

TRIMDON PARISH COUNCIL

TRIMDON GRANGE CEMETERY

OWNERSHIP OF GRAVES AND TRANSFER OF GRAVE OWNERSHIP

THE LAW

It is against the law to open a grave for burial including a burial of cremated remains upon the surface of a grave without the written permission of the registered owner, unless the burial is for that of the grave owner.

Once the Exclusive Right of Burial has been purchased it becomes part of the registered owner's property.

Where the owner has previously been buried then, without exception, a new owner must first be registered to re-open a grave for burial or place a memorial or additional inscription upon a memorial.

The following documents may be required for the transfer for ownership:

- Grant of Probate
- Grant of Letters, or
- Administration
- The Will, if there is no Grant of Probate, accompanied by a statutory declaration
- Statutory Declaration

WHEN DO YOU NEED TO TRANSFER OWNERSHIP OF THE EXCLUSIVE RIGHT OF BURIAL?

Transfer of ownership will be required in the following circumstances:

- The registered owner decided to assign the grave to someone else
- An application is made for a burial in the grave but the registered owner has deceased
- An application to place a memorial/additional inscription on the grave is made but the registered owner is deceased

HOW TO TRANSFER THE OWNERSHIP OF THE EXCLUSIVE RIGHT OF BURIAL

The Council must obey the law relating to ownership of graves and burials.

Where the registered owner is alive, the transfer will be a straightforward process. The registered owner can name the new owner and complete an Assignment of Rights prepared by the Council.

Where the registered owner has died the rights form part of the residual estate. This will normally be:

- The Executor(s) if the registered owner died leaving a Will
- The Administrator(s) appointed if Letters of Administration were obtained
- The next of kin if there are no executors or administrators

If the registered owner died recently it should be fairly easy to identify who has the legal right to deal with the estate, however, if they died some time ago tracing this person(s) may take longer.

OBTAINING THE INFORMATION REQUIRED

You will need to find out if a Grant of Probate or Grant of Letters of Administration exists and obtain a copy. If you are unsure then you will need to contact the UK Government Web Archive. Records of Grants of Probate and Letters of Administration can be purchased.

If a Grant of Probate or Letters of Administration have not been raised, then a Statutory Declaration will be required, along with a Will if probate was not obtained.

Tracing the next of kind may prove difficult so you may wish to contact the General Register Officer on 03000 260 600. We recognise that getting this information may be difficult. We will do all we can to try and assist you whilst ensuring that all the legal requirements are met.

Please advise Trimdon Parish Council on 01429 880224 if you move address so we can contact you to update our records.