

Can I transfer ownership of the Exclusive Right of Burial to someone else?

Yes, contact us and we will send you an Assignment of Right of Burial form.

Further Information

For all queries relating to Transfer of Exclusive Rights of Burial please contact:

Cemeteries

Phone: 01702 318134; or
Switchboard: 01702 546366
Email: cemeteryadmin@rochford.gov.uk

Assistant Director Environmental Services



Rochford District Council

Council Offices South Street
Rochford Essex SS4 1BW

Phone: 01702 546366
cemeteryadmin@rochford.gov.uk
Website: www.rochford.gov.uk



Transfer of Exclusive Rights of Burial

Burial 'Rights' – what are they?

The Exclusive Right of Burial gives a person the 'right' to say who can be buried in the grave. Burial 'rights' also include the right to erect a memorial. If the owner of the Exclusive Right of Burial dies, they have the automatic right to be buried or have their ashes interred in the grave. After this the rights become part of the deceased's estate.

This permission cannot be transferred to another person without a formal procedure. The Council is unable to simply transfer deeds upon request and must be satisfied that any person receiving the deed is legally entitled to it. Ownership of the Exclusive Right of Burial is therefore a very important matter. Ownership can be transferred either during the owner's lifetime or after their death.

When you buy a grave, what you are actually buying is the Exclusive Right of Burial for a specific period. You do not become the freehold owner of the plot but you own the 'right' to make any decisions affecting the plot, including whom shall be buried in the plot. Who is entitled to the burial rights?

Did the grave owner leave a Will?

If the answer is **Yes** the main beneficiary of the deceased's estate is entitled to the burial rights. If the estate is divided equally

between a numbers of persons they are all entitled to the burial rights. If the answer is **No** the persons entitled to the rights are the direct next of kin following their blood line.

How to transfer the Exclusive Right of Burial in a grave or cremation plot

A situation often arises where the registered owner is deceased and family members want to arrange for a further burial to take place or for an additional inscription to be placed on the memorial. As stated, a living owner is required to give permission for a burial to take place or a memorial to be erected/altered. In order for the burial or memorial request to proceed the Exclusive Right of Burial needs to be transferred to the person entitled to the rights.

If the registered owner is deceased but left a Will and their estate went to probate we will need to see this document. Photocopies are not acceptable. When an estate goes to probate the Executor swears on oath the Will is the deceased's last valid Will. Once issued, the Executor will receive the Seal of Probate, a document with an embossed seal in the right hand corner.

We also require an 'Assent of Executor or Administrator' form to be completed

(available from our office) by the Executor named on the probate. The Executor is required to provide the name and address of the person who is to be the registered owner of the grave/plot.

The probate document will be returned once the Transfer of Burial Rights has been completed.

If the registered owner left a Will, but their Estate was insufficient to apply for Grant of Probate or Letters of Administration a Statutory Declaration will be required.

What Is a Statutory Declaration?

A Statutory Declaration is a typed sworn statement explaining the registered owner of a grave/plot is deceased and names who is **entitled** to the Exclusive Right of Burial and why. This statement must give names of **all those persons entitled to the rights**, whether they wish to be owners or not.

If the registered owner is deceased and did not leave a Will a Statutory Declaration is required.