

## **Grave Ownership – exclusive right of burial**

When a grave is purchased a deed will be issued giving the exclusive right of burial to the grave owners named on it. This deed is a legal document and possession of it does not signify ownership, please keep it in a safe place.

The exclusive right of burial is a lease on a grave; it lasts for 50 years and gives the grave owners' burial rights providing there is sufficient space.

We usually put one or two names on a deed; however we will allow up to four persons to be named on a deed. It is useful to note that before a grave can be opened, or a memorial stone put up or altered, permission needs to be given in writing by all named persons on the deed, this can prove difficult if a family dispute arises or a named person moves abroad. Please remember to keep us informed when a deed owner moves house.

All grave owners have a legal right to be buried in the grave providing there is sufficient space. If there are several grave owners and one passes away, the rights are automatically shared between the remaining owners. If the last grave owner passes away, they still retain the right to be buried in the

grave, but ownership must be transferred before the headstone can be put up or altered.

## **Transferring grave ownership**

There are several types of grave ownership transfer; if the person transferring is living they can choose who is put on the deed, if the person on the deed has died the deed must be transferred to persons entitled to it:

### **1. Living transfer**

a) A grave owner can transfer ownership during their lifetime to another person or add more names to the ownership using a form of assignment

b) A grave owner can surrender ownership if the grave has not been used

If the grave owner has passed away, the procedure followed depends on whether the owner left a will.

### **2. Grave owner leaves a will requiring grant of probate**

If the grave owner made a valid will and left an estate of sufficient value to require grant of probate, ownership of the grave is to be transferred to the executor. To be acceptable, we must have sight of the 'sealed' grant bearing the embossed seal of

court. Please present this document at the Town Council offices.

### **3. Grave owner leaves a will that does not require grant of probate**

If the grave owner made a valid will but did not leave an estate of sufficient value requiring grant of probate, ownership of the grave is to be transferred to the executor. To be legally acceptable, we must have sight of the will showing the name of the executor. Please present this at the Town Council offices. We will then prepare a statutory declaration based on the will, the person making the declaration will be asked to sign it under oath.

### **4. Grave owner does not leave a will but grant of letters of administration was obtained**

If the grave owner did not leave a valid will but grant of letters was obtained, ownership of the grave is to be transferred to the administrator. To be legally acceptable, we must have sight of the 'sealed' letters bearing the embossed seal of court. Please present this at the Town Council offices.

### **5. Grave owner does not leave a valid will and grant of letters of administration was not obtained**

If the grave owner did not leave a valid will and grant of letters was not obtained, the rules of intestacy apply, for example

- a) If the grave owner is survived by a married or civil partner, the partner is the entitled person
- b) If the grave owner has no living partner and is survived by children, all the children are entitled persons
- c) If the grave owner has no living partner or children, all siblings are entitled persons

The entitled person(s) will be asked to sign a statutory declaration under oath; it is worth noting that one entitled person can make the declaration on behalf of other entitled persons.

If an entitled person does not wish to be named on the deeds, a form of renunciation can be used.

If you do not know if the grave owner left a will or obtained grant letters of administration, we suggest that you contact the office of probate.

Because the transfer of deeds is a legal process, we reserve the right to deny a transfer until we are satisfied that any persons wishing to take on the ownership are entitled to do so.

For further information on the Glebe Cemetery, list of fees and the regulations please visit  
[www.penryntowncouncil.co.uk/burials](http://www.penryntowncouncil.co.uk/burials)



## **PENRYN TOWN COUNCIL**

### Grave Ownership and Deed Transfer Guidance and Information

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