



Willingham Parish Council

Transfer of Burial Rights

What you need to know

If you wish to transfer burial rights to another person, we will require certain information depending on the circumstances. Below is a guide to the process followed by an explanation for some of the paperwork/permissions required

Transferring an exclusive right of burial while the owner is alive

If you wish to transfer the ownership during your lifetime you must complete a form of Assignment and submit it to the Council together with the Grant of Exclusive right of Burial issued to you at the time of purchase.

Transferring an exclusive right of burial when the owner has died

Depending on the circumstances there are various processes you will need to follow as explained below:

If the Deceased has left a Will

If the deceased owner has left a Will stating who the Right of Burial should be passed to and you are that person then the Council will require:

- ❖ The original Burial Right Certificate
- ❖ The Grant of Probate
- ❖ An Assent from the Executor(s) of the Will giving the Exclusive Right of Burial to you. (Please note that if no Assent is provided then the right is automatically transferred to the Executor as unfortunately the Council must take instruction from the Executor and not any beneficiaries named in the Will.

If the deceased owner left a will of insufficient value to merit a Grant of Probate and you claim the exclusive right of Burial then the Council will require:

- ❖ The original Burial Right Certificate
- ❖ The Death Certificate
- ❖ A statutory Declaration detailing the relationship of the person claiming the right of exclusive burial to the deceased owner.
- ❖ A form of renouncement from all other parties who would be entitled to claim the Exclusive Right of Burial. Please note that the Parish Council will only allow single ownership of Burial Rights

When there is no Will

If the owner dies without leaving a Will we will require:

- ❖ The original Exclusive Right of Burial Certificate
- ❖ The Grant of Letters of Administration
- ❖ An Assent from the Administrator(s) giving the Exclusive Right of Burial to you.

If the estate is of insufficient value to merit application for letters of administration the Council will require:

- ❖ The original Exclusive Right of Burial Certificate.
- ❖ The Death Certificate
- ❖ A statutory declaration detailing the relationship of the person claiming the rights to the registered grave owner.
- ❖ A form of Renunciation from all other people who would be entitled to claim the Exclusive Burial Right.

If the grave has not been used, the grave may be surrendered to the Council by completing a form of Renunciation.

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Renunciation – What does this mean?

Renunciation is when a registered owner or someone entitled to the Burial Rights does not wish to retain their 'rights'. A renunciation form needs to be completed and is available from the Parish Council Office.

Burial Rights – What are they?

The Exclusive Right of Burial in a grave gives a person the right to say who can be buried in the grave. Burial 'rights' also include the right to erect a memorial.

The granting of a burial right does not mean you own the land itself but have the exclusive right, during the period stated on the grave deed to say who can be buried in the grave. A memorial can be erected and remain on the grave for the period of the lease.

Ownership of a grave – What does this mean?

The person who is registered as the owner of the Exclusive Rights of Burial in a grave or cremation plot has certain rights and responsibilities:

You have the right to:

- ❖ Be buried in the grave or plot if space is available (includes cremated remains).
- ❖ Authorise further burials in the grave where space is available or for the interment of ashes.

- ❖ Place an inscribed memorial on the grave or give permission for an additional inscription to be added.

You are responsible for:

- ❖ Ensuring the memorial remains in a safe condition and paying for any repairs required.
- ❖ Adhering to the terms and conditions of the cemetery

Probate what does this mean?

When an estate goes to probate the Executor swears an oath that the Will is the deceased last and valid Will. Once issued the executor will receive the Seal of Probate, a document with an embossed seal in the right hand corner. If applicable, the council need to see this document (copies are not acceptable). The probate document will be returned once the transfer of burial right has been completed

Assent – what does this mean?

Where applicable the Council will require the “assent of an Executor or Administrator” form to be completed (available from the Parish Council Office). By one of the executors named on the probate. The Executor is required to provide names and addresses of the person who is to be the registered owner of the grave/plot.

Statutory Declaration – What is it?

A Statutory Declaration is a typed sworn statement explaining the registered owner of the grave/plot is deceased and names who is entitled to the Exclusive Burial Right and why. The statement must give the names of all of those entitled to the rights whether they wish to become owners or not. This document should be checked and signed by a Solicitor.

Who is entitled to the Burial Rights?

If the owner left a Will then the main beneficiary of the deceased’s estate is entitled to the burial rights. If the estate is divided equally between a number of persons they are all entitled to the burial rights although the Council will not permit multiple ownership.

If the deceased did not leave a Will then the persons entitled to the rights are the direct next of kin following the blood line.

Change of Address

Please let us know if you change your address so that we can keep our records up to date and contact you we need to.

Contact: Willingham Parish Council, Ploughman Hall, West Fen Road, Willingham, CB24 5LP,
Telephone 01954 261027, email: email@willinghampc.org.uk