

EXCLUSIVE RIGHTS OF BURIAL

Exclusive Rights of Burial - applies to earthen graves and cremated remains plots

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What is it?

When a grave is "purchased" this refers to the purchasing of the exclusive right of burial in a grave space and **NOT** the purchase of the land itself. This means that the purchaser (now referred to as the grave owner) does not own the land but has the exclusive right, during the period stated in the Grant of Exclusive Right of Burial, to say who can be buried in the grave. Also, provided that the owner does not, during his/her lifetime, transfer the right to another person and provided that the period stated in the Grant of Exclusive Right of Burial has not expired, the owner can also choose to be buried in the grave. However, the Council will determine the number of burials (this includes cremated remains) permitted in the grave space.

A Grant of Exclusive Right of Burial will be issued to the grave owner. This should be kept in a safe place, it will be required should there be a further burial in the grave at some point in the future. In accordance with the Local Authorities Cemeteries Order, all grave rights are sold for a fixed period. The number of years the rights have been granted for is shown on the Grave Grant. At the end of this period application can be made to the Parish Council Office to extend those rights. The council should be advised if there is change of address of the grave owner. This is most important to keep the records up to date.

If the grave owner wishes to transfer the ownership during his/her lifetime, he/she must write a letter of Assignment and submit it to the Parish Council, together with the Grant of Exclusive Right of Burial.

IF THE GRAVE OWNER WISHES HE/SHE CAN TRANSFER THOSE RIGHTS TO ANOTHER PERSON, THE DOCUMENTS THAT REQUIRED ARE DETAILED BELOW:

Documents required to transfer the ownership when the owner dies

The following section describes the information that may be required to enable the Council to properly process applications for burials in grave spaces. References to Wills are references to Wills recognised as valid by the laws of England and Wales.

If the deceased owner left a will

If the deceased owner left a will stating who the Grant of Exclusive Right of Burial should be passed to that person may be required to produce the following:

1. the Grant of the Exclusive Right of Burial
2. the Grant of Probate
3. an Assent from the Executor(s) of the Will giving the Grant of Exclusive Right of Burial to him/her.

If the deceased owner left a will of insufficient value to merit application to be made for Grant of Probate, the person claiming the exclusive right of burial may be required to produce the following:

1. the Grant of the Exclusive Right of Burial
2. the Death Certificate
3. a Statutory Declaration detailing the relationship of the person claiming the right of exclusive burial to the deceased owner.
4. a Form of Renouncement from all other people who would be entitled to claim the Grant of Exclusive Right of Burial.

When there is no will

If the owner dies without leaving a will the following are required:

1. the Grant of the Exclusive Right of Burial
2. the Grant of Letters of Administration
3. an Assent from the Administrator(s) giving the Grant of Exclusive Right of Burial to the person claiming that right.

If the estate is of insufficient value to merit application for Letters of Administration:

1. the Grant of the Exclusive Right of Burial
2. the Death Certificate
3. a Statutory Declaration detailing the relationship of the person claiming the rights to the registered grave owner.
4. a Form of Renouncement from all other people that would be entitled to claim the Grant of Exclusive Right of Burial.

Statutory Declarations must be witnessed by a Commissioner for Oaths or Magistrate.