



Information and regulations regarding Burials and Grave Ownership



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Regulations in respect of Aston-on-Trent, Church Gresley, Etwall, Findern, Marston-on-Dove and Newhall Cemeteries

1. Access is available at all cemeteries at all times.

Notice of Burial

2. Normally interments will not take place on Saturdays, Sundays or Bank Holidays except in special circumstances. Interment of cremated remains will be undertaken on Monday to Friday only.

Burials will take place Monday to Friday between 9.00am and 3.00pm April to October and 9.00am and 2.30pm November to March.

3. The time fixed for a funeral must be that when the funeral cortege is to be at the Cemetery. At least three working days notice shall be given for an interment.
4. Coffins/caskets/cremated remains containers of natural, biodegradable materials only are to be used for interments. Handles must be provided on all coffins.
5. Advance notification of interment may be telephoned to the office during the times stated below on Mondays to Fridays only.

Monday, Tuesday, Thursday & Friday	9.00am - 4.00pm
Wednesday	9.30am - 4.00pm

6. No grave in which the exclusive right of burial has been purchased shall be opened without the production of the Grant of Right thereof, or the owner's consent in writing or with an indemnity to the Council except where it is the owner to be interred.
7. Written confirmation of an interment must be given on the Notice of Interment form provided by the District Council along with the Disposal Certificate or, in the case of an inquest, the Coroner's Order for burial, and in the case of a re-open grave, the Grant of Right must be delivered to the Council at least 24 hours before the time of the interment. Scanned copies of original documents are accepted at the discretion of the Burials and Services Officer.
8. Responsibility for any error in any notice is that of the person signing the notice, particularly so in cases where either wrong fees are charged in consequence or where additional fees are afterwards thereby incurred.
9. Plans of the cemeteries showing the situation of purchased graves and spaces for ordinary interments are kept at the Council Offices and may be viewed by prior arrangement without charge. Registers of all burials and graves are kept at the Council Offices where searches may be made by prior arrangement and extracts obtained on payment of the prescribed fees.
10. The excavations for all graves shall be carried out by the employees of the Council or by those under contract to the Council, and no grave may be excavated beyond such depth as the Council may prescribe.

11. No body shall be accepted for interment unless it is enclosed in a coffin/casket of traditional type normally accepted by the Burial and Services Officer. Details of any specific type of coffin/casket proposed must be approved by the Council.
12. a) Grave plots are for 1-2 interments only and the number of interments to be held per grave must be decided before the first burial.

b) Cremated remains plots are for 2-3 interments only and the number of interments to be held per plot must be decided before the first interment.
13. All fees shall be tripled where the person to be interred or a person who wishes to purchase a grave space for the exclusive right of burial is not a resident of the District of South Derbyshire.
14. Normal requirements for residency is that the deceased lived in the District of South Derbyshire for the 12 months prior to interment.
15. Any person who dies in a state aided hospital or nursing home outside the District of South Derbyshire and who was formerly a South Derbyshire resident.
16. Former South Derbyshire residents who purchased a grave space in advance whilst still residing in the District of South Derbyshire will be charged the normal interment fee, in recognition of their connections with the area.
17. Any person who has lived within the District of South Derbyshire for at least 15 years during their life will be charged the normal interment fee, in recognition of their connections with the area.

Grant of Right/Exclusive Right of Burial: Definition

18. When a person purchases 'the Exclusive Right of Burial' or a 'Grant of Right' as it may be known, they do not purchase the land itself, only the right to be buried or to arrange for the burial of someone else in that particular grave. The purchaser is often referred to as the 'grave owner'.
19. Purchasing the Exclusive Right of Burial means that no one, apart from the grant holder, may be buried in the grave without the grant holder's written consent. The Exclusive Right of Burial is purchased for a period of 50 years. At the end of that time the family have the opportunity of extending ownership for a further period of 25 years by contacting the District Council and paying the prescribed fee.
20. In cases where the Grant of Right has been lost or mislaid, the grave will be opened on the application of any person whom the Council shall consider entitled hereto, or by a person making a Statutory Declaration and giving indemnity to the Council, forms of which may be obtained from the Burials and Services Officer.

Transfer of Ownership

21. The Grant of Exclusive Right of Burial may be transferred to another person during the grave owner's lifetime. If you do wish to transfer the ownership of the grave, further information on the process can be found in the Grave Ownership and Transfer of Exclusive Rights of Burial booklet.
22. If the grave owner dies, the ownership of the Exclusive Right of Burial becomes part of his/her estate and can only legally be transferred to another person in accordance with the laws of inheritance. Determining the ownership of the grave will therefore depend on the size of the estate and on the existence or otherwise of a Will.

Further information on the process can be found in the Grave Ownership and Transfer of Exclusive Rights of Burial booklet. A copy of which can be downloaded from the Council's website or by contacting the Parks & Green Spaces Team.

Stillborn Child

23. For the burial of a stillborn child, there must be delivered with the body a Certificate of Registration of Stillbirth under the Births and Deaths Registration Act 1926, or any statutory re-enactment or modification thereof.

Children's Section

24. A grave space may be purchased with Exclusive Right of Burial in the Children's section for the interment of a child up to the age of twelve years in a grave dug for one interment only.

Cremated Remains

25. Cremated remains can be placed in many of our cemeteries. For instance, they may be interred in their own cremated remains plots where available (except for Etwall Garden of Remembrance where they are strewn) or they can be interred into the grave of a family member provided ownership is established. Where a separate cremated remains plot has been purchased, you may wish to have a small individual memorial erected in line with the relevant cemetery regulations. The Garden of Remembrance at Etwall has a memorial wall where the Council can arrange to have a memorial plaque fixed at the request of the family on the payment of the prescribed fee.
26. These small graves accept two or three caskets as standard. If you require a plot for more than this, please contact the Burials and Services Officer for further advice.

Memorials and Monumental Inscriptions

27. It is recommended that a memorial is not erected on a full grave for at least 9 months after the most recent interment (3 months on a cremated remains plot). A monumental mason will be able to advise further.
28. Applications for approval for any monumental work must be submitted on an “Application to Erect/Reinstate a Memorial” form provided by the District Council and must comply with the regulations as stated for the relevant cemetery and must include detailed drawings and specifications of the memorial.
29. Upon approval of such application a permit shall be issued. The permit must be available at the cemetery when the works are to be undertaken and any Monumental Mason without a permit may be asked to leave the cemetery.
30. All fees and charges must be paid to the Council and an official receipt/permit, as above, obtained before any monumental work is carried out.
31. Additional inscriptions on existing memorials i.e. headstones, must be applied for on an Application to Erect/Reinstate a Memorial form, as stated above.
32. A Grant of Right must be issued by the Council to the purchaser after the first interment before any monument/memorial/gravestone is erected or before a further interment takes place. A Grant of Right will be issued after payment of the Right of Burial fee.
33. Any work on, or any re-opening of graves, or the erection or removal and re-fixing of monuments should be carried out by relevantly qualified persons appointed by the owner of a purchased grave, their agent and/or the District Council.

34. The Council will not undertake any work in or about the erection or removal or re-fixing of monuments, headstones, kerbs or other erection, with the exception of Regulation 39.
35. All such work must be done at the cost of the person requiring the same, or his agent procuring the same on his behalf, and they shall be responsible for the re-erection or replacement as soon as possible after the interment.
36. All memorials and arisings removed for the purpose of interment must be taken to the Monumental Masons' premises for safe keeping and not placed on adjacent graves or land.
37. Monumental Masons should attempt to arrange with the purchaser for the memorials to be re-positioned on the grave with the additional inscription within a reasonable period of time after the interment.
38. All such work shall be carried out to BS8415 and comply with NAMM/BRAMM Regulations. The persons employed on such work must use means for protecting the grass walks as may be directed by the Burials and Services Officer or their representative, and as soon as the works are completed, the whole area used for such works must be cleaned out to the satisfaction of the Burials and Services Officer.
39. In the interest of safety and to preserve the original appearance and tidiness of the cemeteries, the Council reserve the right to make safe, leaning or fallen memorials on graves where it is no longer possible to contact the owner or their relatives.

40. All working and dressing of stone or other materials to be used in or about any grave, monument or other memorial stone, shall be done and completed outside the cemeteries and not otherwise, except such work as is absolutely necessary to be done upon the spot, for the purpose of putting together and fixing the same.
41. Such things shall not be done upon the roads, walks or adjoining graves upon any pretence whatever, nor shall any stones or bricks or other materials be thrown thereon. All such materials shall be carefully removed from the vehicles and neatly placed in such a position upon or near the spot where they have to be used as may be directed by the Burials and Services Officer or their representative.
42. All monuments and materials must be conveyed into the cemeteries in such a manner as not to cause any damage to the roads, walks or turf.
43. All damaged and surplus stone and material must be removed from the cemetery upon completion of the works. Such monumental works must only be carried out during the working day of the Council Staff and be disposed of at the Monumental Masons' tip.
44. Memorials must not be of glass, concrete or synthetic materials and shall not be painted without the prior approval of the Burials and Services Officer. Any vases and bases associated with them must be of best natural quarried material and all dowels shall comply with NAMM/BRAMM Regulations and BS8415 where applicable.

45. A maximum of only two vases to be placed on a grave. The Council reserve the right to remove any additional vases or items which do not conform to these regulations. In the case of Etwall, Marston-on-Dove and Newhall Cemeteries please refer to the Lawned Cemetery Section.
46. The Council will not indemnify any owner for any damage or defacement to any monument, tablet, inscription, gravestone, vault, vase, etc.
47. The number of every grave corresponding with the number in the grave register shall be cut at the rear of every headstone in figures of $\frac{1}{2}$ " (1.3cm) in height, by and at the expense of the person erecting the same.
48. No monument or memorial stone shall be altered or interfered with after it has been erected in the cemetery according to the design submitted and approved, nor shall any work of any kind or description be undertaken or carried out within the cemeteries without the consent of the Burials and Services Officer first being obtained.
49. The District Council will periodically undertake safety inspections of memorials sited within its cemeteries in line with industry guidance.
50. Additional information on memorials and regulations within our cemeteries can be found in our *Choosing a Memorial Information Sheet* and our *Memorials and Monumental Inscriptions document* that can be found on the Council's website.

Memorial Sizes

50. (i) Headstones and vases only shall be allowed and the materials used must be natural stone unless prior approval has been given by the Burials and Services Officer for the use of other materials. Headstones to be between 2" (50mm) and 4" (100mm) in thickness.
- (ii) The overall size of headstones including base and plinth, shall not exceed 3ft (91.4cm) in height on a full sized grave, 2'6" (76.2cm) in width and back to front 1'6" (45.7cm). Vases shall not exceed a size of 10" (25.4cm) square base and 8" (20.32cm) in height.
- (iii) **Church Gresley, Findern & Aston on Trent Cemeteries only** - Kerb stones not exceeding 6ft 6ins (198.1cm) x 3ft (91.4cm) will be allowed on full size grave spaces. Kerb stones will also be permitted on Childrens graves with sizes to be agreed during the application process.
- (iv) The overall size of headstones including base and plinth in the Cremated Remains area, apart from those within the cremated remains section of Section J at Newhall Cemetery, shall not exceed 2ft (61cm) in height, 2ft (61cm) in width and back to front 1'6" (45.7cm).
- (v) The overall size of headstones, including base plinth in the Children's section shall not exceed 2ft (61cm) in height, 2ft (61cm) in width and back to front 1'6" (45.7cm).

(vi) **Newhall Cemetery, Section J only** – The overall size of a cremated remains memorial, within the cremated remains section of Section J at Newhall Cemetery, shall not exceed 2ft (61cm) in width, 1'6" (45.7cm) front to back and 4" (10.2cm) in height/depth. A temporary marker of no more than 1ft (30cm) in height will be permitted for a reasonable period of time.

51. Memorials not conforming to the Regulations as approved by the Council may be removed, in accordance with such Regulations but prior to removal a letter will be sent to the next of kin or the person owning the Grant of Right requesting them to remove the non-conforming memorial within 14 days following which it may be removed by the Council.

Lawn Cemeteries- Etwall, Marston-On-Dove, Newhall

52. For a lawn type system to be effective in appearance and management it is vital for these Regulations to be strictly adhered to. The lawned area shall remain clear of any obstacles and the ground surface shall remain lawn and not disturbed in any way.

53. The cultivation, planting, placing of any materials, including flower vases, shall not be allowed on the lawned areas.

54. Any objects which do not conform to these Regulations shall be removed and any disturbance to the ground shall be reinstated by the Council.

55. A maximum of two vases can be placed on a grave and they must form part of the memorial base stone supporting the headstone. Or, in the case of a grave not having a headstone the vases shall be placed at the head end of the grave only.

General Conditions

56. On the day of a funeral, flowers and wreaths may be placed on a grave in which the burial takes place and left there for at least 14 days, after which period the Council may have them removed.
57. For reason of safety, graves will need levelling with soil if the level of the grave has sunk below the surrounding ground level. Staff will take every reasonable care with any flowers/tributes that are on the grave. However, the Council will not be liable for any damage or loss that may result from the levelling of the grave.
58. When a second burial is to take place in a grave it is the grave owner's responsibility to arrange the removal of any memorials.
59. When a second burial is to take place in a grave the excavated soil may temporarily have to be placed over an adjacent grave. Staff will make every effort to protect the grave and to ensure that no damage occurs either to the grave or to any gravestones.
60. The re-turfing/grass seeding of graves is only to be carried out by the Council's staff.
61. Unsightly ornaments, such as glass bottles, jugs, jars etc. will not be permitted to be placed on graves.
62. No trees or shrubs shall be planted on or near graves. Cut flowers only shall be permitted in vases. The Council also reserve the right to remove any other items placed on a grave which do not conform to these regulations.

63. No carriage or vehicles shall be driven, drawn or propelled within the Cemeteries at a speed exceeding five miles per hour, and every driver or person in charge of such carriage or vehicle shall obey the directions of the Burial and Services Officer or their representative whilst within the cemeteries and shall not be guilty of disorderly conduct or act or language therein or in the immediate vicinity thereof.
64. No pedal bicycles may be ridden in the cemeteries.
65. No motor cars (except those accompanying funerals) or motor bicycles may be taken into Aston on Trent, Etwall, Findern, Marston on Dove & Newhall Cemeteries. Vehicular access to Church Gresley Cemetery is available at all times (although access may be restricted whilst grave preparations or a funeral are in progress).
66. Cemeteries are covered by Public Space Protection Orders whereby all dogs must be kept on a lead. Anyone who does not comply with the order is breaking the law and can be issued with a fixed penalty notice or taken to court.
67. Children under the age of twelve years shall not be admitted into the cemeteries unsupervised.
68. Visitors to the cemeteries must not damage any tree, shrub, plant, building wall or fence within the cemeteries or damage or injure or deface any monument tablet, inscription or gravestone. The playing of any game or sport in the cemeteries is prohibited. No firearms may be discharged in the cemeteries except at a Military funeral of a member of the recognised Armed Forces subject to any statutory consents being previously obtained.
69. All complaints must be made in writing to the Parks and Green Spaces Manager.

70. The Council reserves to themselves the right from time to time to revise the foregoing rules.
71. In order to help inform the public, Funeral Directors and Monumental Masons are asked to assist the Council in communicating this information, raising awareness and understanding of these Regulations.

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Useful Contacts

Please find below contacts for organisations that may be of use:

Cruse Bereavement Support

Tel: 0808 808 1677 www.cruse.org.uk

Samaritans

Tel: 116 123 www.samaritans.org

Mind

Tel: 0300 123 3393 www.mind.org.uk

NHS Website

www.nhs.uk/mental-health/feelings-symptoms-behaviours/feelings-and-symptoms/grief-bereavement-loss/

Gov.UK website

www.gov.uk/after-a-death/bereavement-help-and-support

The National Bereavement Service

www.thenbs.org

NAMM (National Association of Memorial Masons)

www.namm.org.uk

BRAMM (British Register of Accredited Memorial Masons)

www.bramm-uk.org

Points of Contact

Any queries regarding burials and the cemeteries in general should be referred to the Burials and Services Officer through one of the methods below:

E-Mail: parksandgreenspaces@southderbyshire.gov.uk

Phone: 01283 595782

Write: Burials & Services Officer
Parks & Green Spaces
South Derbyshire District Council
Civic Offices, Civic Way
Swadlincote
Derbyshire DE11 0AH

Further information and guidance on cemeteries, burials and memorials can be found on the council's website
www.southderbyshire.gov.uk

Should you wish to provide feedback on the service you experienced as part of a recent burial/interment please use the QR code below to take you to our feedback questionnaire.

