be 9ft long by 4ft wide (274cm by 122cm) in its entirety.

7.4 Planting of Trees

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

7.5 Shrubs and Flowers

The planting of shrubs and flowers in lawn Cemeteries is not permitted.

8. REGISTER OF BURIALS

8.1 A proper Register (hereinafter referred to as the Register) shall be permanently kept in the Cemetery Office for reference by authorised persons during office hours specified in Schedule 2.

8.2 No person, except authorised persons employed by the Council, shall be permitted to record in the Register.

9. PURCHASE OF EXCLUSIVE RIGHT OF BURIAL

9.1 The right of burial in any new grave must be purchased before an interment can be permitted. Graves cannot be purchased by way of instalment.

9.2 The purchase and reservation of multiple plots will not be permitted save in special circumstances (e.g. religious communities) as determined by the Council.

9.3 The grant of any place of burial shall vest in the grantee a right of burial only.

9.4 The Deed and Receipt issued 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 purchaser of a plot carries the right to erect a headstone in a form and manner to be approved by the Council.

9.5 No more than three persons shall be registered as the proprietor of a right of burial in any grave.

10. TRANSFER OF EXCLUSIVE RIGHT OF BURIAL

- 10.1** The exclusive right of burial cannot be sold or transferred to any party other than the Council subject to Bye Law 10.2.
- 10.2** An exclusive right of burial may be transferred to a specific family member where the owner of such right;
- a) Notifies the Council in writing that they wish to assign such right to a specified family member and relinquish any such right, and
 - b) Pays the Council such administrative fee as prescribed.
- 10.3** By agreement the holder of an exclusive right of burial may surrender such right or transfer such right to the Council.
- 10.4** In the case of the death of the registered owner the exclusive right of burial shall pass to the deceased's next of kin, subject to any testamentary disposition.

11. GRATUITIES

- 11.1** No funeral director or their agents are permitted to give a gratuity to any member of staff in DLR Cemeteries, on behalf of bereaved families.

12. FILMING/PHOTOGRAPHY

- 12.1** Any person who has been approved by the Council to engage in commercial Filming/Photography in any Cemetery must provide:
- a) The required public liability insurance as outlined in schedule 3.
 - b) The prescribed fees.

13. CASUAL TRADING

- 13.1** No persons shall engage in casual trading in or in the vicinity of any Cemetery without a licence from the Council, in accordance with the Council's Casual Trading Bye Laws 1998.

14. CONTRACTED WORKS IN CEMETERIES

- 14.1** No persons shall engage in works in any Cemeteries except where expressly requested by the Council (including sculptors, landscape and landscape workers) without prior permission from the Council and without paying the prescribed fees and required public liability insurances.

15. VISITORS

- 15.1** Visitors to the Cemetery shall enter only by means of the entrance.
- 15.2** Visitors driving into the Cemetery do so at their own risk. The Council does not accept any responsibility for any theft from or damage to these vehicles.
- 15.3** Visitors shall not walk on any shrubberies, graves or enclosures but shall confine themselves to the paths or avenues therein.
- 15.4** Visitors shall not interfere with any of the tombs or monuments or headstones or with any flowers shrubs or wreaths within the Cemetery.
- 15.5** Dogs are not permitted in the Cemetery at any time except guide dogs.
- 15.6** Children under 12 must be accompanied by an adult.

- 15.7** The Council disclaims any liability to persons who suffer injury or damage in any way while acting contrary to these byelaws.
- 15.8** The Council accepts no responsibility for the loss or damage to mementos or other fragile objects placed on graves, while carrying out its duties and responsibilities to other graves in the vicinity. From time to time Council staff may have to remove these objects from their graves while preparing other graves for burial. The Council assures its visitors that all mementos and other objects will be placed back on the grave in question when the nearby burial has taken place. No mementos may be placed on lawn Cemetery.

16. MISCONDUCT/NUISANCE

- 16.1** 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.

Misconduct shall include but not be exclusive to the following:

- o Dumping, fly tipping, theft, assault, driving without due care, play radios or stereos.
- o Make noise levels so loud to be considered a nuisance.
- o Be under the influence of alcohol or other substances.
- o Wilfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, noticeboard or any other article belonging to the council or deed holders of a plot.
- o Pull up any tree, shrub or flower therein.
- o Put up any bill or notice on any wall.
- o Play any game or sport therein.
- o Disturb any persons assembled in the Cemetery for a burial.
- o Commit any nuisance within the Cemetery.

17. MONUMENTAL SCULPTORS/STONEMASONS

- 17.1** Any monumental sculptor or stonemason wishing to carry out work in any Cemetery in the Dún Laoghaire Rathdown area, 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 is subject to a registration fee.
- 17.2** All monumental sculptors and/or stonemasons shall have in place Public Liability Insurance cover to a minimum value of €6.5 million, Employers Liability Insurance Cover to a minimum value of €13 million and Product Liability Insurance Cover to a minimum value of €6.5 million. All policies shall be extended to specifically indemnify Dún Laoghaire Rathdown County Council against any or all claims which may arise.

18. MONUMENTS

- 18.1** No monumental structure of any kind will be permitted on any grave unless:
- a) The exclusive right of burial has been purchased.
 - b) The design and draft of inscription has been approved by the Council.
 - c) The foundation fee has been paid.
 - d) A copy of the grave paper (if purchased within the last 5 years) has been supplied.
 - e) The size adheres to the Councils specification, as per schedule 4.
- 18.2** No monument may be erected, renovated, or removed except with the authority in writing from the registered owner or the registered owner's next of kin.
- 18.3** Prior to executing any monumental work the following must be submitted to the Council for its approval:

- a) The plan and elevations, which must be drawn to uniform scale of 1 inch to 1 ft (2.54cm by 30.5cm).
- b) A specification of the materials.
- c) The draft of the initial inscription dated and signed by the registered owner.

18.4 No monument, or other structure of stone will be allowed to be erected without a suitable foundation and no headstone shall be erected without a base. The registered number must be stated on the design and all monuments must be solid. No die or pedestal of brickwork, veneered or encased by or with slabs shall be approved. All foundations are to be constructed by the Council.

18.5 If the registered owner is deceased a written agreement must be signed by all next of kin in order to erect a new monument or to replace an existing one.

18.6 ON SITE WORKS:

- a) No monument will be allowed to be brought into the Cemetery, except on presentation of the Council's official permit to have it erected.
- b) No hewing, dressing or fitting of stones is permitted in the grounds.
- c) All monuments must be ready for erection, complete with inscription and registered number before being brought to the Cemetery.
- d) Every inscription must contain the name, date of death or burial of the deceased and if interred elsewhere, stated as such.
- e) All monumental work in the Cemetery must be carried out continuously and completed with reasonable expedition.
- f) Vehicles conveying monuments will not be admitted during funeral hours or during staff lunch time (1.00pm – 2.00pm).
- g) Monumental work must cease temporarily in an area where a burial is taking place.
- h) All work in the Cemetery must be performed within the normal working hours as outlined in Schedule 2.
- i) Monumental sculptors and their employees will not be admitted to the Cemetery to carry out work on Saturdays, Sundays, public holidays and other non- working days.

18.7 No monument of any description will be allowed to be erected unless the registered number of the grave and section has been legibly and prominently engraved thereon and no inscription, alteration or renovation will be permitted on any previously erected monument not having the registered number unless such number has been first engraved.

18.8 The only materials that are accepted by the Council are that of natural stone e.g. limestone, granite or marble.

18.9 The Council declines to undertake any responsibility to family members regarding any inscription on any monument or headstone.

18.10 Photographs, sketches, etc., of monuments intended for commercial purposes cannot be permitted without written permission of the registered owner.

18.11 Specifics

- a) The Cemetery at Dean's Grange shall be subject to the additional requirements and regulations specified in Schedule 4, part 1.
- b) The Cemetery at Shanganagh shall be subject to the additional requirements and regulations specified in Schedule 4, part 2.

18.12 Removal of Monuments

Monuments are to be kept in good repair.

- a) The erection of monuments is permitted under the express condition that they are kept in good repair by their owners.
- b) The Council will remove monuments that become dangerous.

- c) Owners of monuments are bound to indemnify the council against any claim by any person arising out of the condition or state of repair thereof.
- d) Under no circumstances can the council guarantee the preservation of any monument nor accept any responsibility for any damage or accident thereto.
- e) 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 permit from the Council.

19. OFFENCES

- 19.1 It shall be lawful for any employee of the Council or for any member of the Garda Síochána to enforce these bye-laws and to exclude or remove from a Cemetery any person committing any breach of the above bye-laws and to take any other such action as may be deemed necessary in the enforcing of these bye-laws.
- 19.2 Any person offending against any of the above bye-laws may be removed from the Cemetery and shall on summary conviction be liable to a penalty not exceeding €1265.
- 19.3 A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1265.
- 19.4 If the contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €125 per day.
- 19.5 An authorised person may request any person who appears to be contravening or to have contravened a provision of these bye-laws to leave the Cemetery or to refrain from any activity and may remove any person failing to comply with such request.
- 19.6 A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised person by these bye-laws shall be guilty of an offence.
- 19.7 Where an authorised person is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the authorised person may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- 19.8 Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.
- 19.9 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.
- 19.10 A person may be served with a notice specifying a fixed payment, not exceeding €30.00 in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention. Notice of the fixed payment shall be in the general form of the notice set out in the 5th Schedule to these Bye Laws.

SCHEDULES

Schedule 1

Operating Burial Grounds

Deansgrange, Blackrock, Co. Dublin

Shanganagh, Shankill, Co. Dublin

Closed Burial Grounds

Carrickbrennan, Monkstown, Co. Dublin

St. Begnets, Dalkey, Co. Dublin

Kilgobbin, Enniskerry Road, Co. Dublin

Kill Abbey, Kill O'the Grange, Co. Dublin

Cill Inion Leinin, Killiney, Co. Dublin

Kilternan, Bishops Lane, Co. Dublin

Old Conna, Bray, Co. Dublin

Rathmichael, Co. Dublin

Tully, Lehaunstown, Co. Dublin

Schedule 2

Public Office Opening Hours 10am-1pm and 2.15pm-4pm Monday to Friday

Saturday Telephone Service (for funeral bookings only) 9am – 1pm

Cemetery Visiting Hours 10am – 4.30pm 7 Days

Burial Times 9.30am – 12 noon Monday to Saturday

Gates Locked at 4pm, Exit by 4.30pm.

Closed Burial Grounds remain locked at all times but can be accessed with permission from the Council.

Please note that these bye laws are applicable for 24 hours, 7 days a week.

Schedule 3

Public Liability Insurance

Public Liability Insurance cover to the value of €6.5million and Employer Liability cover to the value of €13million is required. A copy of the insurance policy is required for our files.

Please note the insurance must indemnify the Council against any claims and it must specifically mention Dún Laoghaire-Rathdown County Council.

Schedule 4

1. DEAN'S GRANGE
 - i) The kerbs on all double, treble or larger plots must be numbered so as to indicate the relative position of each grave.
 - ii) All grave plots of 9ft (274cm) by 4ft (122cm) in dimension shall have kerbing 6 inches by 6 inches (15.24cm by 15.24cm) in width.
 - iii) All grave plots of 8ft by 4 ft (244cm by 122cm) in dimension shall have kerbing 4 inches by 6 inches (10.16cm by 15.24cm) in width.

2. SHANGANAGH
 - i) Monuments and sub-base: Monuments up to a maximum height of 4ft (122cm) from the ground level and in the case of Celtic Crosses up to a maximum of 7ft (213cm) from the ground level will be permitted. Before a monument is erected, or where it is intended to deposit flowers, a sub-base of 4ft by 1.5ft by 4 inches (47" by 18" by 4") high must be positioned on the concrete foundation constructed by the council. The sub-base may have two stone flower holders affixed to it. A base must be affixed to the sub-base to accommodate a headstone. Separate statues and/or crosses are not permitted beside or in front of the head stone.
 - ii) Plinths must sit on foundation 4ft (122cm) wide by 1.5ft (45.72cm) by 4 inches (10.16cm) by 46 inches (117cm). Base must sit on top of plinth and the width will depend on the size of the headstone.
 - iii) Monuments for St. Mark's section (Cremation Plot): Monuments may be up to a maximum height of 3ft (91.44cm) from ground level. Plinth must sit on foundation 2ft 11 inches (88.9cm) wide by 8.5 inches (21.59cm) by 3 inches (7.62cm) high. Base must sit on top of plinth 2 ft (60.96cm) wide by 7 inches (17.78cm) deep by 7 inches (17.78cm) high. Granite boulder headstones do not require a base and must be 7 inches (17.78cm) in depth and fixed to the plinth.
 - iv) No kerbstones, footstones or railings will be permitted on a grave.
 - v) The Cemetery is laid out as a lawn Cemetery so that a good standard of maintenance may be attained at all times. No planting of flowers, shrubs or trees will be allowed. The placing of fragile mementos or other objects on a grave will not be permitted. Artificial flowers and wreaths are allowed on a grave for a period of one month only after an interment and must then be removed. Fresh flowers may be kept in two holders, which may be attached to a stone base at the head of the grave. Wooden crosses will be temporarily allowed until such time as a headstone is erected.

Schedule 5

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
Cemetery Bye-Laws
FIXED PAYMENT NOTICE FOR THE PURPOSES OF
SECTION 20 OF THE LOCAL GOVERNMENT ACT, 2001
(BYE-LAW NUMBER 19.10)

NAME OF LOCAL AUTHORITY: _____

To: Name: _____
 Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part XX of the Local Government Act, 2001 entitled
by.....
..... (in general terms specify nature of contravention) at
..... on During the period of 21
days beginning on the date of this notice you may pay the sum of euro,
accompanied by this notice, at the offices of the local authority named in this notice located at
.....

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of euro is paid during that period, no prosecution will be instituted at any time.

Signed Date
(Authorised Person)

Important: Payments can be made by credit/debit card or cheque and will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to (name of local authority). A receipt will be given. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in court.

The operation of these Bye-Laws shall commence on the 1st day of February 2014.

Dated this _____ day of _____ 2014.

PRESENT WHEN THE COMMON SEAL OF THE DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL was affixed hereto:

**Cathaoirleach na Comhairle
Chontae Dhún Laoghaire Rath an Dúin**

Approved Officer

**County Council Official
County Hall
Dún Laoghaire**