

Guide to Exclusive Right of Burial



An Exclusive Right of Burial is a Deed purchased from the Council which gives the purchaser (Grant Holder) the Right of Burial in a designated grave space.

Purchasing an Exclusive Right of Burial

When a grave is purchased it refers to the purchasing of the Right of Burial and not the land itself. This means that the Grant Holder doesn't own the land but has the Right, during the period stated, to say who can be buried, or have ashes buried or scattered, in the grave.

The Grant Holder will be issued with a Grant of Exclusive Right of Burial Deed and have their details entered into a register.

Only the Grant Holder can apply for permission for a memorial to be erected or altered

It is important to keep the Deed in a secure place as it is the only legal document confirming the Grant Holder's entitlement to the Right.

It is also important for the Grant Holder to notify the Council of any change of address.

How long does the Right last?

The Right is currently granted for a period of 70 years.

Can more than one person own the Right?

Two people can jointly own the Right.

A Grant Holder can change ownership at any time by completing a form of assignment



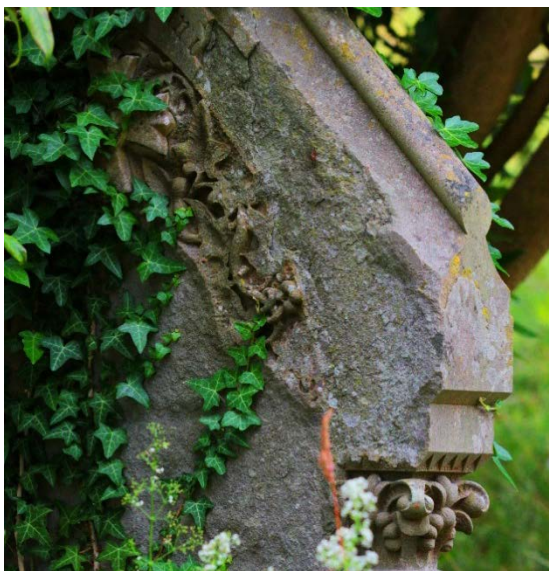
Exercising an Exclusive Right of Burial

All Grant Holders must sign to authorise their exercising of the Right.

If a Grant Holder does not sign, the grave cannot be opened for burial (with the exception of the burial of the Grant Holder), and no memorial can be erected or altered.

What happens when the Grant Holder dies?

When the last remaining Grant Holder dies a transfer via their estate must take place before any further burial, memorial erection or amendments can take place.



Transferring the Exclusive Right of Burial

If the deceased Grant Holder left a will

If Grant of Probate was obtained we will need to see and take a copy of the sealed Grant. On payment of a fee we can then transfer the Exclusive Right of Burial to the executor of the will.

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 the Exclusive Right of Burial to the executor.

The executor can transfer the Exclusive Right of Burial to whomever they choose. Providing this is completed at the same time as the transfer to the executor, a single fee will apply.

If the deceased Grant Holder did not leave a will

If a Grant of Letters of Administration was obtained, we will need to see and take a copy of the sealed Grant. On payment of a fee we can then transfer the Exclusive Right of Burial to the administrator.

If a Grant of Letters of Administration was not obtained, a Statutory Declaration must be made by the lawful next of kin and signed in the presence of a Magistrate or Commissioner of Oaths.

On payment of a fee we can then transfer the Exclusive Right of Burial to the lawful next of kin.

It is important to note that a Transfer of Exclusive Right of Burial does not alter the expiry date of the original Deed

Contact Us

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For more information please refer to our Cemetery Regulations.

