



**Bye-laws of
Wexford County Council**

for

**The regulation of all open burial grounds within
the jurisdiction of Wexford County Council**

**Made under The
Local Government Act 2001**

**Bye-laws drawn up by
Wexford County Council**

for

The regulation of all open burial grounds within its jurisdiction

Bye-laws

Made by Wexford County Council, under Section 199 of the Local Government Act 2001(as amended) for the regulation of all open burial grounds in the control or in the ownership of Wexford County Council.

1. Title and commencement

Short title

These Bye-Laws may be cited as the Wexford County Council (Burial Ground) Bye-Laws, 2021.

Commencement date

These Bye-Laws shall come into operation on the 12th April, 2021.

2. Interpretation of terms

Throughout these Bye-Laws the use of the following terms shall have the following meaning, unless the context otherwise requires,

“**The Council**” means the Council of the County of Wexford

“**Burial Ground**” is as defined in Section 44 of the Local Government (Sanitary Services) Act, 1948. Burial Ground can also be understood to be known as a ‘Cemetery’ or a ‘graveyard’ within these Bye-Laws. For the purposes of these Bye-Laws, it means any open cemetery or burial ground in the ownership of the Council.

“Plot” or “grave space” shall mean an area designated for the burial of persons. Such an area of a graveyard shall consist of one or two grave spaces otherwise described as a single plot or a double plot/grave space.

“*Authorised person*” means a person authorised in writing by the Council to issue a Fixed Payment Notice pursuant to these Bye-Laws.

Burial plot “licencee” means the person who has applied for and obtained a burial plot in accordance with these Bye-Laws, or if that person is deceased, the next of kin of the deceased, subject to any testamentary disposition.

“*Licence to burial*” means the right to be interred or to have cremated remains interred in a particular burial plot or a niche within a columbarium wall, whether under these Bye-Laws or otherwise.

“*Registrar*” or “*Caretaker*” means the Registrar or Caretaker, appointed by the Council in respect of any burial ground under the control or in the ownership of the Council.

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

“Specified family member” means the father, mother, spouse, civil partner, partner, son, daughter, guardian, aunt, uncle, grandparent, grandchild, sister or brother of the person last interred in a specific burial plot, some person who was permanently residing with the person last interred therein, at the time of that person’s death or other person to be determined by the Council.

3. Application of bye-laws

These Bye-Laws shall apply to all open burial grounds in the ownership of the Council. These bye laws shall not apply to St. Stephens lawn cemetery, New Ross, as delineated on the map shown in appendix A. The St. Stephens (extended area – 2011) lawn cemetery regulations remain the applicable bye-laws for St. Stephens lawn cemetery, New Ross in relation to the area delineated on the map shown in appendix A. These bye-laws will however be applicable to any extension to St. Stephen’s lawn cemetery, New Ross, outside the area delineated (blue hatched) on the map shown in appendix A.

4. Cesser of existing bye-laws

On the coming into force of these Bye-Laws, all existing Bye-Laws, rules and regulations relating to cemeteries in the ownership of the Council shall cease to have effect, with the exception of the existing lawn cemetery at St. Stephen’s referred to in bye-law 3.

5. Layout (Only applicable to new Burial Grounds and extensions to existing Burial Grounds)

5.1 Small groves of trees or groups of shrubs are preferable to geometric rows. Blocks of grave spaces exceeding one acre should be separated by planting preferably to form irregular groves or groups of shrubs.

5.2 A 3 metre wide margin should be allowed inside the boundary walls. This area may also be planted.

- 5.3 Main access road should be 3.5 to 4.0 metres wide with a 1 metre grass margin. It should be possible for a hearse to turn within the grounds and facilities for turning should be provided.
- 5.4 Secondary paths should be 1.2 to 1.8 metres wide with similar grass margins.
- 5.5 The layout should be arranged to give access to each grave. A passageway of 1 metre should be left between each double row of grave spaces.
- 5.6 A space of 2.75 X 1.25 metres should be allowed to each grace space and every group of grave spaces should be numbered and permanently marked in the ground.
- 5.7 Boundary fences should be 1.4 to 1.7 metres high and should be adequate to prevent trespass by animals. Fences may be masonry, mass concrete, concrete block or other maintenance free material; and cognisance shall be taken of the impact of the material selected on the local landscape. A simple coping should be provided for all works. The approach and entrance should be arranged to eliminate traffic hazards. A wicket gate should be provided in addition to the pair of entrance gates.

Consideration should be given to the elimination of grave kerbstones, at least near the entrance, and graves finished level for ease of grass cutting.

6. Burial plots

- 6.1 The "Licence to Burial" in every plot must be applied for and obtained before any interment can be permitted.
- 6.2 A "Licence to Burial" cannot be acquired in advance of death.
- 6.3 The Licence fee of a burial plot shall be as determined by the Council at the time of the application for a Licence to burial.
- 6.4 An application to acquire a Licence to burial in a burial plot in any burial ground shall be made through the nominated burial ground caretaker/registrar.
- 6.5 The grant of any Licence to burial shall vest in the licensee a right of burial only and no proprietary or ownership rights shall be vested or acquired.

- 6.6 The application shall include the licencees's name and address in sufficient detail to ensure future identification against the Register, as determined by the Council, and also the specified fee.
- 6.7 The Licence to burial and the receipt issued in response to the application shall constitute evidence of the licencee's right to burial. As the details depend on the accuracy of the information supplied, the Council shall not be liable for any errors in the Licence to burial and or the receipt issued.
- 6.8 The Licence to burial and receipt does not constitute permission to erect a headstone without a separate application being made to the Council in accordance with Bye-Law 9.1.
- 6.9 The selling or transfer of a burial plot (right of burial) to a third party is not permitted. A burial plot (licence to burial) may be transferred to a specified family member where the owner of such a licence;
- Notifies the Council in writing that they wish to assign such right to a specified family member and relinquish any such right, and
 - Pays to the Council such administrative fee as may be prescribed
- 6.10 By agreement the holder of a Licence to burial may surrender such licence or transfer such licence to the Council for a fee not greater than the fee originally paid in connection with such a licence. Proof of such a licence and amount paid will be required.
- 6.11 In the case of the death of the registered owner the Licence to burial shall pass to the deceased's next of kin, subject to any testamentary disposition.
- 6.12 The purchase of a Licence to burial in a plot is open to all, without regard to religious persuasion.
- 6.13 All open burial grounds in the control of or in the ownership of Wexford County Council are multi-denominational and non-denominational.
- 6.14 No structure of a religious nature e.g. calvary cross is permitted to be erected within burial grounds. Individual headstones and plot may display religious symbolism subject to compliance with these bye-laws. Existing religious structures may remain in situ subject to same being maintained to the satisfaction of Wexford County Council and in accordance with these Bye-laws.
- 6.15 The dimension of all single plots is 2.75 X 1.22 metres (9' 0" X 4' 0").
- 6.16 Plots are constructed in range and are disposed of in consecutive order and no selection is permitted. All plots must be adjacent to

some previously occupied plot and no plot in an isolated position will be sold.

- 6.17 A limitation will apply on the number of plots that any individual/organisation shall be allowed to acquire a licence to burial for at any one time. No one individual/organisation shall be allowed to acquire a licence to burial of more than 2 adjoining plots, i.e. a double plot. The exception to this will be St. Ibar's, Crosstown where due to a temporary shortage of space, a licence to burial to only one single plot may be acquired at any one time.
- 6.18 No plot is, under any pretext, to be opened for the interment of any person, except by the express authority of such Licencee, his or her "representative" or "duly authorised agent".
- 6.19 No plot is, under any circumstances, to be registered in the name of more than one person and such person can only be recognised by Wexford County Council as the licencee. In cases where the Licence to burial is applied for by several persons, only one person, to be decided on by the several persons, shall be entered on the Register and shall be deemed the Licencee of such plot.
- 6.20 No general permission for the interment of the members of a family in any plot can be entertained. For each interment there must be a distinct and separate order from the licencee.
- 6.21 No licence to burial to an undistinguished plot will be issued unless it can be definitively proven, to the satisfaction of the Council, that no licence to burial has previously issued for such plot. No interment shall be permitted in any undistinguished plot unless proof of licence is definitively established to the satisfaction of Wexford County Council. In the case of a second or subsequent burial, the onus will be on the Licencee of the plot (or his/her representative) to produce documentary evidence of licence to the satisfaction of Wexford County Council, in the event of any dispute arising regarding identification of the plot.
- 6.22 No guarantee can be given as to the number of interments that can be effected in any plot in the burial ground. As a general guideline, it shall be understood that, on average, a single plot will accommodate the interment of up to 3 adult persons subject to suitable ground conditions. Only 2 interments are permitted per single burial plot in St. Ibar's, Crosstown as ground conditions as ground condition are not suitable to the depth required for additional interments.
- 6.23 Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth of 2.45m at least, or in the case the

nature of the sub-soil will not permit of the grave being sunk to such depth, then to such a lesser depth as the Council shall specify.

- 6.24 No interment shall be permitted in any grave which will not admit 1.22 metres of earth between the top of the coffin last interred and the surface of the ground.
- 6.25 The designation of areas within a burial ground as being grave spaces suitable for any particular mode of burial is at the discretion of the Council.

7. Funerals

- 7.1 Only human remains shall be interred in a burial ground.
- 7.2 Interments must be by prior arrangement with the burial ground Registrar/Caretaker.
- 7.3 No interment will take place in St. Ibar's, Crosstown, Wexford on a Sunday, unless by special arrangement. Furthermore, no interment will take place in St. Ibar's, Crosstown on a bank holiday, unless by special arrangement.
- 7.4 Excavation of burial plots shall be carried out and back filled in a safe manner, with due regard for adjoining plots. A burial plot licensee shall be responsible for the opening and closing of a burial plot, subject to such conditions as may be specified from time to time by the Council. The Caretaker and relevant Wexford County Council staff open and close burial plots in St. Ibar's, Crosstown.
- 7.5 All orders for burials must be given, preferably, 2 days prior to the interment, but not later than 9.30 a.m. on the day preceding interment. The undertaker or person booking the burial is obliged to notify the Registrar/Caretaker of the burial ground. Where an interment is to take place in Crosstown, Wexford, following a weekend, same must be booked not later than 3.00 p.m. on the previous Friday.
- 7.6 A standard form, e.g. Notice of Interment and Plot Purchase form, giving particulars of the deceased, must be completed by the Undertaker or person booking the interment and forwarded to the Registrar of the burial ground, in advance of burial taking place.
- 7.7 The arrival of all funerals must be regulated as not to interfere with previous engagements and no funeral is to be booked to arrive at the gate after 2 p.m., except in the case of special arrangements.
- 7.8 Funerals inside the burial ground are conducted under the immediate personal control and management of the Caretaker, who is alone

authorised to give orders to the attendants and labourers appointed for this duty, and from whom they are to take directions. The arrival time of all funerals in St. Ibar's, Crosstown must be agreed with Wexford Borough Municipal District offices in order to ensure no more than one funeral is scheduled for a specific time. This required agreement is intended to avoid undue congestion in the cemetery and also acts as a mark of respect to the deceased and bereaved.

- 7.9 Remains for interment must be transported to the burial ground in a coffin of wood or some other sufficiently strong material.

8. Register of burials

- 8.1 A register (in paper and or electronic format) shall be kept of all burials.
- 8.2 Before the interment of any person or their cremated remains in a burial ground, the Caretaker/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, date 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 to whether "married" or "single," "widower" or "widow," or "the child of A.B., of _____, " where the deceased is a minor.

9. Headstones/structures

- 9.1 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. An administration fee may be applied to such an application.
- 9.2 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 these Bye-Laws, or in the event of it being constructed of materials other than those permitted by these 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

these Bye-Laws, or in the event of it being constructed of materials other than those permitted by these Bye-Laws and in such an event the Council may recover the cost of any removal from the burial plot licensee as a simple contract debt in court of competent jurisdiction.

- 9.3 No headstone of any kind is permitted on any grave, unless the Licence to burial has been purchased.
- 9.4 No headstone or cross made of stone material will be allowed to be erected which is less than 65mm in thickness. Other materials may be considered upon discussion/permission in conjunction with 9.1.
- 9.5 Single headstones shall be constructed to the following maximum dimensions:- 300mm depth x 1220mm width x 1300mm height, including base & sub-base. Celtic crosses may be up to 1800mm in height, including base & sub-base.
- 9.6 The depth applicable to single headstones in Enniscorthy burial ground is 457mm (18 inches) due to the cement plinth at each plot, and the base, including sub base, is strictly 1220mm (4 feet) only, otherwise it will encroach on the next plot.
- 9.7 Double headstones are permitted on double burial plots only, and shall be constructed to the following maximum dimensions; - 300mm depth x 2440mm width x 1300mm height, including base & sub-base.
- 9.8 The depth applicable to double headstones in Enniscorthy burial ground is 457mm (18 inches) due to the cement plinth at each plot, and the base, including sub base, is strictly 2440mm (8 feet) only, otherwise it will encroach on the next plot.
- 9.9 All headstones must be erected on a proper concrete foundation at a normal minimum depth of 600mm (Plinth provided at lawn emeteries). All headstones must have a foundation strong enough to take the weight of the structure and be large enough to keep it stable. The actual depth will depend on ground conditions encountered. 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. 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.
- 9.10 A statue may be permitted beside the headstone, provided it is affixed securely to the base with stainless steel dowels and enclosed in a stone grotto, which must have a top, back & outer side. The grotto must be joined securely to the straight side of the headstone.

The total overall dimensions must not exceed 300mm depth x 1220mm width x 1300mm height, including base & sub-base.

- 9.11 Copper or brass clamps only are permitted to be used in the erection of headstones, tablets etc.
- 9.12 No headstone supported by balls, blocks or pedestals will be allowed in the burial ground,
- 9.13 No headstone shall be permitted on any plot in the burial ground that could interfere with the future use of capacity of such plot, or adjoining plot, as a place of burial.
- 9.14 No inscription is to be cut, altered, or erased, or any foundation built, or any headstone erected, renovated, altered or removed, except by the authority of the licensee of the plot and Wexford County Council.
- 9.15 No hewing dressing or fitting of stones is permitted in the grounds. All rough work of this nature must be executed at the quarries or workshops, and the material only brought to the burial ground for erection, when all is completed, including inscription and number of plot.
- 9.16 Every inscription must contain the name, date of death, age at death of the deceased and if interred elsewhere, stated as such. The date of death must in all cases coincide with the entry in the Register of Interments. Inscriptions which could reasonably be considered to be of an offensive or inappropriate nature are prohibited and the Council reserves the right to require the removal and/or to remove itself any such offensive or inappropriate inscriptions or article they are located on and in such an event the Council may recover the cost of removal from the burial plot licensee as a simple contract debt in court of competent jurisdiction.
- 9.17 The erection of headstones is to be carried on continuously, and completed with reasonable expedition. Intermittent labour on any headstone cannot be permitted.
- 9.18 No monumental material will be admitted during funeral hours. Lorries or trucks which may have been admitted are prohibited from remaining longer in the burial ground than is absolutely necessary. They should unload on the main walk nearest to the site of erection. Under no circumstances are lorries or trucks to be taken on the grass or over the graves.
- 9.19 Kerbs may extend to cover the allotted space of each plot upon which they may be erected and, under no circumstances, is such space to be exceeded. The kerbs on all double plots must be numbered from left to right so as to indicate the relative position of

each grave. The exception to this is lawn cemeteries, where kerbs are prohibited.

- 9.20 Tombs & covering stones are disallowed. These structures are dangerous and entail the additional cost of extra foundation and extra cost to remove and reset after each interment. They are also liable to displacement, consequent on the subsidence of the ground and to fracture and deterioration from the weather.
- 9.21 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.
- 9.22 Structures of perishable material are not permitted. The erection of wooden palings or edging boards may be permitted, pending the erection of permanent kerbing. The exception to this is lawn cemeteries, where kerbs are prohibited.
- 9.23 Seats or benches may not be placed on, or adjacent to, burialground plots. Only seating provided by the Council will be permitted in any burial ground and any other seat(s) shall be removed at the discretion of the caretaker.
- 9.24 No kerbing or headstone is to be reset on any plot within eight weeks of any interment. Old headstones having no support cannot be reset until a foundation is built.
- 9.25 Under no circumstances can Wexford County Council guarantee the preservation of any headstone, nor can they undertake any responsibility in regard to any damage or accident thereto resulting from natural causes or circumstances beyond their control.
- 9.26 Prior to erecting any headstone, 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 of the plot, must be submitted to the following:-
- | | |
|----------------------------------|---|
| St. Ibar's, Crosstown | Borough District of Wexford |
| St. Stephen's | New Ross Municipal District |
| All other Council Burial Grounds | Community Section,
Wexford County Council. |
- 9.27 Any alteration it may subsequently be desired to make in any design which has been approved must again be submitted. The Registered Number of the plot to be engraved must be stated on the design.

9.28 No foundation shall be built until the design of the headstone it is intended to erect has been submitted to Wexford County Council.

9.29 Breach of any of the requirements set out in Byelaw 9 shall constitute an offence pursuant to Byelaw 16 hereof.

10. **Lawn cemeteries**

10.1 Lawn cemeteries are laid out to enable a good standard of maintenance to be attained at all times. No planting of flowers shrubs, or trees will be allowed.

10.2 Plaques, or any other items, may not be placed on plots in lawn cemeteries; the plot must be kept completely clear at all times. Small mementos may only be placed on the headstone plinth.

10.3 Kerbing of any kind is prohibited on lawn cemeteries plots.

10.4 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.

10.5 Memorial flowers will only be permitted on the headstone plinths within lawn cemeteries.

10.6 Any flowers or wreaths placed on a lawn cemetery grave after burials have taken place shall be removed by the plot owner or their representatives within three months from the date of the last interment. These shall be deposited in the area provided. Grass will be reinstated by the Council after three months from the date of last interment on all such plots.

10.7 The burial plot licensee is responsible for compliance with Bye-Law 10.

10.8 Breach of any of the requirements set out in Byelaw 10 shall constitute an offence pursuant to Byelaw 16 hereof.

11. **Cremated human remains**

11.1 Cremated human remains may be interred in an urn or small casket or other approved containers in conventional grave spaces, grave spaces designated solely for cremated remains or placed in a Columbarium Wall, or other facilities, where provided.

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

11.2.1 Where at the time of the making of these Bye Laws cremated remains have already been interred any subsequent interments shall, subject to Sub Paragraph (III) hereof, be undertaken in accordance with Bye Laws 7 to 9. That is the interment of cremated remains is treated as if it was a burial of remains.

11.2.2 Where no interment has taken place, the first cremated remains interred in a conventional grave space must be interred immediately adjacent to the headstone, or as close thereto as is practicable.

11.2.3 The maximum number of number of interments of cremated remains that will be allowed in a conventional grave space shall be determined by the following requirements:

- a. Where conventional grave space is being used for conventional and cremated remains interments, a layer of earth not less than 300mm in depth shall be left undisturbed above the previous buried coffin and the base of an urn or casket.
- b. Interment 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 foundation.
- c. A space of 300mm must be maintained between urns or caskets.

11.3 Where an urn is being interred in a new plot, the Licence to burial must be purchased in the normal way.

11.4 The interment of an urn must be by prior arrangement with, and under the supervision of the burial ground Caretaker.

11.5 The Burial Ground Registrar must be notified of any urn interred, for recording purposes.

11.6 Scattering of ashes is not permitted in burial grounds.

12 Columbarium walls

12.1 The Council reserves the right to determine the number and type of receptacle in each standard niche in a columbarium wall. Typically a niche will cater for 2 standard receptacles.

12.2 Ashes must be contained in standard receptacles as specified by the Council.

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

12.4 Inscriptions on niches must comply with Council engraving standards as set from time to time. Engravings that do not comply with the Standards shall not be placed on the columbarium. Inscriptions on any other facilities, which may be allowed by the Council, will be required to meet with Council engraving standards.

12.5 An application to acquire a niche in a columbarium wall must be made to and approved by an authorised person of the Council, prior to ashes being placed in any niche.

12.6 The granting of a licence of a niche in a columbarium wall shall be subject to a fee, as specified by the Council.

12.7 The grant of a licence of a niche in a columbarium wall shall vest in the grantee a right to place ashes therein, only. No other proprietary ownership rights are vested as a result.

12.8 The placing of ashes in a columbarium wall niche must be by prior arrangement with, and under the supervision of the burial ground Caretaker.

12.9 The Burial Ground Registrar must be notified of any ashes placed in a columbarium wall, for recording purposes.

12.10 Breach of any of the requirements set out in Byelaw 12 shall constitute an offence pursuant to Byelaw 16 hereof.

13. Health and Safety

- 13.1 It shall be the responsibility of the Undertaker/person in charge of the interment to ensure all interments are conducted in a safe manner in full compliance with all relevant Safety, Health and Welfare Regulations.
- 13.2 The provision, management, maintenance and operation of mechanised coffin lowering systems shall be the sole responsibility of the Undertaker or his agents. It shall be the responsibility of the Undertaker or his agents to maintain such equipment where provided in safe working order at all times.
- 13.3 In compliance with the Safety, Health and Welfare Act 2005, safety shoring equipment shall be installed in advance of an interment, where a burial plot is being dug by mechanical means to a depth greater than 1.25 metres. Safety shoring equipment shall be installed as the work progresses once the depth of the excavation exceeds 1.25 metres. In the interest of safety, the lining of burial plots with moss, ferns or any other vegetation is strictly prohibited.

14. Exhumation

- 14.1 The Local Government (Sanitary Services) Act 1948 and Local Government Act 1925 – 2001 gives Wexford County Council the power to grant an Exhumation Licence to exhume remains from any burial ground in its administrative area, under certain conditions.
- 14.2 No grave shall be opened nor shall the remains of any body be removed from a grave nor transferred from one place 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 fee.

15. General

- 15.1 No order for burial can be entertained without prepayment of the established fees and charges.
- 15.2 After an order for burial has been booked, and arrangements made for the funeral, no fees will be refunded
- 15.3 Any company, contractor or other individual operating within the curtilage of the burial ground is required to have and maintain in force a Public Liability Insurance Policy in the amount of at least €6.4m and Employers Liability Insurance to a minimum value of €13 million or such other amount as may be required by Wexford County Council. A copy of the Insurance Policy indemnifying Wexford County Council and Safe Work Policy must be submitted on the

request of the County Council. Public Liability Insurance and Employer's Liability Insurance documents shall include the following clause "Wexford County Council shall be indemnified against all third party claims which may arise as a result of works performed by the Insured".

- 15.4 No work of any description will be permitted to interrupt the funeral processions or burial services, the orderly management and solemnity of which must be maintained to the exclusion of every other consideration.
- 15.5 Visitors shall not interfere with any of the tombs or monuments or headstones or with any Columbarium or with any flowers, shrubs or wreaths within a burial ground.
- 15.6 Visitors driving into a burial ground do so at their own risk. The Council does not accept any responsibility for any theft or damage to these vehicles.
- 15.7 The Council disclaims any liability to persons who suffer injury or damage in in any way while acting contrary to these Bye-Laws.
- 15.8 The Council accepts no responsibility for the loss or damage to mementos or other objects placed on burial plots, while carrying out its duties and responsibilities to other burial plots in the vicinity. From time to time, Council staff may have to remove these objects from the burial plot while preparing graves for burial. The Council assures its visitors that all mementos and other permissible objects will be placed back on the burial plot in question when the nearby burial has taken place. No mementos of any kind whatsoever may be place on a lawn cemetery plot.
- 15.9 No person shall sell or offer or expose for sale any articles, service(s) commodity or thing of any kind whatsoever or solicit for orders for same within any burial ground.
- 15.10 Any person so selling or soliciting orders within a burial ground, as aforesaid, may be directed by the Caretaker/Registrar and/or an authorised officer of the Council to leave the burial ground and will not be admitted again without the permission of the Council.
- 15.11 The caretaker/Registrar or other authorised officers of the Council shall be at all times at liberty to direct the removal of any person from the burial ground who may be guilty of misconduct therein.

For the purposes of this byelaw, "misconduct" includes:
Any contravention of these Bye-Laws, any behaviour of a criminal, lewd or offensive nature; or creating a nuisance; and the

consumption of alcoholic drinks or controlled drugs as defined by the Misuse of Drugs Act 1977 (as amended).

15.12 No vehicle, other than a hearse, will be admitted beyond official car parking areas during funerals. Cars are restricted to the main roadways within the burial ground and parking is permitted in the authorised car park only. Wexford County Council reserves the right to restrict access to all traffic, beyond official car parking areas at any time and particularly at such times as the Caretaker is not on duty in the burial ground.

15.13 Children under 10 years are not admitted, unless accompanied by an adult.

15.14 Dogs are not admitted, with the exception of assistance dogs on a leash.

15.15 Wexford County Council will not be responsible for the care or safety of any headstone, wreaths, glass shades, or other fragile mementoes that may be placed on any grave in the burial ground. All broken shades, wreaths, etc. shall be immediately removed. The Council reserves the right to remove and dispose of monuments or other such items placed in the burial ground which are considered dangerous and/or which could reasonably be considered to be of an offensive or inappropriate nature and in such an event Council may recover the cost of removal from the burial plot licensee as a simple contract debt in court of competent jurisdiction.

15.16 The planting of flowers, shrubs etc. must be strictly confined to the superficial surface of the plot. Only dwarf shrubs and flowers may be planted. Shrubs, ivy or other creeper, which may obscure the inscription of any headstone in the burial ground, are not allowed. Trees or coarse growing shrubs that have been planted on burial ground plots may be removed. The exception to this is lawn cemeteries, where planting is prohibited.

15.17 No plants, shrubs or flowers are allowed to be removed from the burial ground by anyone unless authorised by Wexford County Council.

15.18 Breach of any of the requirements set out in Byelaw 15 shall constitute an offence pursuant to Byelaw 16 hereof.

15.19 There shall be provision for the transfer of council owed burial grounds to community groups where deemed desirable, at the absolute discretion of the council.

15.20 Wexford County Council reserves the right to deal with special or unique cases, as they arise.

16. Contravention of bye-laws

- 16.1 If any person contravenes any specified provision of these 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 Schedule 1), 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.
- 16.2 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.
- 16.3 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.
- 16.4 Where an authorised person is of the opinion that a person is committing or has committed an offence to which these 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.
- 16.5 An offence under these Bye-Laws may be prosecuted by the Council which made the relevant Bye-Law or by a member of An Garda Síochána.

GENERAL INFORMATION - Persons requiring information relative to the purchase of graves, the erection of headstones, foundations, etc. are requested to apply personally to:-

St. Ibar's, Crosstown

Borough District of Wexford,
61 The Bullring,
Wexford, Y35 EA00.
Tel:- 053 919 6910

E: wexfordborough@wexfordcoco.ie

St. Stephen's

New Ross Municipal District,

The Tholsel
Quay Street
New Ross
Co Wexford
Y34 CF64
E: nrreception@wexfordcoco.ie
Ph: 053 919 6700

All other Council Burial Grounds Wexford County Council
Community Section,
County Hall,
Carricklawn,
Wexford Town,
Y35 WY93.
Ph: 053-919 6000
E: customerservice@wexfordcoco.ie

Schedule 1
Wexford County Council (Burial Ground) Bye-Laws, 2020
FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206
OF THE LOCAL GOVERNMENT ACT 2001

NAME OF LOCAL AUTHORITY: Wexford County Council

To: Name:-----

Address: -----

It is alleged that you have contravened the provisions of Bye-Laws made under Part 19 of the Local Government Act, 2001 entitled: Bye-Laws of Wexford County Council for the Management of all open burial grounds within the jurisdiction of Wexford County Council, 2020:

(Specify the nature of the contravention):

At -----

On -----

During the period of 28 days beginning on the date of this notice you may pay the sum of €75 accompanied by this notice, at the offices of the Wexford County Council located at Carricklawn, Wexford Town, Y35 WY93.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time.

Signed: ----- (Authorised Person)

Date: -----

IMPORTANT: Payment 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 “Wexford County Council”. A receipt will be issued.

You are entitled to disregard this notice and defend the 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 on 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 by the Court, 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.

**Made and adopted under the common seal of the Council
on this day of 2021.**

Chairman

Director of Services

County Secretary

Appendix A

