



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T



Creating Sustainable Communities and Places

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: KILKENNY COUNTY COUNCIL (BURIAL GROUND) BYE LAWS 2024.
*Local Government Act, 2001 Part 19 (As Amended) Power To Make Bye-Laws.***

Dear Councillor,

Kilkenny County Council has powers under the Local Government Act, 2001 (as amended) to make bye-laws regulating the management of burial grounds. Initially Bye-Laws were proposed for St Kieran's only but in December 2024 this was extended to cover all 14 opened Burial Grounds. As part of the process public consultation took place from 6th December 2024 to 17th January 2025 with submissions being invited to 24th January 2025.

Three detailed submissions were received and a report was prepared and presented to SPC 4 Environmental Protection, Climate Action and Energy at its meeting of 5th June 2025. Two minor amendments were proposed and accepted by the SPC. The SPC unanimously proposed the Draft Bye-Laws as amended be presented to the June Council Meeting for adoption. Once adopted they will, by way of public notice, become operational in not less than 30 days from the date of this meeting.

In line with the recommendation from SPC 4, I recommend that Kilkenny County Council proceed to adopt the Burial Ground Bye Laws of Kilkenny County Council 2024.

Tim Butler,
Director of Services.



30th May, 2025.

TO: CATHAOIRLEACH AND ELECTED MEMBERS OF KILKENNY COUNTY COUNCIL

RE: KILKENNY COUNTY COUNCIL (BURIAL GROUND) BYE LAWS 2024

Kilkenny County Council has powers under the Local Government Act, 2001 (*as amended*) to make Bye-Laws regulating the management of Burial Grounds. As part of the legal process it is necessary that Draft Bye-Laws are advertised and submissions invited on same.

Draft Bye-Laws were prepared and considered by the Environment Strategic Policy Committee at its meeting on 2nd May and 5th December, 2024. It was agreed to proceed to advertise the Bye-Laws and Draft Bye-Laws were subsequently placed on display from Friday, 6th December, 2024 to Friday, 17th January, 2025. Submissions on the Bye-Laws were invited up to Friday, 24th January, 2025.

Submissions were received from the following:

- Mrs. Mary Brennan.
- Enya Kennedy.
- Kilkenny Traveller Community Movement.

The following sets out details of the submissions considered relevant to the draft Bye Laws and the Council's response is also set out hereunder.

BYE-LAW	NAME	SUBMISSION AND RECOMMENDATION	RESPONSE
6 – Grave Spaces	Mary Brennan	“Is there a limit on the number of graves that a family can purchase, can a family buy 5-6 graves in a row, is a double plot the max of graves that a family can purchase? Can you please make this clear in the bye laws? You mention it in Section 3 the interpretation of terms but it is not clearly stated what is the max no of graves a family can purchase, can you please make this clear?”	There is no specific limit on the number of spaces that can be purchased at any one time. However, restrictions may be applied periodically when spaces are limited. Considering the submission, a restriction of the purchase of 4 no. single plots or 2 no. double plots at any one time is deemed appropriate and is proposed to be included in paragraph 6.4.
	Enya Kennedy	“The policy of allocating plots on a “next available” basis without flexibility may inadvertently disadvantage Travellers, who often prioritise burial proximity to family or clan members. Recommendation: Introduce a provision allowing flexibility for families to reserve allocate adjacent plots for cultural or familial reasons. This would better accommodate Traveller customs around burial proximity.”	The next available space is equitable and required in order to properly manage spaces and avoid vacant spaces throughout the Burial Ground.
7 – Burials	Mary Brennan	“Section 7.2 says that the body must be enclosed in a coffin of wood, or other strong materials – what are these?”	This is not defined and intended to ensure safe burials can take place.
9 – Monuments	Mary Brennan	“If a family goes ahead with putting up a larger headstone then what happens? Will the Council have enough plans in place to get this work stopped before a very large headstone is erected, trying to get a family to take down a very large headstone after the event will be extremely difficult and they will possibly have a solicitor engaged to prevent the Council making them take it down. “Who has the responsibility to tell the Council if I want to put up a large headstone,.... Does everyone that erects headstones know about the Council Bye Laws and if they don’t why not?	Under the Bye-Laws Kilkenny County Council can deconstruct and remove any non-compliant monuments. Monument providers will be made aware of the Bye-Laws once adopted and at the time of application for a permit.

		<p>Section 9.4 says that erection of monuments are permitted, but some of these monuments are made of soft materials i.e. cardboard, polystyrene, pictures of the deceased on stands and these blow all around the place as do the plastic flowers and decorations, should these be banned or a limit put on things that are not made of sound materials?</p> <p>Under Section 9 of the Bye-Laws you state no permanent seat/benches are allowed, the Council have put in place permanent benches at the columbarium wall which has encouraged drug dealers and drunks to use these seats, can these be removed."</p>	<p>Materials used in headstones / monuments are agreed at application stage</p> <p>Burial Grounds are a place to visit and pay respect to family / friends. Kilkenny County Council will install such facilities as appropriate for visitor enjoyment. Monitoring of Burial Grounds and removal of facilities will be considered as appropriate.</p>
	Enya Kennedy	<p>"Restrictive guidelines on monument dimensions and materials (e.g. prohibition of certain railings or memorial artefacts) may conflict with traditional Traveller memorial styles.</p> <p>Recommendation: Allow reasonable accommodations for culturally significant memorial designs, provided they do not pose safety risks or interfere with cemetery maintenance."</p>	<p>All permit applications are considered on their own merits with the overarching requirement to ensure the safety of all users and to avoid damage to adjoining grave spaces.</p>
	KTCM	<p>"KTCM request that you consider carefully revising any regulations that may impact on cultural norms so that Traveller families can properly honour their deceased in line with their cultural practices."</p>	<p>Noted</p>
11 - Maintenance of Grave Spaces	Enya Kennedy	<p>"The responsibility for maintaining grave spaces is placed entirely on owners. This may pose challenges for economically disadvantaged families.</p> <p>Recommendation: Consider introducing a subsidised maintenance scheme or grants for disadvantaged families to ensure graves are maintained with dignity."</p>	<p>Noted. This issue is not within the scope of the Bye-Laws. Kilkenny County Council is responsible for maintaining the Burial Grounds, but this does not include individual spaces unless there is a safety concern.</p>

14 – Filming/Photography	Mary Brennan	“There is one headstone that I know of that has cameras embedded on the lights on the headstones, should this be allowed? Your bye-law 14.1 says there should be no cameras, but people have placed cameras in the graveyard to monitor people at their headstones, how can the Council allow this to take place? Also it is rumoured that there are cameras in the trees near the side entrance on the Hebron Road.”	This matter will be examined on an individual case by case basis having regard to appropriate regulations (e.g. GDPR).
	KTCM	“It may be important to allow for exceptions to this rule, where filming and photography can occur under respectful conditions, enabling Traveller families to honour their loved ones and maintain cultural practices of community involvement and support during the grieving process.”	Noted
15 – Visitors	Mary Brennan	<p>“Is there a limit on the amount of entertainment that families are allowed at a funeral, I was in the graveyard recently visiting my grandsons grave and nearby there was a very large family funeral, there was music, singing, dancing, loud speakers, seats, fake flowers, awnings, ropes to guide people to seats, should this be allowed, in respect for all dead souls in the graveyard could a limit be put on this?</p> <p>Also, when there is an anniversary, families bring balloons, music, fireworks, barbeque trays and they burn these on other people graves, this should be definitely stopped by the Council.</p> <p>Is there a limit on the amount of permanent and Christmas decorations that are allowed on graves, some graves have multiple decorations, some graves have Christmas music playing all thru the month of December and into January, can this be stopped as it is very upsetting to people who have graves nearby?”</p> <p>“Could you add into the bye-laws that people at graves must stand in if other people want to pass..... could the Council mention this that people at graves must be respectable to others while they are visiting family</p>	<p>Burial ceremonies are the responsibility of individual families. This matter will be monitored in line with the adopted Bye-Laws.</p> <p>Any decorations, materials or equipment that obstruct visitors may be moved or removed as necessary in accordance with the terms of the proposed Bye-Laws.</p>

		<p>graves, also the placement of plastic flower and family pictures etc., I would really appreciate it if you could state in the new bye-laws that people must be respectable of other people which visiting family graves in the graveyard – this is really important and needs to be stated in the bye laws, as unfortunately some people have to use walking sticks and wheelchairs due to reduced mobility.”</p>	
	Enya Kennedy	<p>“The restriction on vehicle access may disproportionately affect Travellers, who often travel in groups and may want to use horse and carriage to carry the coffin.</p> <p>Recommendation: Implement a clear procedure for families to seek permission for vehicle access, ensuring that such requests are processed promptly and fairly. The blanket prohibition of demonstrations, other than religious rites, may be interpreted as overly restrictive, potentially limiting Traveller practices involving large gatherings and ceremonies.</p> <p>Recommendation: Clarify that culturally significant funeral practices and gatherings are exempt from this prohibition, ensuring respect for Traveller and others traditions.”</p>	<p>Noted. The Bye-Laws will be enforced with sensitivity, having regard to the appropriate use of the Burial Ground. Funeral vehicles are varied.</p> <p>Paragraph 15 which broadly addresses visitors, deems it appropriate to prohibit demonstrations that could affect others’ use of the Burial Ground.</p>
	KTCM	<p>Access for Wheelchair Users (15.3).</p> <p>“The terminology used should be updated to “person with a disability” or “wheelchair user,” not “disabled persons”. It would be helpful for the bye-laws to create a more inclusive environment for all visitors, particularly those with disabilities, ensuring that they have unhindered access to graveyards without unnecessary restrictions or barriers.”</p>	<p>Noted – Amended terminology to “persons with impaired mobility”</p>

<p>16 - Misconduct/Nuisance</p>	<p>Mary Brennan</p>	<p>“Some families when they are visiting graves play football and hurling in the graveyard, can this be stopped? People use the graveyard for drug dealing,..... can this be addressed by the Council and the guards as the men deal in day light, in plain sight and are very dangerous looking. People dump rubbish in the graveyard frequently. There are two red headed your fellas that beg frequently in the graveyard, if you don’t give them money they steal things off graves, can you do something about this. Can security cameras be put up so that if anything happens there is something there to show the Council and the Guards? Several people drink alcohol and take drugs in the graveyard and they are abusive towards other people in particular older people, can this be stopped?”</p>	<p>Kilkenny County Council is satisfied that the detail in paragraph 16 on Misconduct / Nuisance is adequate to effectively manage burial grounds.</p>
<p>20 - Contravention of Bye-Laws</p>	<p>Mary Brennan</p>	<p>“.....a fine of €75 or €125 won’t deter people, could the fines be increased to up to €1,000 if someone breaks the bye laws.”</p>	<p>Noted. The fines are set to be a deterrent and deemed appropriate. They may increase substantially if contested or unpaid.</p>
	<p>Enya Kennedy</p>	<p>“The imposition of fines for minor breaches may disproportionately impact economically vulnerable groups. Recommendation: Include an appeals mechanism and allow for flexibility in payment terms based on individual circumstances.”</p>	<p>As above</p>

Consultation and Engagement (*Enya Kennedy*):

“The draft bye-laws do not indicate whether the Traveller Community or other Minority Groups or relevant Advocacy Groups were consulted during their formulation.

Recommendation: Actively engage with representatives of the Irish Traveller Community or other Minority Groups and incorporate their input into the final draft to ensure it is culturally sensitive and inclusive.

KTCM:

These observations and submission underscore the importance of cultural sensitivity and inclusivity in the management of burial grounds and cemeteries. Ensuring that the bye-laws take into account the cultural and social practices of Irish Travellers will help maintain respectful, dignified and meaningful ways of honouring the dead. KTCM recommends dialogue with Traveller representatives to explore these concerns more comprehensively and find solutions that accommodate both the cultural needs of the community and the operational requirements of the Council.

It may be beneficial for the bye-laws to include provisions that allow for greater flexibility in the design of grave markers and headstones to accommodate these cultural practices, ensuring respect for both the deceased and the grieving process within the Traveller community.

Response: The Council do not specifically identify any single communities or groups apart from where there is a statutory requirement as this may be considered inequitable by others.

The Draft Bye Laws and submissions were considered at the Environment SPC meeting held on (Insert Date) and it was agreed that the attached bye laws would go before the (*Insert Month*) Council Meeting.

The making of the Bye-Laws is a reserved function of the Council and as the statutory consultation process has now concluded, I recommend that the Bye Laws, with amendments above be presented to Kilkenny County Council for adoption as the Burial Ground Bye-Laws of Kilkenny County Council 2024.

Signed:



**Chairperson
Environment SPC**

Signed:



**Tim Butler
Director of Services.**



Comhairle Chontae Chill Chainnigh
Kilkenny County Council

BURIAL GROUND BYE LAWS OF KILKENNY COUNTY COUNCIL 2024

FOR

**The Regulation of Open Burial Grounds in the
Operational Control or Ownership of
Kilkenny County Council**

Made under

Section 199 of the Local Government Act 2001 as amended

Bye-laws drawn up by
Kilkenny County Council for
The regulation of open burial grounds at St. Kieran's Cemetery, Kilkenny City and
thirteen County Burial Grounds

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1. Bye-Laws

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

2. Title and commencement

a. Short title

These Bye-Laws may be cited as the Kilkenny County Council (Burial Ground) Bye-Laws, 2024.

b. Commencement Date

These Bye-Laws shall come into operation on the “date” of “month” 2024.

3. 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 Kilkenny County Council.

"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 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.

"Assigned Officer" means a person, employed by Kilkenny County Council, responsible for maintaining a Burial Register.

"Caretaker" means the Caretaker, appointed by the Council in respect of any burial ground under the control and 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.

"Columbarium Wall" means a purpose-built wall for the housing of Niches.

“Niche” An individual chamber within a Columbarium Wall for the storage of human ashes in an urn. Each niche is provided with a covering granite/marble face plate and secured to the wall.

4. Application of Bye-Laws

These Bye-Laws shall apply to open burial grounds in the ownership of the Council.

5. Cesser of existing Bye-Laws

On the coming into force of these Bye-Laws, all existing Bye-Laws, rules and regulations relating to burial grounds in the ownership of the Council shall cease to have effect.

6. Grave Spaces

6.1 Designation

The designation of areas within the Cemetery as being grave spaces suitable for any particular mode of burial is at the discretion of the Council.

6.2 Grave Space

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 space may be readily ascertained. The purchase of a right of burial in a grave space/plot is open to all, without regard to religious persuasion. All burial grounds in the ownership of Kilkenny County Council are multi-denominational and non-denominational.

6.3 Human Remains

Only human remains and cremated human remains shall be interred in a Cemetery.

6.4 Purchase of Grave Spaces

An application for the purchase of a right of burial in a grave space/plot shall be made in the case of:

- I. St Kieran’s Cemetery, Kilkenny City to the offices of Kilkenny City Area Offices, City Hall, High Street, Kilkenny; and
- II. in the case of all other burial grounds in the ownership of Kilkenny County Council to Environment Section, Kilkenny County Council, County Hall, John Street, Kilkenny, and
- III. in all cases and must be accompanied by the required fee.

Following receipt of said application, the next available Plot Reference Number will be allocated and confirmation of the purchase of the relevant right of burial together with a receipt for fee paid and plot reference will be issued to the Purchaser.

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 a right of burial in a plot in an isolated position will not be sold.

In the case of St. Kieran’s Cemetery where a right of burial has not been purchased in advance of the interment and a right of burial in a new plot is required, the Family/Undertaker of the deceased may contact the Cemetery Caretakers who will provide

the family/Undertaker with the next available Plot Reference Number and will proceed to prepare the Plot for the upcoming interment.

The Council reserve the right to restrict advance purchases in particular cemeteries from time to time. A restriction for purchase of spaces up to a maximum of 4 no. single plots or 2 no. double plots at any one will apply.

6.5 Recording of Grave Spaces.

A record of all rights of burial purchased will be maintained. Each record will include the numbers and letters of the plot that match those on the burial ground map. This will show which specific grave spaces were bought and any burials that would have taken place in that plot. The record will also include the name, age, and description of the person who was buried.

The Council will appoint a person as the Assigned Officer for each burial ground. This person, who works for Kilkenny County Council, is responsible for recording all the details of each purchase in the Register of Purchases. This duty is performed by the Cemetery Caretaker in the case of council burial grounds located in the County of Kilkenny. The Assigned Officer for St. Kieran's Cemetery is located at the Kilkenny City Area Officer, City Hall, High Street, Kilkenny.

The Council will appoint an Assigned Officer to maintain a Burial Register as per the rules outlined in Section 191 of the Public Health (Ireland) Act, 1878, as amended. This duty is performed by the Cemetery Caretaker in the case of council burial grounds located in the County of Kilkenny. The Assigned Officer for St. Kieran's Cemetery is located at the Kilkenny City Area Officer, City Hall, High Street, Kilkenny.

If a person/s claims the right to a grave space, they need to show the receipt for the original purchase of the right of burial. However, Kilkenny County Council (or its Assigned Officer acting on its behalf) may decide to waive the requirement for the receipt if there's proof that it has been lost or not intentionally kept hidden.

In the case of:

- I. St Kieran's Cemetery, a book shall be kept at the office of Kilkenny City Area Offices where the monies paid in connection with the purchase of a right of burial in a grave space/plot will be recorded by the Assigned Officer. Any Member of the Council can check this book during specified hours (9:30a.m. to 1:00p.m. and 2:00p.m. to 4:30p.m.) from Monday to Friday, excluding Bank Holidays and Public Holidays and
- II. all other burial grounds in the ownership of the Council, a book shall be kept by the relevant Caretaker and shall be open for inspection at all reasonable times.

6.6 Opening of Grave Spaces

Where an application is made to bury remains in a grave that a right of burial has already been purchased, satisfactory evidence must be given to the cemetery caretaker that you have the right to do so. This could mean providing documents or providing information that confirms entitlement to use that specific grave for the burial.

No remains shall be buried in any grave space that a right of burial has already been purchased unless the owner of that grave space gives permission in writing. This follows the rules and regulations set by the Local Government Board since December 6, 1988, as amended by the Burial Ground (Amendment) Regulations 2013 (SI144/2013).

The caretaker of the Cemetery shall, under no circumstances, permit a burial to take place unless there is produced to him a completed Permit, in the proper form, for such burial. Permits for burials, including all necessary information specified in Bye-Law 5.3, must be furnished in the case of:

- I. St Kieran's Cemetery to the Cemetery Office as early as possible and at the latest by 12.00 noon on the day preceding interment; and
- II. all other burial grounds in the ownership of the Council to Environment Office, Kilkenny County Council, County Hall, John Street, Kilkenny.

A Permit for burial in the case of:

- I. St Kieran's Cemetery, can be obtained from the Cemetery Caretaker every day or from the offices of Kilkenny City Area Office, City Hall, High Street, Kilkenny, between 9.30 a.m. and 1.00 p.m. and 2.00 p.m. and 4.30p.m. Monday to Friday, except on Bank Holidays and Public Holidays and,
- II. and in the case of all other burial grounds in the ownership of the Council by approval of the Cemetery Caretaker.

The burial to which such Permit refers shall not be permitted to take place until at least twenty-four hours have elapsed from the time such Permit is handed to the caretaker of the Cemetery

Such Permit shall specify the grave space in which the burial is intended to take place and the time of burial; and the caretaker shall enter in a book to be kept for that purpose the particulars of such Order.

6.7 Information to be Provided

The information which must be provided to the Cemetery Office prior to any interment in accordance with Bye-Law 3.2 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.

The Order for Burial shall be completed in full, signed by a member of the family of the deceased when possible, or by a person acting on their behalf with their authority (Undertaker). Notice of Burial on Sunday must be given at the Cemetery before 12.00 noon on the previous day.

6.8 Cremated Remains

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.

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.

- 6.8.1** 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.
- 6.8.2** 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.
- 6.8.3** The maximum 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.
- 6.8.4** Where an urn is being interred in a new plot, the Licence to burial must be purchased in the normal way.
- 6.8.5** The interment of an urn must be by prior arrangement with, and under the supervision of the burial ground Caretaker.
- 6.8.6** The Assigned Officer must be notified of any urn interred, for recording purposes.
- 6.8.7** Scattering of ashes is not permitted in burial grounds.

7 Burials

7.1 Burials.

All graves at St. Kieran's Cemetery, Kilkenny City, will be opened and closed by the Cemetery Caretaking Staff who are not be interfered with by any un-assigned person. Every grave must be flat. Mounds will not be permitted.

All graves in council burial grounds located in the County will be opened and closed by the chosen Funeral Director or Undertaker.

Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth in the case of:

- St. Kieran's Cemetery, Kilkenny City, of 2.13m/7ft 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.

All burials in the Council's Burial Grounds must be between the hours of 8.00 a.m. and 8.00 p.m. (children under seven years of age excepted). One body only shall be buried in a grave

at one time, unless the bodies be those of members of the same family. No sub-division, all graves to be 7' 0" X 4' 0" (2.13m X 1.22m) or multiples of same.

7.2 Mode of Burial

The remains of a person to be buried must be enclosed in a coffin of wood or other strong material. Under S.I. No. 144/2013 Burial Ground (Amendment) Regulations, 2013, un-coffined burials are permitted in St. Kieran's Cemetery, Kilkenny City only, save where Public Health Guidance directs otherwise, within the area of the Cemetery which is designated exclusively for that purpose, the said area is identified on Drawing No. SKC-01 in Schedule 4.

7.3 Number of Burials

No guarantee can be given as to the number of interments that can be affected in any grave space/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.

7.4 Interruption of Interment

Any person unlawfully preventing or attempting to prevent the interment of any person in a Cemetery, or unlawfully preventing or disturbing the celebration of funeral rites over any person, shall be in breach of these Bye-Laws.

8 Exhumations

- 8.6 The Local Government (Sanitary Services) Act 1948 and Local Government Act 1925 - 2001 gives Kilkenny County Council the power to grant an Exhumation Licence to exhume remains from any burial ground in its administrative area, under certain conditions.
- 8.7 No grave shall be opened nor shall the remains of any person be removed from a grave or 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.

9 Monuments

9.1 Notification of Commencement of Work

The burial ground caretaker shall be notified prior to the commencement of works to erect a monument/headstone, to mark out the location available for the headstone.

9.1 Erection of Monuments.

An application form to erect a headstone and kerbing or to replace an existing headstone and kerbing must be submitted to the Council.

9.2 Specifications of Monuments

If the headstone foundation has not already been put in-situ by Kilkenny County Council as part of planned footpath works. The headstone shall be erected on a solid masonry or concrete foundation not less than 0.6 m. below ground level. The minimum dimensions of the foundations shall be 225mm wide and 250mm deep and extend over the full width of the grave plot. The concrete foundations shall also be extended as necessary (within the

confines of the grave plot) to ensure that the widest plan area of the headstone base and/or the headstone itself rests at all times over solid foundations. The foundations and the headstone/headstone base shall be appropriately linked together either by dowelling or by another approved method. The person(s) erecting any headstone shall be satisfied that the foundations as constructed are appropriate to the ground conditions and headstone proposed.

The headstone shall be of natural stone only (marble, limestone, granite). The use of materials of a perishable nature shall not be permitted.

The maximum height of the headstone shall be 1.2 m. above ground level, except for Celtic Crosses which shall have a maximum height of 2.1m. Any kerbing placed around a grave space shall be placed on a solid foundation sunk at least 0.15 m. below ground level.

The headstone, kerbing and related foundations shall not extend outside the boundary of the grave space.

Permanent seats, benches and railings are not permitted at graves spaces.

The dumping and mixing of sand, gravel and cement for making concrete is not permitted on paths or unprotected ground and must be carried out on portable platforms.

Any spoil and excess material resulting from the preparation for and erection of the headstone or kerbing shall be collected and removed by the person or contractor erecting the headstone/kerbing.

All works are subject to the supervision and control of the Council Engineer or his representative.

9.3 Headstone Permit

No headstone or other memorial, display or grave marker shall be erected over or adjacent to a grave by any person without the prior consent in writing issued by Kilkenny County Council, hereinafter referred to as a "Headstone Permit".

To apply for a Headstone Permit, the applicant shall furnish the plan and elevations of the headstone, memorial or display, which must be drawn to a uniform scale, specifying the materials and the draft inscription, together with the name and address of the owner of the plot, together with required fee to in the case of:

- I. St Kieran's Cemetery to:
Kilkenny City Area Office, Patrick's Court, Patrick Street, Kilkenny.
Email: kmd@kilkennycoco.ie
- II. all other burial grounds in the ownership of the Council to:
Environment Section, Kilkenny County Council, County Hall, John Street, Kilkenny.
Email: environment@kilkennycoco.ie

The Headstone Permit to erect a headstone and surround shall be produced to the Cemetery Caretaker prior to commencement of works.

Any headstone, memorial, display or grave marker erected without a Headstone Permit or in breach of any condition attached to the Headstone Permit or otherwise than in compliance with the plan, elevations, specified materials or draft inscription as submitted as part of the application for the Headstone Permit may be deconstructed and removed by Kilkenny County Council.

9.4 Removal of Monuments

Monuments are to be kept in good repair.

The erection of monuments is permitted under the express condition that they are kept in good repair by their owners.

The Council will remove monuments that become dangerous.

Under no circumstances can the Council guarantee the preservation of any monument nor accept any responsibility for any damage or accident thereto.

The Council shall take down any monument which has 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.

Kilkenny County Council reserves the right to order the removal of any headstone or kerbing, if in the opinion of the Council such headstone or kerbing is in its general appearance offensive or contradictory to good practice principles.

10 Funeral Directors/Monumental Sculptors/Stonemasons.

10.1 All funeral directors/monumental sculptors/stonemasons engaged in providing services at any burial grounds in the ownership of the Council 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 Kilkenny County Council against any or all claims which may arise.

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

10.3 Any monumental sculptor or stonemason wishing to carry out work in any burial ground in the ownership of the Council, must apply to the Council for a permit to carry out installation of a headstone. If any subsequent works are to be carried out these works must be conducted in the presence of the Caretaker.

10.4 The Council reserves the right to refuse any application from a funeral director/monumental sculptor or stonemason who has accrued significant arrears in the provision of services with the Council.

11 Maintenance of Grave Spaces.

11.1 The Council is responsible for the maintenance, upkeep and cleaning of the public realm areas only of the burial ground.

11.2 The Council does not provide a maintenance service to grave owners.

- 11.3** The upkeep of a grave, headstone or monument is the responsibility of the owner of the grave. In the event of their not doing so, Kilkenny County Council may have any necessary work or repair, or renovation done, and recover from the owners of such spaces the expenses so incurred.
- 11.4** The responsibility for the installation of memorials and memorial artefacts rests with the owner of the grave plot, the monumental contractor and /or monumental sculptor.
- 11.5** The removal of broken or other monuments is the responsibility of the grave space owner. The Council may take down and remove any monument, headstone or any other object which may have been placed at any time within the cemetery which may have fallen into decay or which, in the opinion of the Council is not being maintained or has become a nuisance, health and safety risk or a danger to cemetery users.
- 11.6** The Council is not responsible for keeping an inscription, foundation, headstone, kerbing, or other memorial artefact or structure of any description or kind whatsoever in repair or in proper condition. The Council will not accept responsibility for any loss or damage to memorials etc., occasioned by third parties, or by storm, wind, lightning, subsidence, or other cause.
- 11.7** No plant, shrub, etc., will be permitted to be planted without the consent of Kilkenny County Council, or a duly Assigned Officer of same. Dwarf shrubs only shall be planted on grave spaces.
- 11.8** No money perquisite or gratuity of any description shall be given to, or received by, any Cemetery Caretaker or staff member, and any Cemetery Caretaker or staff member receiving such perquisite or gratuity shall be forthwith dismissed.
- 11.9** No initial hewing or dressing of stones, or operations of any other description, shall be permitted in the Cemetery or in the approaches thereto. The building of vaults and other places of burial in the Cemetery shall be carried out under the supervision of an officer of Kilkenny County Council, and when necessary he may object to the manner in which such vault or other place of burial is being erected, and the work shall be forthwith suspended until Kilkenny County Council or a committee thereof, shall have dealt with such objections and made an order thereon, which order shall be final and binding on all persons interested in such vault or burial place. Kilkenny County Council will not be liable for any loss or damage that may be sustained by reason of the suspension or stoppage of any work under this rule in connection with the vault or burial place, except re-lettering or wording.

12 Transfer of Exclusive Right of Burial.

- 12.1** Rights of Burial in grave spaces/plots which have already been pre-purchased in all burial grounds can be sold back to the Council.
- 12.2** Permission in writing is required from the owner of the right of burial, giving the Council permission to transfer ownership. The letter must state the name, address and contact number of the new owner/s. Where a transfer of right of burial takes place, a letter will be sent to the original owner informing them of the transfer.

- 12.3** Rights of burial in a grave space/plot may only be transferred between immediate family members (i.e. mother, father, sister, brother, daughter or son) subject to consents from other family members being obtained, if applicable.

13 Columbarium Wall.

- 13.1** 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.
- 13.2** Ashes must be contained in standard receptacles as specified by the Council.
- 13.3** Only Council personnel will be authorised to open a niche in the columbarium wall.
- 13.4** 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.
- 13.5** The granting of a licence of a niche in a columbarium wall shall be subject to a fee, as specified by the Council. Each niche is allocated on a next available basis and cannot be purchased in advance.
- 13.6** The grant of a licence of a niche in a columbarium wall shall allow the grantee a right to place ashes therein only.
- 13.7** The placing of ashes in a columbarium wall niche must be carried out under the supervision of the Caretaker. The placing of any ashes in a columbarium wall must be recorded in the Register of Burials.
- 13.8** Inscriptions on the Niche face plate will be the responsibility of the family / next of kin. Inscriptions must comply with the specification that will be available from the Caretaker.
- 13.9** The placing of memorabilia on the Columbarium Wall will not be permitted. Fresh flowers will be permitted so long as they do not encroach onto neighbouring space and are removed when withered.
- 13.10** The Council and its authorised agents reserve the right to remove non-compliant material from the Columbarium Wall surroundings in order to maintain a safe and clean area and to provide a consistent and respectful service.

14 Filming/Photography.

- 14.1** The use of still, cine and television cameras or other recording devices is strictly prohibited at or near any grave space before, during or after an interment. Such equipment shall not be used to photograph mourners or any part of a funeral cortege within the Cemetery.

- 14.2** Any person/s who wish to engage in commercial filming/photography may apply in writing to the Council for permission to do so.

15 Visitors.

- 15.1** Visitors to the Cemetery shall enter or leave the Cemetery only by means of the entrance. A visitor shall close and re-secure any gate he/she opens at a Cemetery.
- 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** No vehicles with the exception of funeral cars and vehicles or wheelchairs carrying persons with impaired mobility shall be allowed enter the Cemetery without the Caretaker's permission.
- 15.4** Visitors shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein where provided.
- 15.5** Visitors shall not interfere with any of the tombs or monuments or headstones or with the Columbarium Wall or with any flowers, shrubs or wreaths within the Cemetery.
- 15.6** Demonstrations of all kinds are prohibited within the Cemetery in the strictest manner, other than the delivery of a funeral oration or the chanting by clergy or religious leaders in the service of a particular faith. The caretaker shall take such steps as may be necessary to prevent any breach of this rules and regulations.
- 15.7** Visitors shall not litter within the Cemetery.
- 15.8** Children under 10 years are not admitted, unless accompanied by an adult.
- 15.9** The exercise of dogs within the Cemetery is not permitted. Where dogs accompany visitors to the Cemetery, the owner must keep their dog on the leash at all times and remove and dispose of any dog foul generated by their dog. The failure to remove and dispose of any dog foul in this regard constitutes a contravention of this Bye-Law and is an offence under the Litter Pollution Acts.

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.
- 16.2** For the purposes of this Bye-Law, misconduct shall include but not be exclusive to the following:
- Any behaviour of a criminal, immoral, lewd or offensive nature;

- The consumption of alcoholic drinks or controlled drugs as defined by the Misuse of Drugs Act 1977 as amended.
- Dumping, fly tipping, theft, assault, driving without due care, play radios or stereos.
- Making noise levels so loud to be considered a nuisance.
- Wilfully defacing, destroying or damaging any building, wall, fence, monument, headstone, tablet, noticeboard or any other article belonging to the Council or owners of a grave/plot.
- Pulling up any tree, shrub or flower therein.
- Putting up any bill or notice on any wall.
- Playing any game or sport therein.
- Disturbing any persons assembled in the Cemetery for a burial.
- Committing any nuisance within the Cemetery.
- Using a Cemetery exclusively to exercise a dog.
- Failing to keep a dog on a leash and/or remove any dog foul or litter.

16.3 The Council disclaims any liability to persons who suffer injury or damage in in any way while acting contrary to these Bye-Laws.

17 Health and Safety

17.1 All persons carrying out works within a cemetery will have due regard to and shall comply with the provisions of the Health and Safety legislation.

17.2 All persons carrying out work within a Cemetery shall comply with the Council's procedures for Occupational Safety, Health and Welfare Requirements for Contractors, Grave Diggers, Masons, Undertakers and Funeral Directors.

18 Works in the Cemetery

18.1 No persons shall engage in works in the Cemetery except where expressly requested by the Council (including sculptors, landscape and landscape workers) without prior permission from the Council.

18.2 All surplus materials left over when the work has been completed must be removed from within the confines of the Cemetery by the persons carrying out the works or the Grave/Plot Owner at the time of the completion of the works.

18.3 Any damage caused to lawns, grave spaces, walls, drives, trees, shrubs, or other property within the Cemetery by persons carrying out work must be repaired by those persons causing such damage.

19 Sale of Articles

19.1 No persons shall engage in casual trading in or in the vicinity of the Cemetery without a licence from the Council, in accordance with the Council's Casual Trading Bye-Laws 2021.

- 19.2** No person shall sell or offer or expose for sale any articles, commodity, services or thing of any kind whatsoever or solicit for orders for same within the Cemetery.
- 19.3** Any person soliciting orders within the Cemetery for the erection or repair of memorials will be required to leave the Cemetery and will not be admitted again without the permission of the Council.

20 Contravention of Bye Laws

- 20.1** 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, 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 must be paid within twenty-eight days of service of such Fixed Payment Notice if such person is to avoid prosecution.
- 20.2** 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.
- 20.3** 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.
- 20.4** 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.
- 20.5** 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.

21 Legislation, Regulations, and Guidelines

The management of burial grounds is governed by various health legislation, regulations, circulars, guidelines and policy which are set out hereunder:

Legislation:

- Local Government (Sanitary Services) Acts, 1878 to 2001
- The Local Government Act 2001 (Bye-Laws) Regulations 2006
- Environmental Protection Agency Act, 1992

Regulations:

- Burial Grounds (Amendment) Regulations, 2013
- Planning & Development Regulations, 2001(Part 8 of S.I No. 600)

MADE AND ADOPTED UNDER THE COMMON SEAL OF KILKENNY COUNTY COUNCIL

ON DAY OF , 2025.

Cathaoirleach

Chief Executive

Schedule 1

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206
OF THE LOCAL GOVERNMENT ACT 2001**

NAME OF LOCAL AUTHORITY: Kilkenny County Council

To: Name:

Address:

It is alleged that you have contravened the provisions of the Kilkenny County Council Burial Ground Bye-Laws 2024 for St. Kieran's Cemetery, Kilkenny City, made under made under Part 19 of the Local Government Act 2001

by.....

..... (general nature of
contravention)

at on

During the period of 21 days beginning on the date of this notice you may pay the sum of €75, accompanied by this notice, at the offices of the local authority named in this notice located at County Hall, John Street, Kilkenny, R95 A39T. A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 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 Kilkenny County Council. A receipt will be given.*

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in court.

Schedule 2

BURIAL GROUND FEES **Burial Ground Fees 2024**

	Category	Charge
1.	Purchase of Right of Burial.	€450.00 single plot €900.00 double plot
2.	Interment Fees (Grave Opening at St. Kieran's Cemetery, Kilkenny City, only)	€600.00
3.	Headstone Permit	€13.50 single plot €27.00 double plot
4.	Burial of Ashes in conventional grave/plot.	€100.00
5.	Purchase of niche in Columbarium Wall.	€1,200.00
6.	Burial of Ashes in niche in Columbarium Wall.	€240.00 per interment.

Kilkenny County Council reserves the right to amend the fees listed in this schedule from time to time, by order of the Chief Executive.

Schedule 3

LIST OF BURIAL GROUNDS IN THE OWNERSHIP OF KILKENNY COUNTY COUNCIL

These Bye-Laws apply to the following burial grounds:

- 1.** St. Kieran's Cemetery, Kilkenny City
- 2.** Ballykeeffe Cemetery.
- 3.** Ballyragget Cemetery.
- 4.** Kilbride Cemetery, Callan.
- 5.** Kilmoganny Cemetery.
- 6.** Freshford Cemetery.
- 7.** Paulstown Cemetery.
- 8.** Johnstown Cemetery.
- 9.** Crosshill Cemetery, Castlecomer.
- 10.** Calvary Cemetery, Graiguenamanagh.
- 11.** Cappagh Cemetery, Inistioge.
- 12.** Mooncoin Cemetery.
- 13.** Newtown Cemetery, Kells.
- 14.** Tullaroan Cemetery.

Schedule 4

