

**If the owner dies without leaving a Will, we will require:**

- the Grant of the Exclusive Right of Burial
- the Grant of Letters of Administration
- an Assent from the Administrator(s), giving the Grant of the Exclusive Right of Burial to you

**If the estate is of insufficient value to merit application for Letters of Administration, we will require:**

- the Grant of the Exclusive Right of Burial
- the Death Certificate
- a Statutory Declaration detailing the relationship to the registered grave owner of the person claiming the rights
- a Form of Renunciation from all other people who would be entitled to claim the Grant of the Exclusive Right of Burial
- Statutory Declarations must be witnessed by a Commissioner for Oaths or a Magistrate.

For more information about the transfer of ownership process and the documents required, please contact **Bereavement Services on 01744 677407.**



St. Helens Council

**Contact Centre**

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Please contact us to request translation of Council information into Braille, audio tape or a foreign language.

**Contact us**

**The Cemetery & Crematorium Office**

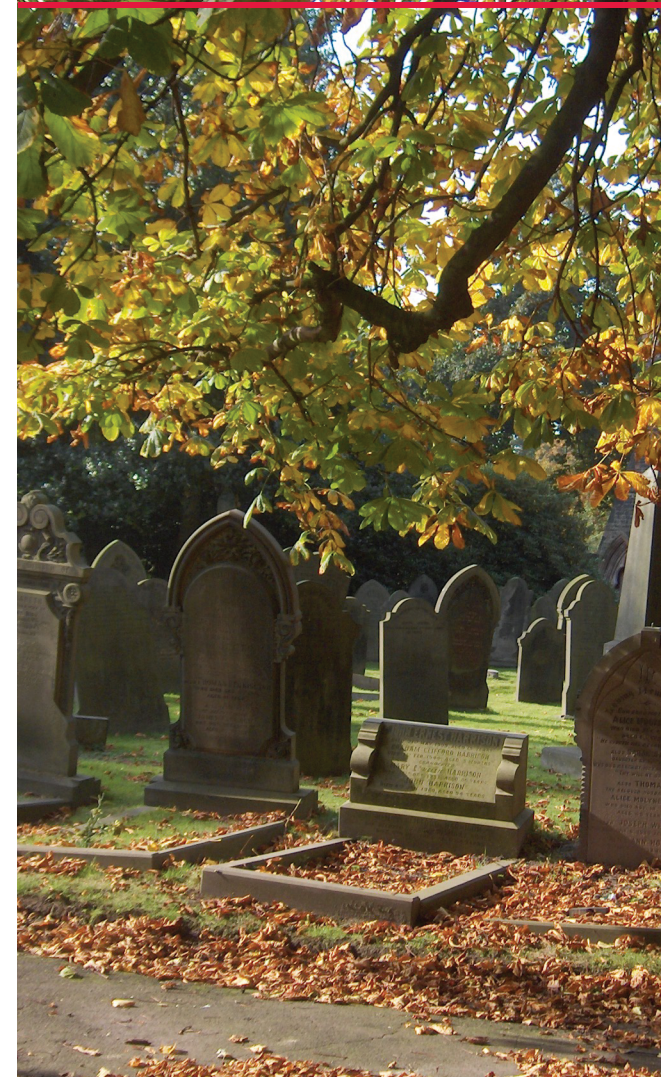
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**Grave  
Ownership**



## We're here to help

This leaflet has been produced to answer some of the most common questions asked by members of the public about the ownership of grave space.

If your own circumstances have not been described, please do not hesitate to contact us on 01744 677407 and a member of our Bereavement Services Team will be happy to help you.

## What is the Exclusive Right of Burial?

When you purchase a grave, you are paying for the right to use Council-owned land as a place of burial and not actually buying the land itself. This is known as owning the Exclusive Right of Burial and means that you own the right to say who can be buried in the grave space.

## How long does grave space ownership last?

In accordance with the Local Authorities Cemeteries Order, all grave rights are sold for a fixed period. This is defined in the 'Grave Grant' document, which is issued when the appropriate fee has been paid. This is usually between 10 and 50 years, with an option to renew at the end of the grave rights period.

## What if more than one person owns the grave?

If a grave is jointly owned and one of the party dies, ownership will remain with the other named person.

## What responsibility does the grave owner have?

Only the owner of the Exclusive Right of Burial (as identified on the original deed) can authorise such things as the erection of a memorial, further inscriptions or allow the grave space to be used for further burials.

The owner can either pass the grave on to someone else, or give it up completely if unused, and provided the right of burial has not expired can choose to be buried in the grave themselves. However, it is up to the Council to determine how many burials (including cremated remains) are permitted in the grave space.

It is the owner's responsibility to ensure Bereavement Services are informed of any change of address or telephone number. This is important to keep records up to date.

## How do I transfer ownership of a grave?

The registered owner can transfer the title of the grave to another person. This is known as 'assignment of ownership' and needs to be registered with the Cemetery Office. Bereavement Services can assist with this process and can provide you with all the necessary information required.

A fee is charged by the Council for any transfer of ownership. You are responsible for ensuring that the correct form has been completed and all details contained in it are correct. This process of ownership is carried out to protect the person who is legally entitled to make any claim of ownership on a grave space.

## What happens if the owner of the grave dies?

If the original grave owner has died and left a Will, transfer can take place according to their wishes. If the previous owner did not leave a Will, the Next of Kin/Executors have the right to make a claim of ownership.

## What documents will I need?

The following section describes the information required to process applications for burials in grave spaces. (Any references to Wills are references to Wills recognised as valid by the laws of England and Wales.)

**If the deceased owner left a Will stating to whom the Grant of the Exclusive Right of Burial should be passed, and you are that person, we will require:**

- the Grant of the Exclusive Right of Burial
- the Grant of Probate
- an Assent from the Executor(s) of the Will, giving the Grant of the Exclusive Right of Burial to you

**If the deceased owner left a Will of insufficient value to merit application to be made for Grant of Probate and you claim the Exclusive Right of Burial, we will require:**

- the Grant of the Exclusive Right of Burial
- the Death Certificate
- a Statutory Declaration detailing the relationship to the deceased owner of the person claiming the Exclusive Right of Burial
- a Form of Renouncement from all other people who would be entitled to claim the Grant of the Exclusive Right of Burial