

HEMYOCK PARISH COUNCIL

Transfer of grave ownership

Guidance notes

If the original owner of an 'Exclusive Right of Burial' (the "grave owner"), is deceased, the Rights over the grave will need to be legally transferred to another person. This is necessary so that an application can be made to erect or add an inscription to a memorial, or to enable a grave to be re-opened for any future interment.

To apply for a transfer of grave ownership, it is ONLY necessary to complete ONE of the following three forms enclosed, depending on your circumstances:

FORM 1: When a Grant of Probate or letters of Administration are obtained

FORM 2: When the deceased died intestate (did not leave a will) and Letters of Administration have not been obtained

FORM 3: When the deceased left a will and it is not necessary to apply for Probate

If you complete FORM 1, please note that you must be in possession of the Grant of probate or Letters of Administration before submitting your application.

When FORM 2 or FORM 3 are submitted to the Council, it will be necessary for the Council to prepare a Statutory Declaration which the applicant will have to sign in front of a Solicitor (Commissioner for Oaths) or a Magistrate (Justice of the Peace).

Any supporting documents stipulated in the checklist must be original and will be returned to the applicant by the Council.

Should you have any queries, please contact the Clerk on 07887 984849

Note:

A grave can only be opened with the permission, in writing, of the owner of the exclusive Right of Burial (EROB) unless it is to inter the owner.

A request is received to inter

Is the Owner of Exclusive Right of Burial (EROB) alive?

Yes

Signs form to give consent

Transfer ownership via Form of Assignment

No

EROB forms part of estate of deceased.

Did owner leave a will?

Yes

Was probate obtained?

Yes (FORM 1)

Provide sealed copy which will be copied - Change ownership to executor who may then transfer to another party by Form of Assent (this form is prepared by the Council)

Was probate obtained?

No (FORM 3)

Transfer ownership via statutory declaration based on will?

Did the owner leave a will?

No

Were Letters of Administration obtained?

Yes (FORM 1)

Treat as probate?

No (FORM 2)

Transfer of ownership via statutory declaration to next of kin?

Note: if there are several equal next of kin i.e. children of deceased - we cannot differentiate between them even if only one wants the ownership. A statutory declaration is used because no Probate or Letter of Administration and must include all equal next of kin. Those who then do not wish to exercise their right to ownership must relinquish ownership via a form of renunciation. The form of renunciation is prepared by the Council.

HEMYOCK PARISH COUNCIL

APPLICATION TO TRANSFER GRAVE OWNERSHIP

FORM 1

PLEASE COMPLETE THIS FORM WHEN PROBATE OR LETTERS OF ADMINISTRATION HAS BEEN OBTAINED

CEMETERY	HEMYOCK PARISH CEMETERY	GRAVE NUMBER	
1	Full name of the current grave owner		
2	Date of purchase		
3	Full name of the Applicant (Must be Executor or Administrator)		
	Address		
	Telephone Number		
	Email address		
4	Full name of Executors or Administrators		
	Address		
5	Full name of other Executors or Administrators		
	Address		
6	Do all the people listed above wish to be registered as owners of the Exclusive Right of Burial? Note that joint ownership can be registered to a maximum of 3 names	YES / NO	
6A	If the answer to No 6 is YES, sign and date form and complete checklist before returning		
6B	If the answer to No 6 is NO, please list only the full names of those wishing to own the Exclusive Right of Burial		

7	If you have yet to provide contact details of anyone listed in 6B please do so here:	
	Full name	
	Address	

8	Full name	
	Address	

If there are others entitled to the Right (other than those listed in No 6) they will have to renounce their claim using a form of renunciation that will be produced by HEMYOCK Parish Council.

Applicant Signature: _____ **Date:** _____

Please return this form to:

Susan McGeever, Clerk to HEMYOCK Parish Council, Woodmans, Brithem Bottom, Cullompton EX15 1NB

CHECKLIST OF SUPPORTING DOCUMENTATION

Have you enclosed the following documents? Please tick where appropriate

Documents/Details	YES	N/A
Sealed copy of Grant of Probate or Letters of Administration (One of these documents must be submitted)		
Fee payable to HEMYOCK Parish Council		
Separate sheet with more information		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to Erect and Maintain a Memorial		

General Data Protection Act May 2018

The personal information you have provided will be used as an entry in the HEMYOCK Parish Council Cemetery Grave Records, it may also be used for auditing, monitoring, statistical and other research. The information we hold about you is normally retained for seven years or for the duration of time you need the service. The information we hold may also be shared with other Council or Governments Departments.

HEMYOCK PARISH COUNCIL

APPLICATION TO TRANSFER GRAVE OWNERSHIP

FORM 2

PLEASE COMPLETE THIS FORM WHEN THERE IS NO WILL AND LETTERS OF ADMINISTRATION HAVE NOT BEEN OBTAINED

CEMETERY	HEMYOCK PARISH CEMETERY	GRAVE NUMBER	
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1	Full name of the current grave owner	
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2	Date of purchase	
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3	Full name of the Applicant (Must be Executor or Administrator)	
	Address	
	Telephone Number	
	Email address	
	What is your relationship to above grave owner	

Please provide details of the nearest relative(s) which will be from one of the following categories listed in order of next of kin:

- a) Husband or Wife
- b) Children (if no surviving spouse) All must be listed
- c) Grandchildren (if no surviving children)
- d) Parent (if no surviving spouse or children or grandchildren)
- e) Brothers & Sisters (if no surviving spouse or children or parent)

4	Full name	
	Address	
	Relationship to grave owner	

5	Full name	
	Address	
	Relationship to grave owner	

6	Who do you wish the Rights of the grave to be transferred to? Note that joint ownership can be registered in a maximum of 3 names

Please provide their addresses if not already provided

7	Full name	
	Address	
	Relationship to grave owner	

8	Full name	
	Address	
	Relationship to grave owner	

If there are others entitled to the Right (other than those listed in No 6) they will have to renounce their claim using a form of renunciation that will be produced by HEMYOCK Parish Council.

Applicant Signature: _____ **Date:** _____

Please return this form to:

Susan McGeever, Clerk to HEMYOCK Parish Council, Woodmans, Brithem Bottom, Cullompton EX15 1NB

CHECKLIST OF SUPPORTING DOCUMENTATION

Have you enclosed the following documents? Please tick where appropriate

Documents/Details	YES	N/A
Fee payable to HEMYOCK Parish Council		
Separate sheet with more information		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to Erect and Maintain a Memorial		

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HEMYOCK PARISH COUNCIL

APPLICATION TO TRANSFER GRAVE OWNERSHIP

FORM 3

PLEASE COMPLETE THIS FORM WHEN THERE IS NO WILL AND PROBATE HAS NOT BEEN OBTAINED

CEMETERY	HEMYOCK PARISH CEMETERY	GRAVE NUMBER	
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1	Full name of the current grave owner	
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2	Date of purchase	
---	------------------	--

3	Full name of the Applicant (Must be Executor or Administrator)	
	Address	
	Telephone Number	
	Email address	

Please provide details of all beneficiaries of the grave ownership as mentioned in the will or of the residue of the Estate *(please use separate sheet if more than two in total)*

4	Full name of beneficiary	
	Address	

5	Full name of beneficiary	
	Address	

6	Do all the people listed above wish to be registered as owners of the Exclusive Right of Burial? Note that joint ownership can be registered to a maximum of 3 names	YES / NO
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6A	If the answer to No 6 is YES, sign and date form and complete checklist before returning
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6B	If the answer to No 6 is NO, please list only the full names of those wishing to own the Exclusive Right of Burial

7	If you have yet to provide contact details of anyone listed in 6B please do so here:	
	Full name	
	Address	

8	Full name	
	Address	

If there are others entitled to the Right (other than those listed in No 6) they will have to renounce their claim using a form of renunciation that will be produced by HEMYOCK Parish Council.

Applicant Signature: _____ **Date:** _____

Please return this form to:

Susan McGeever, Clerk to HEMYOCK Parish Council, Woodmans, Brithem Bottom, Cullompton EX15 1NB

CHECKLIST OF SUPPORTING DOCUMENTATION

Have you enclosed the following documents? Please tick where appropriate

Documents/Details	YES	N/A
Copy of will must be submitted		
Fee payable to HEMYOCK Parish Council		
Separate sheet with more information		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to Erect and Maintain a Memorial		

General Data Protection Act May 2018

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