1992 No. 238

BURIAL

Burial Grounds Regulations (Northern Ireland) 1992

Made . . . . . *27th May 1992*

Coming into operation . . . *13th July 1992*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

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The Department of the Environment, in exercise of the powers conferred on it by section 181(**a**) of the Public Health (Ireland) Act 1878(**b**) and every other power enabling it in that behalf, after consultation with the district councils and other bodies appearing to the Department to be concerned and it appearing to the Department to be necessary or proper to include regulations 18 and 19 in consequence of the other provisions of these regulations, hereby makes the following regulations:

PART I

INTRODUCTORY

Citation and commencement

1. These regulations may be cited as the Burial Grounds Regulations (Northern Ireland) 1992 and shall come into operation on 13th July 1992.

Interpretation

2.—(1) In these regulations—

"the Act of 1878" means the Public Health (Ireland) Act 1878;

"an agreement" means an agreement made under regulation 11(5);

"burial" includes—

(*a*) the interment of cremated human remains;

(*b*) the interment of the bodies of still-born children or their cremated remains; and

(*c*) the placing in a vault of human remains, cremated human remains, the bodies of still-born children or their cremated remains;

(**a**) As substituted by Article 35 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (S.I. 1985/1208 (N.I. 15))
(**b**) 1878 c. 52

"burial ground" means a burial ground of a council including a place of reception of bodies previous to interment;

"computer" means a device for storing and processing information;

"council" means a district council;

"Department" means the Department of the Environment;

"grave" includes a walled grave, but (except as provided in regulation 11(4)) does not include a vault;

"listed building" means a building as defined in Article 42(7) of the Planning (Northern Ireland) Order 1991(**a**);

"memorial" means a memorial, monument, gravestone, tombstone or tablet and includes kerbs, cornerstones, fences, railings, chains, wall edges or other material marking or enclosing the site of a grave, surface fittings, flowers and plants, whether artificial or not or whether encased or not;

"owner" includes a personal representative or successor in title;

"register of burials" means a register of burials provided in a book or in a computer;

"the Registrar" means the officer appointed by the council under regulation 6(2);

"scheduled monument" means a monument as defined in section 7(1) of the Historic Monuments Act (Northern Ireland) 1971(**b**);

"the specified circumstances" exist in respect of a person where a communication addressed to him at his last recorded address has been returned to the council as undeliverable or where his last recorded address is that of premises which no longer exist;

"vault" means a chamber provided for the reception of human remains or cremated human remains, together with the access thereto.

(2) In these regulations any reference to a right under section 178 of the Act of 1878 includes a reference to a right under section 21 of the Burial Grounds (Ireland) Act 1856(**c**).

(3) For the purpose of these regulations any railings surrounding a grave, vault, or memorial shall be treated as forming part thereof.

PART II

FUNCTIONS OF A COUNCIL IN RELATION TO ITS BURIAL GROUNDS

Repair and maintenance of burial grounds

3.—(1) Subject to sub-paragraphs (3) and (4) a council shall keep in good order and repair burial grounds including all walls, fences and buildings other than vaults.

(**a**) S.I. 1991/1220 (N.I. 11)
(**b**) 1971 c. 17 (N.I.)
(**c**) 1856 c. 98

(2) Every burial ground shall be kept sufficiently fenced, and, where practicable, shall be underdrained to such a depth as will prevent water remaining in any grave or vault.

(3) The requirement in sub-paragraph (1) shall not apply to a historic monument which—

(i) is owned by or vested in or is in the guardianship of or is the subject of a protection order by, the Department by virtue of Part I or II or, as the case may be, section 9 of the Historic Monuments Act (Northern Ireland) 1971; or

(ii) is a scheduled monument.

(4) A council shall not carry out works for the demolition, alteration or extension of a listed building unless any authorisation required under Article 44 of the Planning (Northern Ireland) Order 1991 has been obtained.

Map of burial ground

4. A council shall maintain a map showing and allocating distinctive numbers to all graves and vaults in which burials have been made and all grave spaces subject to rights sold under section 178 of the Act of 1878.

Rights of burial and rights to erect or place memorials, etc.

5.—(1) Subject to paragraph (2), a person shall not cause or permit a body to be buried, or cremated human remains to be interred or scattered, in or over any grave or vault in which an exclusive right of burial for the time being subsists, except by, or with the consent in writing of, the owner of the right.

(2) Paragraph (1) shall not apply to the body or remains of any person specified in the grant of right, or in an endorsement made on that grant, at the request of the owner for the time being of the right, by the officer appointed for that purpose by the council.

(3) Rights under section 178 of the Act of 1878 shall be dealt with and exercisable subject to and in accordance with Parts I and II of Schedule 1.

(4) Where a council has granted a right to erect or place a memorial under section 178 of the Act of 1878, the council may permit any person who satisfies it—

(*a*) that he is a relative of the person buried in the grave or vault, or is acting at the request of that relative; and

(*b*) that it is impractical for him or that relative to trace the owner of the right described,

to erect or place a memorial, or to put an additional inscription on a memorial, on the grave space, grave or vault in which the right so described subsists.

(5) A council may at the request of a particular religious denomination prohibit the interring or scattering of cremated human remains in or over a part of the burial ground allotted for the use of that denomination.

Register of burials

6.—(1) A council shall maintain in a book or by means of a computer a register of all burials in its burial grounds.

(2) The register shall be kept by an officer (in these regulations called "the Registrar") appointed by the council to do so.

(3) The register shall distinguish in what parts of a burial ground the bodies are buried.

Registration and records of burials and exhumations

7.—(1) Where, under regulation 6, the register of burials is maintained in a book, the book shall be of good and durable paper and be strongly bound and, if it is the second or any subsequent book, it shall be numbered accordingly.

(2) Subject to paragraph (3), the pages in which entries are to be made in the book shall be numbered and shall be printed in columns, including columns headed respectively—

Number/Date of burial/Date of death/Names in full/Age/Address/Grave or vault number/Part of burial ground body buried/Other particulars/ Signature of person directing or making entry,

and in entry spaces of such uniform depth as the council shall consider sufficient.

(3) In a book provided within 12 months from the coming into operation of these regulations—

(*a*) the headings of any column of a page may be altered in manuscript so as to comply with paragraph (2); and

(*b*) the column headed "Other particulars" may be omitted.

(4) As soon as is reasonably practicable after any burial in the burial ground, the Registrar shall, in durable black ink, number an entry space in the book and register the burial therein, in accordance with the headings of the columns in the book.

(5) Where the burial is that of the body of a still-born child or its cremated remains the words "Still-born Child of ..." with the names of at least one of the parents shall be written in the column headed "Names in full", the column headed "Age" shall be left blank and the address of the parents or parent shall be entered in the column headed "Address".

(6) Where the burial is the interment of cremated remains the entry shall record that it is such.

(7) Where the burial is the re-interment of exhumed remains the entry shall also record that it is such and the previous place of burial.

(8) Where the register of burials is maintained by means of a computer, any document produced by the computer in relation to the registration of that burial shall contain the same information as would have been recorded if the burial had been registered in a book.

(9) A council shall maintain a record of any exhumations carried out in a burial ground after the coming into operation of these regulations, showing—

(*a*) the date of exhumation;

(*b*) the number of the grave or vault;

(*c*) the names, in full, of the person whose remains are exhumed;