**Comhairle Chontae Loch Garman** 

**Wexford County Council**

Application for the erection of a headstone/structure pursuant to the Bye-laws for the regulation of all open burial grounds within the jurisdiction of Wexford County Council. (NB; Please note terms and conditions attached to this application, and consequences for non-compliance to same)

Name, Address & Tel. No. of Applicant (Headstone provider): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name, Address of person who gave instruction for the erection of the headstone/structure: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Name of Deceased: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Burial Ground:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plot number(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of purchase of plot & receipt no (Please give an approximate date if the exact date is unknown\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **For County Council use only** Grave space no. correct: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Proposed structure acceptable: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Evidence of plot payment established: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

1. **Headstone**

Material: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Height: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Width: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thickness/Depth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Headstone Base**

Material: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Height: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Width: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thickness/Depth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Foundation (where applicable)**

Material: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Length: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Width: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Depth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Kerbing**

Material: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Height: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Width: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thickness/Depth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* I confirm that I have read and understand the attached privacy statement and consent to Wexford County Council collecting and retaining date for the purposes stated.
* I confirm that I will comply with Wexford County Council’s Burial Ground Bye Laws in relation to this application.
* I confirm that I will comply with the terms of any permission granted for the erection of a headstone/monument in graveyards owned by Wexford County Council.

Signature (legal owner/ representative/licensee of the plot:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature (Stonemason/supplier): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fully completed applications forms should be returned to the Community Section of Wexford County Council, Carricklawn, Wexford Town by post or via email to community@wexfordcoco.ie . Ph: 053 – 919 6520.

**Plan/sketch of proposed Headstone\***

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\*Additional page(s) may be submitted showing plan/sketch, if required.

**Please note - Incomplete applications will be returned.**

**Terms and conditions:**

1. 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 a burial ground, unless approval for same has been obtained from the Council on foot of an application in the prescribed form and the works carried out in accordance with the terms of any such permission granted. Prescribed form attached.
2. Prior to erecting any headstone/structure, the plan and elevations, which must be drawn to a uniform scale, specification of the materials and the draft inscription, together with the name and address of the owner/licensee of the plot, must be submitted in the prescribed form to Wexford County Council.
3. The Council may direct the alteration or removal of any monument erected contrary to the terms and conditions upon which permission to erect same was granted, or in the event of it being erected without permission being granted from the Council, or in the event of it exceeding the maximum dimensions permitted by the relevant Bye-Laws, or in the event of it being constructed of materials other than those permitted by the relevant Bye-Laws. Alternatively, the Council may remove any monument erected contrary to the terms and conditions upon which permission to erect same was granted, or in the event of it being erected without permission being granted from the Council, or in the event of it exceeding the maximum dimensions permitted by the relevant Bye-Laws, or in the event of it being constructed of materials other than those permitted by the relevant Bye-Laws.
4. No headstone or kerbing or other permanent structure shall be placed on any burial plot except by the licensee/owner of such grave space, or someone legally entitled to act on their behalf, with their permission in writing.
5. No headstone of any kind is permitted on any grave, unless the licence to burial/right of burial has been purchased for that grave space.
6. Any headstone erected shall be so erected within the dimensions specified in the relevant Bye Laws. These are as follows:
* All headstones erected should be no less than 65mm in depth/thickness.
* Single headstones shall be constructed to the following maximum dimensions:- 300mm depth x 1220 width x 1300mm height, including base and sub base.
* Celtic Crosses may be up to 1800mm in height, including base and sub-base.
* The depth applicable to single headstones in Enniscorthy burial ground is 457mm (18 inches) due to a cement plinth at each plot, and the base, including sub base, is strictly 1220mm (4 feet) only.
* Double headstones are permitted on double plots only, and shall be constructed to the following maximum dimensions:- 300mm depth x 2440mm width x 1300mm height, including base and sub base.
* The depth applicable to double headstones in Enniscorthy burial ground is 457mm (18 inches) due to cement plinths at each plot, and the base, including sub base, is strictly 2440mm (8 feet) only.
1. No headstone or kerbing erected on any grave space or plot shall extend outside the boundary of such grave or plot and this also applies to the foundation for any such headstone or kerbing.
2. All headstones must be erected on a proper concrete foundation at a normal minimum depth of 600mm (Plinth provided at lawn cemeteries). All headstones must have a foundation strong enough to take the weight of the structure and be large enough to keep it stable. The stability of the headstone is the suppliers/masons responsibility. All foundations should be larger than the base of the memorial, whilst not interfering with any adjoining plot. This is to make the memorial more stable, especially when it is to be fixed on disturbed ground. The actual depth will depend on ground conditions encountered. Kerbing when constructed should be to edge of haunching 9' x 4 ' (single plot) and 9' x 8' (double plot) and should have a continuous concrete foundation.
3. No headstone shall be permitted on any plot in a burial ground that could interfere with the future use of capacity of such plot, or adjoining plot, as a place of burial.
4. Tombs & covering stones are disallowed. The following are disallowed: tombs, covering stones, iron railings railing of any nature, chains, metal structures, brick or crockery borders, balustrades, high corner blocks, etc
5. No headstone supported by balls, blocks or pedestals will be allowed in the burial ground. Copper or brass clamps only are permitted to be used in the erection of headstones, tablets etc.
6. All spoil and excess material resulting from the preparation for and erection of a headstone or kerbing to a grave shall be collected and removed by the person or contractor erecting the headstone or kerbing.
7. No kerbstones/footstones of any description will be permitted under any circumstances on a lawn cemetery plot. No outer perimeter of any kind is to be placed around lawn cemetery burial plots, nor are any stones, pebbles or any other materials to be used to in fill the surface of such burial plots. In a lawn cemetery, the grave shall be levelled and grassed and any surplus soil removed within a period of twelve months from the burial. Wexford County Council reserves the right to remove any such items without notice.
8. Kerbing of any kind is prohibited on lawn cemeteries plots - the plot must be kept completely clear at all times.
9. The above is a summary of the applicable bye-laws and is not intended to be a legal interpretation of same. Applicants should familiarise themselves with the bye-laws to ensure full compliance with same.

**Requirements for a valid application**

1. Fully completed applications forms should be returned to the Community Section of Wexford County Council, Carricklawn, Wexford by post or via email to community@wexfordcoco.ie .
2. The applicant should include a plan/sketch of the proposed headstone/kerbing.
3. The applicant should ensure that the person requesting the erection of the headstone/kerbing is the owner/licensee of the plot in question and that the plot in question has been paid for in full. If requested, proof of purchase must be provided.
4. If requested, the applicant must produce evidence that adequate public liability insurances are in place. The applicant shall indemnify Wexford County Council against all public liability claims arising from their activities within the burial grounds. It should be noted that Wexford County Council will not accept liability for any accident involving staff or members of the public resulting from an applicant’s activities.
5. Upon receipt of permission, the applicant must contact the Burial Ground Registrar or Caretaker prior to commencement of the works. A minimum of 48 hours’ notice should be provided.

**Contravention of bye-laws and/or application:**

If any person contravenes any specified provision of the burial ground Bye-Laws, the Council may, pursuant to Section 206(1) of the Local Government Act, 2001 (as amended), serve on such person a Fixed Payment Notice (see Schedule1), specifying a fixed payment, as an alternative to prosecution of such an offence. The amount of the fixed payment is €75 and the said fixed payment amount must be paid within twenty eight days of the date of service of such Fixed Payment Notice if such person is to avoid prosecution.

Any person served with a Fixed Payment Notice is entitled to disregard such notice and defend a prosecution of the alleged contravention in Court. In such an event, and upon prosecution in Court, if a person is found to have contravened any specific provision of these Bye-Laws identified as an offence, they shall be guilty of an offence under Section 205 of the Local Government Act, 2001 and shall be liable upon summary conviction by the Court to a fine not exceeding €2,500.

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 by the Court to a fine not exceeding €125 per day.

**This application is a legally binding agreement between the applicant and Wexford County Council pursuant to the Burial Ground Bye-laws for the regulation of all open burial grounds within the jurisdiction of Wexford County Council.  It is the responsibility of the applicant to comply with all aspects of approval given, on foot of a valid application.  Applicants who contravene the Burial Ground Bye Laws or any regulation pertaining to burial grounds or who fail to complete the works in accordance with this application, where applicable, may be liable for the cost of remedial works carried out where it is necessary to remove headstones/monuments etc.  This may also result in suspension of the applicant’s commercial activities within Wexford County Council burial grounds for a period of time, as determined by Wexford County Council.**

**Data Protection Acts, 2018 and GDPR Regulations**

**Computerised Records**

Wexford County Council supports community development initiatives and projects throughout County Wexford and is required to collect information from individuals and community groups who it assists with associated grant aid, etc.

Some of the information sought is personal data and sensitive personal data which will be processed and securely stored by Wexford County Council in paper and electronic form in compliance with the above Acts. Information subsequently received may be added to such records. You, as a Data Subject, have a number of rights under the Acts, including access to your information at any time. A fee of €6.35 is payable for each request.

Requests should be addressed to: Wexford County Council, Freedom of Information Office, County Hall, Carricklawn, Wexford Town, Y35 WY93.

The information we record will be used only for the following purposes:

* Processing applications
* Compiling statistical information
* Analysing information about applicants for other bodies such as Government Departments
* Publication of applicant and project details (including photography) for publicity and promotional purposes.

Personal data will be disclosed only in accordance with Wexford County Council’s duties under the Data Protection Acts. The purpose for which we hold data and to whom we may disclose it are listed in the Register of Data Controllers.

This is a public register kept by the Office of the Data Protection Commissioner at Canal House, Station Road, Portarlington, Co. Laois, R32 AP23 (Phone 057-868 4800 or Lo Call number 1890 252 231) which can be inspected free of charge at

<https://www.dataprotection.ie/docs/Home/4.htm>

**DECLARATION**

I have read and understand the above statement and give consent to Wexford County Council for the use and disclosure of data and information as outlined above.

Name:

Date: