

# PARISHES OF PORTAFERRY (BALLYPHILLIP) & BALLYGALGET CEMETERY – RULES AND REGULATIONS

## 1. Introduction

Our Parish cemetery, is a holy and sacred place. This sacred place recalls the community of all the faithful, living and deceased.

By professing belief in the resurrection of the dead the Catholic Church insists that the bodies of the deceased be treated with respect and laid to rest in a consecrated place, either through the pious practice of burying the dead or following cremation when the urn containing the deceased's ashes is placed in a columbarium/grave.

These rules and regulations are intended to assist with the consistent, dignified and orderly management, of the cemetery facilities at the Parishes of Portaferry (Ballyphillip) and Ballygalget. It provides information on restrictions and conditions that apply to persons who are accessing the Parish cemetery or who are considering applying for 'rights of burial'.

## 2. Rights of Burial

Where a new grave is required, Right of Burial, will upon application, be granted to catholic persons (and their spouse and children – whether catholic or not), who's main residence is within the Parish for a period of not less than 6 months. Where a person was baptised in the Parish, but are no longer resident, they upon application to the Parish Cemetery Committee, may be granted the Right of burial, where they can demonstrate a current tie to the Parish. You will only be required to produce a Right of Burial Certificate for graves purchased after 1<sup>st</sup> March 2022.

Issue of a 'Right of Burial Certificate' by the Parish Cemetery Committee confers certain rights to the certificate holder, including the rights to intern deceased's remains in the assigned grave plot or columbarium section. The Right of Burial Certificate does not transfer legal ownership of the grave, but rather grants the right of use for the corresponding grave/section subject to these rules and regulations<sup>1</sup>, and the relevant Canon Law.

You can only apply for a Right of Burial Certificate at the time of bereavement. Applications for Right of Burial Certificate will not normally be granted in advance of a death. A person who applies for a Right of Burial Certificate accepts they are binding themselves, including their successors assigning to take responsibility for the maintenance of the grave and confirm agreement to comply by the cemetery rules and regulations (including any amendments hereinafter).

It can take up to one month after application for the issue a Right of Burial Certificate, after discharge of all fees. In most cases, to allow the timely burial of the deceased, upon receiving the Right of Burial Certificate application form (and any subsequent supporting information)

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<sup>1</sup> These rules may be revised or updated by the Parish Cemetery Committee at any time without notice and the version in force at the time any situation may arise shall apply and not any earlier version, eg. Those issued at the time the 'Rights of Burial' Certificate was issued shall be deemed to be superseded.

the Parish Cemetery Committee will confirm their decision to your undertaker verbally, allowing a grave/section to be allocated in advance of the actual certificate being issued.

When we issue a Right of Burial Certificate, we will record in a register:

- the date we issued you with the grave paper
- your name and address
- the amount you paid, and
- the grave number.

A Right of Burial Certificate means that:

- we can't open the grave without your permission, and
- no-one can be buried there without your permission.

You or your successors, hold (where space permits) the rights to bury in the grave for 99 years from the date the Right of Burial Certificate was issued, after which all rights and obligations cease to exist. Upon your own death, these rights formally transfer to your beneficiaries (unless you have indicated something different to this in your Will).

If the person who holds the Right of Burial Certificate dies, the certificate provides the automatic right for them to be buried in that grave/section (where space permits) without their express permission.

Only one person will be registered as the owner of the Right of Burial Certificate.

### **3. Transferring ownership of a Right of Burial Certificate**

If you hold a Right of Burial Certificate and you want to transfer these rights to someone else, you need to complete a Deed of Assignment, available from the undertakers. We will not transfer any exclusive rights of burial until probate (where the owner leaves a Will)/Grant of Letters of Administration (where the owner dies intestate having left no Will) has been legally processed and all transfer fees have been paid to the undertakers.

In situations where the owner dies intestate the exclusive rights of burial will transfer automatically to the owner's beneficiaries (as governed the Administration of Estates Act (Northern Ireland) 1955).

## **4. Memorials, headstones and monuments**

### **4.1 Obtaining permission**

If you wish to put up or install a memorial such as a headstone on a grave, you need to apply including full details of what is being proposed and be granted permission by the Parish Cemetery Committee. A memorial mason can do this on your behalf and should complete an 'Application to Erect a Memorial' form, available from the Monumental Masons.

All memorials, headstones and monuments should comply with the guidance provided within Appendix II of these rules and regulations. Permission will not be granted for the erection of pillars, railings, fences, plinths, hoops, artificial grass matting, surrounds, ropes, flag stones, concrete edging, kerbing, ornaments, flowerpots or other structures to enclose graves.

We will consider your application and notify you when it has been approved or declined. If your application is approved, all work must be completed within one year from the date of approval.

Where your application is declined, we will provide you with the reasons for this, and you will have the opportunity to submit an alternative proposal. Should you wish to appeal this decision, you can make an appeal in writing to the Monumental Masons, detailing the nature of your appeal and an independent person will be appointed to consider the appeal.

Should you, or your successors wish to add any inscriptions or changes to the approved memorials, headstones or monuments at a later stage, you must also apply for approval in advance.

Where any wording or symbol placed on a memorial is considered by the Parish Cemetery Committee as inappropriate, we will remove the memorial in full and seek to recover costs from the holder of the Right of burial certificate.

#### **4.2 Failing to request and receive permission**

If a memorial is put in place and the grave owner has not obtained approval to do this, we will remove the memorial in full and seek to recover costs from the holder of the Right of Burial Certificate.

If an inscription is made and the grave owner has not sought permission to do this or has been refused permission to do this, we will remove the memorial in full and seek to recover costs from the holder of the Right of Burial Certificate.

### **5. Responsibilities of the grave owner**

#### **5.1 Safety of memorials**

As a grave owner, it is your responsibility to ensure that your grave and any memorial on it, is properly maintained. We regularly inspect memorials in our cemeteries to make sure they are safe. In the event that a memorial is deemed to be unsafe, you will be notified and given 7 days to have it secured or removed. If you fail to do so, the Parish Cemetery Committee will secure or remove it and seek to recover costs from the holder of the Right of burial certificate.

#### **5.2 Contact details**

It is the responsibility of the Right of Burial Certificate holder to let us know if your contact details have changed so that we may contact you in relation to your grave/section, should we need to do so.

#### **5.3 Damage**

The Parish is not responsible for damage to monuments or markers caused by water, ground shifting and/or inadequate design and/or defective foundations.

#### **5.4 Items on graves**

Within the new section of the cemetery it is not permitted to place anything on a grave<sup>2</sup>, other than small potted plants/flowers in an area at the head of the grave measuring 12 inches out from the base of the memorial. Any plants, vases or bowls that you place outside of this area may be damaged by our grave maintenance equipment. We will not accept responsibility for any damage caused. Planting of shrubs, trees, roses and other plants is not permitted. Any not permitted items will be removed without notice.

#### **5.5 Maintenance of graves**

When you are tending to a 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 grave, floral arrangements or monuments belonging to any surrounding graves. Where waste is left behind, either on or nearby a grave being attended, we will arrange to have it removed and seek to recover costs from the holder of the Right of Burial Certificate for the expense of removing this waste.

#### **6. Exhumation**

Other than the circumstances provided for by these regulations:

- no grave will be opened
- no body or the remains of any body will be removed from a grave, and
- no body or the remains of any body will be transferred from one place of burial to another or exhumed, except where the law permits this.

The need to exhume is not a common occurrence and is only allowed in exceptional cases. However, when exhumation is required it must be done with the greatest dignity and respect and with all the necessary legal authorisations obtained and documentation completed including an Application for Exhumation form from the undertakers.

#### **7. Acceptable conduct in our cemeteries**

- Our Parish Cemetery is a holy and sacred place; it holds the remains of our deceased brothers and sisters in Christ. Please be respectful to those who are visiting graves and do not disturb others who are visiting the cemetery.
- Visitors to our cemetery must conduct themselves in a quiet and orderly manner at all times. If you do not abide by the following rules, or do not behave in an appropriate manner, you may be asked to leave and prohibit your return.
- Persons within the cemetery are asked to use the avenues, pathways and alleys and no one is permitted to walk upon or cross plots or lawns unless it is safe to do so, and necessary to gain access to one's family plot. The Parish expressly disclaims liability for any injuries sustained by anyone violating this rule.
- All children must be accompanied by a responsible adult.

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<sup>2</sup> Other than during the first month after burial, when flowers are permitted.

- No dogs are permitted within the cemetery except guide dogs and service dogs.
- Please protect the natural environment in our cemeteries. Do not disturb any wildlife, or natural habitats.
- Do not walk over any grave, plants or shrubs, or cause any destruction of any plant or tree.
- Do not interfere with any monument, memorial, tomb or gravestone.
- Do not place any notice or advertising on any of our buildings, memorials, monuments, walls or fences without the permission of the cemetery manager and do not deface any property located within the cemetery.
- Games or sports are not permitted within our cemetery.

### **8. Replacing lost Right of Burial Certificate**

If you lose a Right of Burial Certificate and need a replacement and you are the grave owner, you must:

- complete a Replacement Right of Burial Certificate form stating that you have lost the grave papers, and
- provide us with some details about yourself and the relevant grave.

If you lose a Right of Burial Certificate and need a replacement, and you are not the grave owner but are applying for a replacement on the owner's behalf because the owner cannot do this for themselves, you must:

- complete a Replacement Right of Burial Certificate form stating that you have lost the grave papers
- provide us with some details about yourself and the relevant grave
- complete a Cemetery Indemnity Form, and
- provide us with proof of your identification, such as a passport or driving licence.

You must present all documentation to in person to the undertakers. If you lose a grave paper and need a replacement, but the grave owner has died, please refer to section 3 on Transferring Grave Ownership.

You will have to pay a fee of £25.00 for replacement grave papers. You should pay this to the undertakers during normal opening hours.

If you find the original Right of Burial Certificate that was lost, the duplicate certificate is no longer valid, and we will keep a record of this. We will also ask you to return the duplicate papers to us.

#### **9. Depth and direction of graves**

The depth of a new grave is typically 6 feet, subject to the ground conditions permit. The number of burials that can be accommodated in a grave is dependent on a number of factors including ground conditions. Usually, 2 burials (subject to ground conditions) are possible in one standard grave plot before it is full.

#### **10. Cremation and the conservation of the ashes**

The retention of the deceased ashes following cremation can be accommodated within the Parish columbarium. An application for 'Right of Burial' should be completed in the normal way for those who wish to obtain the rights of burial of ashes within an urn in a defined section of the columbarium. Depending upon the size of urn chases, the columbarium sections normally hold four urns.

#### **11. Variation of Regulations**

The Parish Priest, the Parish Finance and Cemetery Committee's reserve the right at any time to vary these Rules and Regulations, without notice, whether by deletion, addition or modification.

#### **12. Mutual Agreement**

Notwithstanding any provision contained in these rules and regulations, the Cemetery Committees of the Parishes of Portaferry (Ballyphillip) and Ballygalget, have mutually agreed that a parishioner of Portaferry (Ballyphillip) shall be entitled to be buried in Ballygalget Cemetery and a parishioner of Ballygalget shall be entitled to be buried in Portaferry (Ballyphillip) Cemetery.

**THESE RULES AND REGULATIONS APPLY AS FROM THE 1<sup>ST</sup> DAY OF MARCH 2022**

**APPENDIX I  
SCHEDULE OF FEES**

**1. Fees and Payments<sup>3</sup>**

Our current fees structure is detailed below:

Application for 'Right of Burial Certificate' – Single grave	-	£	300
Application for 'Right of Burial Certificate' – Double grave	-	£	600
Application for 'Right of Burial Certificate' – Columbarium section	-	£	300
Application for "Exhumation"	-	£	450

Single graves are defined as being 8 feet in length and 4 feet in width, while double width graves are defined as being 8 feet in length and 8 feet in width.

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<sup>3</sup> This fee schedule is reviewed annually.

## **APPENDIX II**

### **Memorials, headstones and monuments**

When applying for permission to erect or alter a memorial, headstones and monument, it is the applicant's responsibility to ensure they demonstrate how their design and inscription meets the guidance within this Appendix. You will need to supply us with a detailed plan of what you wish to install, including the type of materials you wish to use and the exact dimensions. You will also need to provide us with details of any inscription you intend to use. The wording of inscriptions should be dignified and reflect the reverence of the place.

- All memorials must be made of stone or another non-perishable material, such as granite.
- Memorials must not restrict access to other graves.
- Permission will not be granted for the erection of pillars, railings, fences, plinths, hoops, artificial grass matting, surrounds, ropes, flag stones, concrete edging, kerbing, ornaments, flowerpots or other structures to enclose graves.
- We will not authorise any inscriptions that contain any inappropriate wording or imagery. You must not place a photo, symbol, flag or non-religious emblem on any headstone. Instead these can be placed on a plaque, slate or other similar material and placed at the head of the grave.
- Familiar names, if included, must be enclosed in brackets and must be preceded by the deceased baptismal name.
- All stone memorials must be placed on a solid foundation.
- Memorials must not exceed 3 feet 9 inches in height. Where the memorial is/or incorporates a cross or a religious figure, the crosses or figure may be up to an overall maximum height of 4 feet.
- Memorials must only be placed at the head of the grave measuring 12 inches out for placement of the memorial and any planting. The remaining portion of each grave shall be sown or planted with grass, which must be left clear at all times for cutting purposes.
- Surrounds of any kind are not permitted to be placed in front of a memorial in the section of the cemetery.