

## **Transferring grave ownership**

### **Exclusive Rights of Burial**

### **Transfer of grave ownership**

### **Transfer of grave ownership when the owner is deceased**

### **Useful links to help transfer the ownership of a grave**

#### Important to Note

- It is a legal requirement to establish the grave ownership.
- Where there is a family dispute and relevant consents are withheld, the ownership cannot be transferred.
- There can be a maximum of two owners per grave. Other beneficiaries must sign a renunciation form to relinquish their rights to ownership.
- A fee is payable to transfer a grave ownership.
- All certificates supplied with a transfer application must be originals, or certified copies.

See our flowchart (Doc) to explain the transfer procedure.

### **Exclusive Rights of Burial**

When buying a grave, the Exclusive Rights of Burial are being purchased, on a leasehold basis, for an initial period of 50 years. This can be renewed for a further 25 years towards the end of the initial lease.

If the owner dies, they have an automatic right to be buried in the grave (provided there is space to do so).

Permission must be given by the owner for any burials in, or memorials placed on, the grave. If there is no living owner, the authority will need to establish who is legally entitled to the grave, and the "transfer of ownership" must be completed before a burial can go ahead.

### **Transfer of Grave Ownership.**

If the Exclusive Rights of Burial are transferred, it is only for the remaining time of the lease period.

A transfer of the rights to a grave can be done whilst the owner is still alive by completing a "Deed of Assignment". If the grave is no longer needed, it can be surrendered by completing a

“Deed of Surrender”; the surrender value being one third of the current purchase price as set out on the Deed of Exclusive Right of Burial.

Transfer of ownership is administered by the Leighton-Linslade Town Council.

### **Transfer of grave ownership when the owner is deceased.**

If the deceased grave owner made a valid will that requires a Grant of Probate, ownership can be transferred to the executors. The applicant must produce a sealed copy of the Grant of Probate and complete the “Probate Form”. If the estate is not of sufficient value for a Grant of Probate, ownership can be transferred to the executor by Statutory Declaration, and production of the will. They are then responsible for identifying the rightful owner and complete the transfer by a “Deed of Assent”

If there is no valid will, but the estate is of sufficient value to need a Grant of Probate, ownership of the grave can be transferred to a personal representative of the deceased on production of a sealed copy of the Grant of Letters of Administration. Again is it then the responsibility of the representative of the deceased to identify the rightful owner and complete the transfer by “Deed of Assent”.

If there are no executors, or letters of administration, the deceased is known to have died intestate, and there are specific rules when dealing with cases like this. The person applying for the transfer of ownership will need to complete a Statutory Declaration. This is a legal document produced by the Cemeteries Office and must be signed in the presence of a Magistrate or Commissioner for Oaths.

The Statutory Declaration will set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner. A death certificate may be asked for. The "Statutory Declaration Questionnaire" will help you to collect together the information required for us to create this bespoke document.

Should you have any questions relating to the ownership of a grave or the transfer of ownership, please contact Leighton-Linslade Town Council.

Useful links to help transfer the ownership of a grave

### **The Probate Service**

To get a copy of a will, Grant of Probate or Letters of Administration call 0845 302 0900, option 2 or visit [www.hmcs-service.gov.uk](http://www.hmcs-service.gov.uk). There is a small fee and any cheques should be payable to HMCS. A copy is usually provided within 21 days. The full name of the deceased, date of birth and last known address must be provided.

## **The National Archives**

If you need to find out if a will was made before 1858, or need to obtain a Death Certificate from 1837 onwards, you can contact The National Archives at Kew, Richmond, Surrey, TW9 4DU. Tel: 020 8876 3444 or visit [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)

## **The Register Office**

If the death was within the last 18 months, you can ask for a copy Death Certificate from the Register Office for the area in which the death occurred, such as the Brighton and Hove Register Office, Copies of

Death Certificates can also be ordered by visiting [www.gro.gov.uk/gro/content](http://www.gro.gov.uk/gro/content). Further information can be found at [www.direct.gov.uk](http://www.direct.gov.uk)