Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

RIALACH AGUS REACHTAÍOCHT A BHAINEANN LE REILIGÍ

RULES AND REGULATIONS
RELATING TO
CEMETERIES

RULES AND REGULATIONS FOR THE CONTROL OF THE PUBLIC CEMETERIES WITHIN THE NEWRY, MOURNE AND DOWN DISTRICT

1. Introduction

These rules and regulations are made by Newry, Mourne and Down District Council for the general management, regulation and control of the Public Cemeteries within the district. As the burial authority in control of Cemeteries, we are bound by the conditions of the Public Health (Ireland) Act 1878 Part III; Burial Grounds Regulations (Northern Ireland) 1992; Local Authorities Cemeteries Order 1977 and we have a legal duty under the Health and Safety at Work Order (NI) 1978; and Management of Health and Safety at Work Regulations (NI) 2000 to ensure that our burial grounds are safe places to work and visit.

This booklet will provide you with guidance on arranging a burial within Council cemeteries. It provides information on restrictions and conditions that apply when purchasing exclusive rights of burial and will help make you aware of your rights and responsibilities in relation to our cemeteries. This guidance outlines how we carry out our legal obligations and ensures we provide you with a consistent, high level of service.

1.1. Cemeteries

Owned and managed by Newry, Mourne and Down District Council:

Monkshill Cemetery, 29 Monkshill Road, Newry, BT34 2FC

Warrenpoint Cemetery, Upper Dromore Road, Warrenpoint, BT34

Kilbroney Cemetery, Kilbroney Road, Rostrevor, BT34 3GG

Struell Cemetery, Old Course Road, Downpatrick, BT30 6EQ

Lough Inch Cemetery, Riverside Road, Ballynahinch, BT24 8JB

2. Contact Details

For Lough Inch Cemetery and Struell Cemeteries:

Newry, Mourne and Down District Council
Facilities Management & Maintenance Department
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

Tel: 0330 137 4005
Email: estates.management@nmandd.org

For Monkshill, Warrenpoint and Kilbroney Cemeteries:

Newry, Mourne and Down District Council
Facilities Management & Maintenance Department
Unit 19 Greenbank Industrial Estate
Rampart Road
Newry
BT34 2QU

Tel: 0330 137 4005
Email: facilities.management@nmandd.org

3. Opening Hours

3.1. Cemetery Administrator's

Office Opening Hours
Monday to Friday 9am to 5pm (Booking is essential)

An out of hours system is available to Funeral Directors.

3.2. Cemetery Opening Hours

The hours during which the Cemeteries shall be open to the Public may, from time to time, be fixed by the Council

3.3. Interment Arrival Times

All funerals must arrive at the Cemetery between the hours of 10am to 3pm Monday to Sunday (Summer months) and 10am to 2 pm (Winter months).

Notice of the precise time of burial shall be given previously to the relevant Officer of the District Council. The time to be named for a funeral is that when it will arrive at the Cemetery, and to prevent inconvenience, the time fixed must be punctually observed.

All interments shall take place in the order in which the funerals arrive at the Cemetery, to prevent confusion.

3.4. Public Holiday Arrangements

The Cemeteries shall not be open for funerals on Christmas Day and on Boxing Day funerals should arrive at the Cemeteries between the hours of 12pm and 2pm.

4. Fees and Payments

Council will review the scale of charges when it considers it necessary to do so. You can acquire these fees from our Cemetery Administrators office or view them on our website:
www.newrymournedown.org/municipal-cemeteries

No ground shall be opened or burial permitted until the charges and fees payable in respect thereof, and all sums due to the Council by the proprietor shall have been paid.

5. Ownership of Graves

5.1. Graves in Proprietary Ground

To buy a grave, you buy what is known as "Exclusive Right of Burial" for a grave space.

You can only buy a grave at the time of bereavement and you cannot buy graves in advance. When you purchase the exclusive right of a burial you only purchase the right to bury. Ownership of an Exclusive Right of Burial for a grave does not give any ownership whatsoever in respect of actual land.

A person who wishes to purchase the exclusive right of burial in a grave shall sign an application binding themselves, including their successors assigning to conform to all rules and regulations in force or thereafter made by the Council.

You own the right to bury in the grave forever. Upon your own death, the right should be formally transferred to your beneficiaries (unless you have indicated something different to this in your Last Will and Testament). See Section 6.0 within this document.

When you buy the exclusive right of burial, this means that we cannot open the grave without your permission, and no-one can be buried in your grave without your permission.

You also own the right to erect headstones/memorials, as long as you pay the fees set out by the Council and subject to conditions set out in Section 11.0 of this document.

If the person who owns the exclusive right of burial dies, we assume they give permission that they can be buried in that grave.

Only one person will be registered as the owner of the exclusive right of burial for the grave. We do not permit joint ownership of graves.

In exceptional circumstances, proprietors wishing to dispose of their exclusive right may contact the Council, through the Facilities Management Office, and offer it for purchase at the price originally paid for same. Sale to any other party other than the Council is not permitted.

The exclusive right of burial in the various graves and sections shall be granted consecutively or in such order as may from time to time be determined.

More information on buying graves and exclusive right of a burial can be seen in Section 6.0 within this document.

5.2. Buying more than one grave

The exclusive right of burial for only a single or double grave is permitted to be sold to any one person. No sub-division of any lot purchased shall take place without the written consent of the Council having been first obtained. The exclusive right of burial can only be purchased at the time of bereavement. At this point you will be permitted to purchase one plot (single plot) in which the burial will take place and one plot adjacent to this plot if available (double plot).

One person only shall be registered as the proprietor of the right of burial; joint proprietorship is prohibited.

5.3. Transfer of Burial Rights

There are 3 areas regarding transfer of burial rights and they are as follows:

5.3.1. If the present registered right of burial holder is alive and wishes to transfer the right of burial to a specific person, they will have to complete a Transfer Form signed by the current owner, the new owner and an independent witness. The form should be returned to the Facilities Management Office of the Council together with the original Exclusive Right of Burial (certificate) and relevant fee. Otherwise no right of burial will be transferred.

5.3.2. If the registered owner is deceased and has left a Will bequeathing the burial right to a specific person, a completed Transfer Form signed by the new owner (as indicated in the deceased owners Will) and an independent witness should be returned to the Facilities Management Office of the Council together with the original Exclusive Right of Burial (certificate), copy of the owners Will and relevant fee. Otherwise no right of burial will be transferred.

5.3.3. If the registered owner is deceased and has left a Will, but the Will does not state who the exclusive right of burial should be transferred to; or if the deceased registered owner has left no will (dies intestate) the exclusive right of burial can be transferred to the owner's beneficiaries after the following documentation has been provided: -

- A completed Transfer form signed by the new owner and an independent witness.
- Original Exclusive Right of Burial (certificate)

- If there is more than one relative (next of kin) to whom burial rights could transfer to, the Council will require written consent signed by all parties stating they do not object to the transfer of the right of burial to that particular family member.

6. How to Arrange a Burial

6.1. Registering the Death

Once you have registered the death, the Registrar's office will provide you, along with other documentation, a form known as a GRO 21. This allows a burial or a cremation to take place.

6.2. Obtaining Exclusive Right of Burial (Buying a new grave)

A person wishing to purchase the exclusive right of burial can only do so at the time of a bereavement. All Funeral Directors have the relevant form which should be completed to purchase the exclusive right of burial. This form should be completed and returned to the Facilities Management office of the Council together with the form which provides details of deceased which are required to be completed in the Council's burial register.

Both forms should be returned to the Council with the prescribed fee.

6.2.1. Grant of Exclusive Right of Burial (Grave paper or deed)

A grant of Exclusive Right of Burial (Grave paper), signed by the Chief Executive and Council Chairperson will be sent to you when all required fees have been paid.

As the owner of the right of burial it is your responsibility to notify Council if you change your address. It is important for us to be able to contact you if there is a problem with your grave or memorial. If Council are unable to contact you, we will take the necessary actions to deal with the problem. If there is a fee due to any necessary actions taken this fee will be your responsibility.

6.2.2. Replacing Grave Papers

If you have lost your grave papers and you are the owner of the right of burial, you must complete a Duplicate Grave application form stating you have lost the grave papers. You must also provide proof of your identification, such as a passport or driving license.

If the original grave papers are found, the duplicate grave papers are no longer valid and will be recorded on the register. We would ask for all duplicate papers to be returned to the Council.

There will be a fee for replacement grave papers. These fees can be paid at our Facilities Management office.

6.3. Applying to Open a Grave for Interments

A person requiring to have an interment made in any Council Cemetery, shall sign an application which can be obtained from our Facilities Management office, giving the following particulars for registration: -

- Forename and surname
- Date of death
- Sex
- Age
- Religion (including no religion)
- Occupation
- Last place of residence
- Marital status or 'the child of'; and
- Place of death.

The information should also include the name and address of the person having the management of the interment (usually a Funeral Director). In the case of proprietary ground, the application shall give the grave number of the grave required to be opened. For new graves, Council will allocate and inform you of your grave number.

By law an application for interment shall be accompanied by a Certificate of Registry or Notice of Death (GRO21 form) which you will have received when you registered the death at the Registrar's office, or the statutory order for burial from a Coroner.

If you do not produce at least one of these forms, Council cannot permit a burial.

On proper application for interment being made to one of our Cemetery Administrators and upon payment of the prescribed fees, Council will issue an order of burial to the Cemetery Caretaker at least 48 hours before the interment is to take place.

Funeral Directors must advise the Cemetery Administrators of the accurate size and weight of the coffin or casket before the opening of the grave.

Only persons authorised in writing by the Council shall be permitted to open or prepare any grave for an interment.

Undertakers conducting funerals must possess relevant insurances as required by the Council, such as Employer Liability and Public Liability at £5,000,000 together with vehicle insurance cover.

The Council shall update its records in such respect on a regular basis and will require proof of insurance to be provided by all Undertakers. Insurance details must be confirmed on occasion of each funeral, at the time of notification and arrangements for any burial.

Should details not be provided the Council will advise the relevant Undertaker that should Council have to arrange its own insurance, a surcharge will be applied, and will require any such Undertaker to address in respect of any future funerals.

6.4. Notice Periods and Slot Times

If you wish to arrange a burial, Council will need 48 hours' notice for the opening of a new grave or for any proprietary ground not yet buried in. A notice period of 24 hours is required for any second or subsequent burial.

All interments shall take place in the order in which the funerals arrive at the Cemetery, to prevent confusion.

6.5. Testing Graves for Opening

When Council receives an application to open a grave, we will check the Cemetery records to make sure the burial can take place.

If the Cemetery records indicate there may be a problem, Council will invoke the following process: -

- Check all Burial Ground Regulations NI 1992 are being met
- Check ground conditions
- Check depth of remaining top cover.

If Council is certain that the burial cannot take place the Council's decision is final. If you are unable to bury in an existing grave a new grave will be allocated.

6.6. Depth and Direction of Grave

The depth of a new grave will be 274cm (9 ft) as long as ground conditions will permit. Due to ground conditions in Council's Lough Inch Cemetery, Ballynahinch the depth of a new grave in it will be 182.88cm (6 feet). This will also adhere to any other Council Cemeteries where there are difficult ground conditions.

By law, no coffin shall be laid in any grave nearer to the surface of the ground than 1 metre measured from the upper surface of the last interment. Each coffin shall be separated by means of a layer of earth not less that 15cm thick from any coffin previously interred.

The number of burials that can be accommodated in a grave space is dependent on a number of factors including ground conditions. Up to 3 burials may be possible in a standard grave although Council will only guarantee 1 interment in any one grave. Up to 2 burials may only be possible in a standard grave in Lough Inch Cemetery due to ground conditions.

The request for a particular orientation of your burial will be considered where possible.

6.7. Receiving the Burial Order

Once Council has received your application for a burial along with the fees you have to pay, we will make out an order for the opening of the grave.

2 copies of the burial order will be completed and will contain all the information that you provided when you registered the burial.

The first copy is sent to the Cemetery staff and the second copy is kept at our Cemetery Administrators office.

A supplementary charge for a prescribed fee will be charged where a funeral arranged to take place within Council's fixed working hours does not arrive on time, leading to Cemetery staff having to work outside Council's fixed working hours to complete the burial.

6.8. The Burial of Ashes and Fetuses

The burial of ashes can be arranged as per previous information provided in paragraph 6.3.

Ashes will be buried underneath the area at the head of the grave where the headstone will be erected, thus leaving the remaindered of the grave for 3 full burials (or 2 full burials if in Lough Inch).

For details on cost and fees you can contact our Facilities Management office or visit the Council website: www.newrymournedown.org/municipal-cemeteries.

Cremated remains shall not be scattered in any Cemetery.

Burial of a foetus in coffin size 10 inches (25cm) or smaller will be buried underneath the headstone, where possible, of each grave, and detailed accordingly in the burial registers. Foetus burial in a coffin size greater than 10 inches (25cm) will be buried as per paragraph 6.6.

7. Matters at the Graveside / Burial

7.1. Ministers and Clergymen of the various religious denominations shall be at liberty to officiate at the various graves of persons of their own communion, according to the forms and ceremonies of their respective Churches and Bodies.

7.2. Undertakers or such other persons must not interfere with the Cemetery staff after any coffin or cremated remains shall have been laid in the place of burial.

7.3. No person shall unlawfully prevent, nor shall attempt to prevent, the interment of any body in the Cemetery, nor unlawfully prevent or disturb the due performance of funeral rites over any person.

7.4. No person other than the Caretaker, or persons employed by the Council, shall be permitted to dig graves, or make excavations in the Cemetery, save with the express permission of the Chief Executive.

8. Burials resulting from Epidemic

In the event of the District being affected by a pandemic or epidemic of disease, the Council may make special orders regulating the order of interments, and the period of notice required. Council may also make special arrangements for burials to take place outside normal operating hours.

9. Exhumation

Save as specially provided for in these rules, no grave shall be opened, nor shall the remains of an individual be removed from a grave nor transferred from one place of burial to another, nor exhumed, except under the conditions specially provided for in law, and except with prior written consent of the Council and upon payment of the prescribed fees.

10. Maintenance of the Graves

All 5 Municipal Cemeteries across the district are lawn Cemeteries and are laid in a lawn type system which provides you with a space at the head of each grave 3ft 8 inches wide x 1 ft deep. This space may be utilized for the purpose of: -

- Erection of a headstone or monument;
- Placement of a vase for the reception of flowers.

The planting of shrubs, trees or flowers on any grave located within the Municipal Cemeteries is prohibited. The placing of glass or plastic covered wreaths on graves is also prohibited.

Council will not allow the erection of pillars, railings, fences, plinths, hoops, artificial grass matting, surrounds, ropes, flag stones, concrete edging, kerbing, ornaments, flower pots, or any other structures that are used to enclose a lawn grave.

Council staff will be instructed to remove any of these items as they obstruct our staff from cutting the grass.

The lawn section of the grave shall be sown or planted with grass by the Council's Grounds Maintenance Department and must be left clear at all times for cutting purposes.

The Council reserves the right to remove all wreaths on the expiration of 1 month calculated from the date on which the burial took place.

11. Headstones and Monuments

If you wish to erect a memorial (Headstone) on your grave, you must apply to our Facilities Management Office for an application form (a Memorial mason/sculptor can also do this on your behalf).

Council charges a fee to erect a memorial within our Cemeteries which must accompany the memorial application.

A copy of the fees can be found on or website: -
www.newrymournedown.org/municipal-cemeteries

The application must be accompanied with a detailed plan and particulars of the memorial. Each drawing submitted must specify the proposed inscription, materials you wish to use, grave number and the name and address of the proprietor.

All memorials and headstones must be made of stone or other non-perishable material such as granite. Temporary hardwood memorials can be erected but only for the first year.

11.1. Failure to Request and Receive Permission

If a memorial or headstone has been erected and the grave owner has not sought permission, Council will reserve the right to remove the memorial. If an inscription is made on any memorial without Council granting permission, Council will again reserve the right to remove the memorial.

11.2. Responsibility for the Memorial Mason or Sculptor

A person erecting a monument shall remove all debris resulting from the erection and shall make good any damage done to turf, shrubbery, adjacent monuments or walks, all at their own expense and to the satisfaction of the Council. The erection of pillars, railings, fences, plinths, hoops or other structures for the purposes of enclosing graves is expressly prohibited.

All memorials or headstones must have the masons/sculptors name engraved or marked in clear characters at the base of the memorial or headstone.

It is the responsibility of the Memorial Mason to ensure that materials and abrasives used for dry blasting when putting inscriptions onto headstones are in accordance with Health & Safety regulations.

11.3. Memorial Application and Permit

All memorial and headstone applications must contain the following information: -

11.3.1. Detailed plan of the memorial
11.3.2. The exact dimensions
11.3.3. The type of material
11.3.4. The full inscription details
11.3.5. The applications name and address
11.3.6. The deceased person's name and address
11.3.7. The plot number the headstone to be erected over

11.4. Council will consider your application and inform you if your application has been approved or declined. When your application has been approved, all work must be completed within one year from date of approval. Council will process applications once all information is received. However, where necessary amendments may be required, and approval cannot be granted until all changes are made on the application.

11.5. Fees

Council charge a fee to erect memorials and headstones within our Cemeteries, which must accompany the memorial application.

A copy of Council's fees can be obtained from the Facilities Management office, or can be found on our website: www.newrymournedown.org.

11.6. Restrictions and Size of Headstones/Memorials

Any headstone shall not be greater than 1.5 metres (5 ft) overall height.

The overall width of any headstone shall not be greater than 1.10 metres (3ft 8 inches) for a single grave plot, nor greater than 2.30 metres (7ft 8 inches) for a double grave plot.

The overall thickness of any headstone shall not be greater than 300mm (1ft).

The wording of inscriptions and the use of emblems will be considered on an individual basis, and these will be in line with our Council's statutory duties.

In the erection of all headstones the Caretaker shall have the authority to prevent encroachment on the neighbouring plots. In the event of such encroachment taking place, the Council reserves the right of removing the said headstone.

11.7. Working Hours (Masons and Sculptors)

Council has strict permitted working hours for erecting memorials and masons and sculptors are only allowed to carry out work within our Cemetery grounds during normal Council working hours or at the approval of the Council Officer.

12. **Responsibilities of the Grave Owner**

Each purchaser of the right of burial in any grave must ensure that the memorial on it is kept in good order and repair, to the satisfaction of the Council.

Should the owner of the grave fail to do so, Council may carry out maintenance and repairs at the expense of the purchaser or grave owner and may refuse to permit the grave to be opened until costs of such repairs or removal have been paid.

You are not permitted to plant anything on a grave. This would include shrubbery, trees, roses or hedging. Council will remove any excess plantings, as they obstruct our staff from cutting the grass.

When you are tending to your grave, please keep waste to a minimum and immediately clear away any waste when you are finished. Do not allow waste to fall onto any surrounding graves and do not disturb any floral arrangements or monuments belonging to surrounding grave owners.

Waste bins are placed around our cemeteries, you should not use these bins for household waste or heavy waste such as soil or turf.

Grave owners are required to keep us informed if their contact details have changed as it is important that we are able to contact you if something happens to your grave or memorial.

13. Facilities and Services

13.1. Commemorative Benches & Trees etc.

Commemorative benches, trees or other such type of memorials are not permitted in the Cemeteries.

13.2. Car Parking

There are carparks available at the following cemeteries:

13.2.1. Monkshill Cemetery;
13.2.2. Warrenpoint Cemetery (opposite Cemetery);
13.2.3. Lough Inch Cemetery;
13.2.4. Struell Cemetery

13.3. Toilet Facilities

There are toilet facilities available at the following cemeteries

13.3.1. Lough Inch Cemetery;
13.3.2. Struell Cemetery

There are toilet facilities available at the following cemeteries during funerals:

- Monkshill Cemetery;
- Warrenpoint Cemetery.

14. Acceptable Behaviour in Cemeteries

Visitors can access the cemeteries from dawn to dusk on any day, vehicular access is only permitted during the cemeteries opening times.

All visitors to our cemeteries must conduct themselves in a quiet and orderly manner at all times. If you do not abide by the following regulations, or do not behave in an appropriate manner, Council may ask you to leave the cemetery and prohibit your return.

Visitors must confine themselves to the walkways and on no account trespass on the graves or grass and must not damage any tree, plant, shrub, flowers, or interfere with any wreath or headstone.

There is a strict speed limit for any vehicle within Council cemeteries of 10mph. Drivers should take care when passing surrounds and memorials, members of the public and avoid areas where an interment is taking place.

No inebriated or riotous person shall be permitted to enter the grounds of the cemetery. Trespassers shall be liable to prosecution for infringement of these regulations.

All children must be accompanied by a responsible adult.

Council does not permit any games or sport within its cemeteries. No person shall be permitted to use a metal detector in any of our cemeteries.

No notices or advertisements are to be placed on any cemetery buildings, walls, fences, memorials or monuments without Council permission.

Council will not permit the discharge of any firearms, except at a military or police funeral.

The selling of flowers, shrubs or plants is prohibited unless authorised by Council.

Dogs are permitted but must be on a lead and under control. It is the owner's responsibility to clean up after their dogs.

15. About our Regulations

The Rules and Regulations of Cemeteries for Newry, Mourne and Down District Council was made on 30th January 2020 and shall replace all previous Rules and Regulations adopted by the legacy Councils of Down and Newry and Mourne.

All regulations remain in force, and are binding on all owners of the exclusive right of burial in Council cemeteries and all other people, until we alter these rules.

All fees and payments stated in the foregoing regulations to be prescribed shall be fixed from time to time by Council.

For the purpose of these regulations "we" or "us" means Newry, Mourne and Down District Council.

In these Rules and Regulations: -

15.1. "the Council" means the Newry, Mourne and Down District Council.

15.2. "The relevant Officer" means the person duly authorised by Council to carry out the functions of the relevant Officer set out in these Rules & Regulations.

15.3. "The proprietor" means the holder of the exclusive right of burial in a private grave.

15.4. "Grave" means a portion of ground approximately 2.7 metres (9 ft) long and 1.2 metres (4 ft) wide. A double grave is a plot of ground 2.7 metres (9 ft) long and 2.4 metres (8 ft) wide.

15.5. "Grant" means the grant of right of burial.

SEALED with the common seal of the NEWRY, MOURNE AND DOWN DISTRICT COUNCIL and dated this 16th[th] June 2022.

Chairman

Chief Executive