

# EXCLUSIVE RIGHT OF BURIALS

## GRAVE OWNERSHIP AND TRANSFERRING THE GRANT OF EXCLUSIVE RIGHTS

When you purchase a grave space in Odiham cemetery, you are actually purchasing the “Exclusive Right of Burial” for a specific period, currently 50 years. This means that you do not own the land but have the exclusive right, during the 50 years, to say who can be buried in the grave. You are not buying the grave freehold, or the grave space, it is more like buying a lease. The ownership of the grave and the cemetery land remains with Odiham Parish Council. Also, provided that you do not, during your lifetime, transfer the right to another person and provided that the period stated in the grant of exclusive right of burial has not expired, you can choose to be buried in the grave yourself.

A grant of exclusive right of burial will be issued to the grave owner. This should be kept in a safe place, as it will be required should there be a further burial in the grave at some point in the future. It is illegal for a burial authority to permit a burial, including a burial of cremated remains or to place cremated remains upon the surface of a grave, subject to an existing exclusive right of burial, without first obtaining permission from the owner or owners of the right. The only exception to this is where the owner of the right is being buried. Any owner of the burial rights has the automatic right to be interred in the plot provided there is space. At the end of the 50-year period, the owner has the option to renew their exclusive right.

The ownership of a grant of exclusive right of burial not only gives the owner certain rights, but also imposes a number of requirements and responsibilities.

### Memorial rights

The exclusive right of burial includes the right to have a memorial headstone only, installed on the grave space, which must be approved by OPC, as defined in our rules. Full details of permitted memorials are to be found in the rules, which are available on our website. There are restrictions on the design of a memorial, the material used, the size, its construction and on the method used of fixing.

Memorial permits are issued separately from the exclusive rights of burial, therefore a transfer of ownership must take place before placing a memorial, adding an inscription, cleaning or renovating a memorial on the grave. **The exclusive rights are not automatically transferred to another person on the death of the owner.**

**Please note** - OPC will remove memorials which have not been authorised, or do not comply with memorial regulations, or are considered to be a danger, or are of an inappropriate design. OPC also reserves the right to remove and dispose of items which prevent or interfere with the maintenance of the grave area, or which may be a safety risk to other visitors.

### Responsibility for memorials

It is important to remember that it is the registered owner, and not OPC, who is responsible for the maintenance of the memorial. Should it become dilapidated or unsafe, steps may be taken to lay it down, or remove it. It is therefore wise to arrange for it to be regularly inspected and maintained. In the period following the burial the grave surface will need to settle. This takes between nine and eleven months, after which time the surface should be grassed over.

**Please note** - It is not permitted to plant or place flower vases or artefacts within the grave area once turf has been laid. These are only to be placed on the memorial foundation.

**Ensuring the details of ownership are correct is the families’ responsibility and it is necessary to transfer the rights to a living person as soon as possible following the death of the owner so that any future burials (if applicable) can take place and a memorial or added inscription can be placed on the grave.**

### **Transferring an Exclusive Right of Burial**

The ownership of the grant may be transferred at any time. If you wish to transfer the ownership of your grant during your life time, you must complete a Form of Assignment and submit it to the parish office together with the grant of exclusive right of burial.

### **Documents required to transfer an Exclusive Right of Burial when the owner is deceased**

The following sections describe the information required by OPC to enable us to properly transfer grave ownership.

#### **If the deceased left a will**

If the deceased left a will stating who the grant of exclusive right of burial should be passed to and you are that person we will require:-

- The Grant of Exclusive Right of Burial
- The Grant of Probate
- An Assent from the Executor(s) of the will giving the Grant of 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 Exclusive Right of Burial
- A Statutory Declaration detailing the relationship of the person claiming the Right of Exclusive Burial to the deceased owner
- A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial.

#### **When there is no will**

If the owner dies without leaving a will we will require:

- The Grant of Exclusive Right of Burial
- The Grant of Letters of Administration
- An Assent from the Administrator(s) giving the Grant of Exclusive Right of Burial to you.

If the estate is of insufficient value to merit application for a Letter of Administration we will require:

- The Grant of Exclusive Right of Burial
- A Statutory declaration detailing the relationship of the person claiming the rights to the registered grave owner.
- A Form of Renunciation from the other people who would be entitled to claim the Grant of Exclusive Right of Burial.

Statutory declarations must be witnessed by a Commissioner of Oaths or Magistrate.

#### **Please note:**

We reserve the right to amend these guidance notes from time to time without prior notice. There will be a charge to transfer the Exclusive Right of Burial.

If you need further advice or any of the above-mentioned forms, please contact:

The Admin Assistant, Odiham Parish Council, The Bridewell, The Bury, Odiham. RG29 1NB