

Kirkby Lane Cemetery 2024

Introduction

This leaflet provides some information for Exclusive Rights of Burial (EROB) Owners, about their rights and responsibilities

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 but 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 who shall be buried in the plot.

Woodhall Spa Parish Council grant the EROB for 50 years.

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 number of people, they are all entitled to the burial rights.

If the answer is **No** the persons entitled to the rights are likely to be 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/alterd. 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.

Woodhall Spa Parish Council also requires a Form of Assent 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.

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 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, and 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.

A magistrate or Commissioner for Oaths will need to witness the declaration.

Your Exclusive Rights of Burial Certificate is an important document so please keep it in a safe place. Please notify Woodhall Spa Parish Council of any address changes