

Stamford Cemetery

Guidance notes for Transfer of Ownership

General Information

The transfer of a Grant of Exclusive Right of Burial is a legal process and whilst there are set procedures to follow each transfer must be looked at individually. Please bear in mind this may take some time due to the individuality of each case.

Any application for transfer of ownership of a grave Deed must be made in writing to the Council. This must be accompanied by any relevant documentation and the appropriate fee. The Council will not unreasonably decline to make a transfer but is legally bound to transfer in accordance with the law.

Where the Grant Owner of a grave has died, a new owner must be registered before any burial can take place in that grave other than the Grant Owner. The transfer is handled using the Grant of Probate, Grant of Letters of Administration or Statutory Declaration and a legal process **must** be followed.

Please contact the office for further details. The office will assist you in this and a fee in connection with this service is payable to the Stamford Town Council.

The Council may refuse to transfer the Exclusive Right of Burial if there is any uncertainty that the person claiming is the person 'entitled' in accordance with Local Authorities Cemeteries Order 1977 Schedule 11 Part 2 (4)

The Bereavement Officer will try to meet the wishes of relatives in relation to the purchase of a grave space in a particular section of the Cemetery, but this may not always be possible.

Grave owner living

The ownership of the exclusive right can be assigned to another person(s), the owner will need to complete a Form of Assignment. Forms are available from Bereavement Services and need the signature of the owner and one other as witnesses.

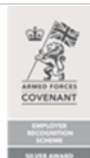
Grave owner deceased and left a Will.

If the deceased owner left a will which has gone to probate, then the person(s) named as Executors should provide Bereavement Services with the following:

- The Grant of Probate- Probate is the document issued by the court after the will has been proved in Court. It should be the original document bearing the court seal. A copy of the relevant part of the document can then be taken and retained.

If the deceased owner left a will of insufficient value to merit application to be made for Grant of Probate and someone wishes to claim the Exclusive Right of Burial, then Bereavement Services may require:

- The Death Certificate if owner of Exclusive Right of Burial is not buried in a Stamford Cemetery.
- A Copy of the Last Will & Testament.



- A Statutory Declaration. The Statutory Declaration sets out the reasons why you are saying that you are the rightful owner of burial rights for a grave. It is a legal document declaring something to be true. Under the Statutory Declarations Act 1835, a declaration can be made before anyone who is authorised by law to hear it (for example, a solicitor or legal executive), or before any Justice of the Peace.

The requirement for a Statutory Declaration exists to ensure that the burial rights are assigned only to the rightful owner(s). It serves to protect both the owners of those rights and the council. It is a procedure used by the majority of burial authorities in England. It is supported by the Institute of Cemetery and Crematorium Management. This document will be created by the Bereavement Services Officer following the completion of the Statutory Declaration Questionnaire and the relevant documents.

- A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial but do not wish to do so. This document(s) will be created by the Bereavement Services Officer

Grave owner deceased and no Will.

If the estate is of sufficient value to require Letters of Administration. Bereavement Services will require:

- The Grant of Letters of Administration – Letters of Administration is granted to a person or persons who apply to the Court to receive permission to administer the estate of the deceased.
- An Assent of Administrator form completed by all Administrator(s) This document(s) will be created by the Bereavement Services Officer.

If the estate is of insufficient value to merit application for Letters of Administration Bereavement Services may require:

- The Death Certificate if owner of Exclusive Right of Burial is not buried in a Stamford Cemetery.
- A Statutory Declaration detailing the relationship of the person claiming the rights of the registered grave owner. This document will be created by the Bereavement Services Officer following the completion of the Statutory Declaration Questionnaire and the relevant documents.
- A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial but do not wish to do so. This document(s) will be created by the Bereavement Services Officer

Grave owner living and wishes to sell back grave rights.

A purchased plot with no interments may be bought back by the Council if it is no longer needed by the Exclusive Right of Burial holder. This will be at the fee, which was originally paid, less the years of ownership expired and subject to an administrative fee.

If you wish to transfer the Grant of Exclusive Right of Burial, please contact Bereavement Services who will assist with this procedure, providing advice on the documentation required and the fees payable.

Approved:STC28/3/2023

