

Delabole Parish Council

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Cemetery guidance notes

Delabole Cemetery, Vell Lane

INTRODUCTION

These notes are for guidance purposes to assist you with the process of purchasing a burial or memorial plot, explain the documentation issued and to advise the procedure to transfer ownership as and when necessary.

If you have any queries regarding the information please do not hesitate to contact the clerk on 07869 725450 or email clerk@delaboleparishcouncil.gov.uk

PURCHASING A PLOT

An Exclusive Right of Burial (EROB - also referred to as a Deed) is an official document issued when a grave (or memorial plot) is 'purchased'. The purchase of a grave space refers to the right of burial within the grave space and not the purchase of the land itself which remains the property of the burial authority (Delabole Parish Council).

The EROB states the owner's name and address and the period for which the burial rights are valid. This document should be kept in a safe place as it will be required for future reference.

As owner of the plot, you have the immediate right to be buried within the plot. Burial law states that only the owner, as named on the EROB, can give permission for any other burial within the grave space or for a memorial to be erected or changed, therefore no burial, including that of cremated remains, or memorial work will be permitted without the written permission of the registered owner.

The only exception to this is on burial of the registered owner at which time the EROB will need to be transferred according to the correct procedure. Please note that the transfer must be completed prior to a memorial being erected or any additional works being undertaken.

Where a memorial is erected, the registered owner is fully responsible for its maintenance, upkeep and safety. Please advise us of any changes to your name and address so that burial records can be kept up to date.

TRANSFERRING AN EXCLUSIVE RIGHT OF BURIAL

Transfer of ownership can be undertaken in several ways:

- A living owner can choose to transfer burial rights at any time - a Form of Assignment must be submitted together with the Exclusive Right of Burial to the burial authority (via the parish clerk). There is an administration fee for this service.
- On the owner's death the burial rights must be transferred to the person legally entitled to them. This will be governed by whether the owner left a will.

DOCUMENTS REQUIRED TO TRANSFER AN EXCLUSIVE RIGHT OF BURIAL

References to Wills are references to Wills recognised as valid by the laws in England and Wales.

Details of procedure and any forms required are available from the parish clerk.

1. BY A LIVING OWNER – Form of Assignment and the Exclusive Right of Burial (Deed).
2. WHEN THE OWNER HAS DIED – The following sections describe the information required by clerk at Delabole Parish Council to transfer ownership correctly
 - i. **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 and you are that person, the clerk will require: • The Grant of Exclusive Right of Burial. • The Sealed Grant of Probate (this must show the embossed seal). • An Assent from the Executor(s) of the Will giving the Grant of Exclusive right of Burial to you.
 - ii. **Will of insufficient value (No Grant of Probate)**

If the deceased owner left a Will of insufficient value to merit application to be made for Grant of Probate and you wish to claim the Exclusive Right of Burial, the clerk will require: • The Grant of Exclusive Right of Burial. • A Statutory declaration detailing the relationship of the person claiming the Exclusive Right of Burial to the deceased owner. • A Form of Renunciation from all other people who would be entitled to claim the Exclusive Right of Burial.

Alternatively, ownership can be transferred to the Executor named in the Will by use of a Statutory Declaration and with the production of the Will. However, it is then the Executor's responsibility to identify the correct person for the transfer of ownership and this must be done using a Form of Assent.

iii. When there is no will

If the owner dies without leaving a will the clerk will require: • The Grant of Exclusive Right of Burial. • The Grant of Letters of Administration. • An Assent from the Administrator(s) giving the Grant of Exclusive Right of Burial to you.

iv. When there is no letters of administration

If the estate is of insufficient value to merit application for Letters of Administration the clerk will require: • The Grant of Exclusive Right of Burial. • A Statutory declaration detailing the relationship of the person claiming the Exclusive Right of Burial to the registered grave owner. • A Form of Renunciation from all other people who would be entitled to claim the Exclusive Right of Burial.

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

Please note, you are responsible for ensuring that the correct form has been completed and all details contained in it are correct. You may wish to seek your own independent legal advice regarding your circumstances and completion of the forms.