

Purchasing an Exclusive Right of Burial

When a grave is purchased it refers to the purchasing of the Exclusive Right of Burial in a grave space and not the purchase of the land itself. This means that you do not own the land but have the right, during the period stated, to say who can be buried, or have ashes buried or scattered, in the grave.

We will provide you with a Grant of Exclusive Right of Burial. It is important to keep this in a secure place as it is the only legal document confirming your entitlement to the Right.

Before the Grant is issued you will be required to sign a Purchase Agreement which clearly outlines your role and responsibilities and those of Dursley Town Council in relation to the grave space.

It is very important to notify us of any change of address so that we can contact you regarding the cemetery and/or grave space.

How long does the Right last?

The Right is currently granted for a period of 30 years. You can renew the Right subject to such restrictions and regulations in place at that time.

Can more than one person own the Right?

Legally a number of people can jointly own the Right; however, please be aware that all owners need to give permission before a grave can be opened.

Exercising the Exclusive Right of Burial

All owners must sign to authorise their exercising of the Right (with the exception of burial of an owner). If one of the owners will not sign, the grave cannot be opened for burial or a memorial erected or altered.

What happens if one or more registered owners wish to give up their Right?

An owner can renounce their Right of Burial by completing a Form of Renunciation and signing a Statutory Declaration in the presence of a Magistrate or Commissioner of Oaths. A fee will apply.

What happens when the owner dies?

Providing there is space, all owners have the legal right to be buried in the grave. When there are a number of owners and one dies, the rights are shared by the remaining owners. This continues until there is only one owner, at which point the rights can be transferred via their estate.

Transferring the Exclusive Right of Burial

A living owner can change ownership using a Form of Assignment. On payment of a fee we can then transfer to the new owner.

What happens when the owner dies?

When the last remaining owner is deceased a transfer via their estate must take place before any further burial or memorial erection or amendment can take place.

If the deceased owner left a Will:

We will ask if a Grant of Probate was obtained.

If Grant of Probate was obtained we will need to see and take a copy of the sealed Grant (copies can be obtained from the probate office). On payment of a fee we can then transfer to the Executor.

If Grant of Probate was not obtained we will need to see and take a copy of the Will and any codicils (we will only take a copy of the relevant part of the Will/codicil showing the executor). This information will be used to create a Statutory Declaration in the name of the Executor. The Executor must sign the declaration in the presence of a Magistrate or Commissioner of Oaths. On payment of a fee we can then transfer to the Executor.

Can the Executor transfer the Right?

The Executor can transfer the Exclusive Right of Burial to whomever they choose using a Form of Assignment. Providing this is carried out at the same time as the transfer to the Executor a single fee will apply.

If the deceased owner did not leave a Will:

We will ask if a Grant of Letters of Administration was obtained.

If a Grant of Letters of Administration was obtained we will need to see and take a copy of the sealed Grant (copies can be obtained from the Probate Office). On payment of a fee we can then transfer to the Administrator.

If a Grant of Letters of Administration was not obtained a Statutory Declaration signed in the presence of Magistrate or Commissioner of Oaths by the lawful next of kin must be made. On payment of a fee we can then transfer to the lawful next of kin.

Memorials

Does the owner of an Exclusive Right of Burial have the Right to erect or alter a memorial?

The owner needs to make a separate application and pay a fee before a memorial can be erected or altered.

If the owner is deceased a transfer of Exclusive Right of Burial must be carried out before a memorial can be erected or altered.

Permission to erect a memorial may not be granted for up to 11 months following an interment.

Can the owner of an Exclusive Right of Burial erect any type of memorial on the grave space?

No. There are conditions relating to the size of memorials and standard of works.

Before the Exclusive Right of Burial Grant is issued the owner will be required to sign a Purchase Agreement which refers to the Cemetery Regulations. These regulations clearly outline the role and responsibilities of the owner and those of Dursley Town Council in relation to the grave space.

The Cemetery Regulations contain specific conditions relating to memorials and the planting and maintenance of graves. These conditions are in place to help ensure the safety and welfare of members of the public, employees and other workers visiting the site (e.g. stone masons and funeral directors) and to ensure access to adjoining plots and general maintenance are neither compromised nor inconvenienced.



For more information please contact us:

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Our office is open between 10:30 and 12:30 on weekdays for advice and assistance on any matters not covered by this leaflet.

This leaflet is for guidance only – full details of our regulations and fees are available at: www.dursleytowncouncil.gov.uk

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Dursley Town Council



Kingshill Cemetery

Exclusive Right of Burial Guide