



Exclusive Rights of Burial

When you buy a grave, you are buying the **Exclusive Rights of Burial** for a period of 75 years. (You are not buying the freehold; it is like buying a lease for that period). Burials may not take place in the grave and no memorial may be installed without the written permission of the grave owner (unless this is the person to be buried).

Deed of Grant

Evidence of an **Exclusive Right of Burial** is contained within a **Deed of Grant** issued to the purchaser. This should be kept in a safe place but a record is maintained by the Parish Council and copies can be obtained.

The Parish Council is aware that various legal burial rights were issued in the past but a **Deed of Grant** was not issued. In these circumstances the Parish Council may be prepared to issue (free of charge) a current legal deed to next of kin who would have inherited Exclusive Rights of Burial if documentation had been in existence at the time.

(Individual circumstances should be discussed with the Parish Council).

Grave Owner Rights and Responsibilities

If you are the grave owner (Deed Holder) you have the right to:

- be buried in the grave (if there is sufficient space)
- authorise further burials (if there is sufficient space)
- place a memorial or add an inscription (subject to compliance with Parish Council requirements)

You are also responsible for ensuring the memorial is in a safe condition and for paying for any repairs.

Reserved Plots

It is no longer possible to reserve a plot because of the shortage of remaining vacant graves. However, if a plot has already been reserved, it is accepted that the first burial may be that of the Deed Holder, their spouse, or another family member with the permission of the Deed Holder.

Multiple Family Burials

Most burial plots will accommodate two coffins plus up to six cremated remains caskets (depending upon previous arrangements made by the Funeral Director). If it is the intention of the family to use the grave for more than one burial, the following subsequent burials may be permitted provided there is sufficient space in the grave:

- Spouse of Deed Holder
- Children or siblings of the Deed Holder (subject to transfer of the Exclusive Right of Burial)

Transferring Grave Ownership

There are several types of grave ownership transfer depending upon whether the grave owner is living or has died.

If the grave owner is living, they can assign the **Exclusive Rights of Burial** to another individual on completion of an **Assignment Form**.

Transfer - Deceased Grave Owner (Leaves a Valid Will)

If the grave owner has made a valid will and left an estate of sufficient value to require **Grant of Probate**, ownership of the grave can be transferred to the Executors.

If the estate is not of sufficient value, ownership can be transferred to the Executors in the will by way of **Statutory Declaration**.

The Executor is responsible for identifying the correct person for the transfer of ownership and assent the transfer by completing an **Assent Form**. The Parish Council will then issue an amended **Deed of Grant**, based upon the original terms and conditions.

Transfer – Deceased Grave Owner (No Will but Grant of Letters of Administration Obtained)

If there is no valid will and the estate is of sufficient value to require a **Grant of Letters of Administration**, ownership can be transferred to the personal representative of the deceased.

Application can then be made through the personal representative for grave ownership to be transferred by completing an **Assent Form**. The Parish Council will then issue an amended **Deed of Grant**, based upon the original terms and conditions.

Transfer – Deceased Grave Owner Dies Intestate (No Will or Letters of Administration)

The applicant for grave ownership will need to supply information to the Parish Council to enable a **Statutory Declaration** to be compiled. This is a legal document that needs to set out the facts regarding:

- the original purchase of the **Exclusive Rights of Burial**
- the death of the registered owner (intestate or otherwise)
- relationship of the applicant to the registered owner

The original **Deed of Grant** and a certified copy of the owner's death certificate should accompany the declaration. If the **Deed of Grant** has been lost, suitable wording to that effect should be included within the **Statutory Declaration**.

Rules of Intestacy & Renunciation

If the deceased grave owner did not leave a valid will, and grant of letters was not obtained, the following rules of intestacy apply:

- survived by married or civil partner – the partner is the entitled person
- no living partner and survived by children – all the children are entitled persons
- no living partner or children – all siblings are entitled persons

In these circumstances it is possible that the number of entitled persons will exceed the capacity of the grave and future burials will have to be limited. Therefore, when submitting a **Statutory Declaration**, it is essential that the written agreement of next of kin be obtained by completion of **Renunciation Forms**. This means that other 'entitled persons' do not wish to retain their rights to the grave ownership.

Family Disputes

Where there is a family dispute and relevant consents are withheld, the ownership cannot be transferred and no further burials will be allowed. It is the responsibility of the next of kin concerned to reach an agreement and resolve the issue.

For further information, please contact:

Clerk to Blockley Parish Council – 01386 701602 parishclerk@blockley.org.uk