

## Hartshill Parish Council

### CEMETERY: Transfer of Grave Ownership

#### GUIDANCE NOTES

If the original owner of an 'Exclusive Right of Burial' (the "grave owner"), is deceased, the Rights over the grave will need to be legally transferred to another person. This is necessary so that an application can be made to erect or add an inscription to a memorial, or to enable a grave to be re-opened for any future interment.

To apply for a transfer of grave ownership, it is ONLY necessary to complete ONE of the following three forms enclosed, depending on your circumstances:

FORM 1: When a Grant of Probate or letters of Administration are obtained.

FORM 2: When the deceased died intestate (did not leave a will) and Letters of Administration have not been obtained.

FORM 3: When the deceased left a Will, and it is not necessary to apply for Probate.

If you complete FORM 1, please note that you must be in possession of the Grant of Probate or Letters of Administration before submitting your application.

Should you be unsure whether Probate or Letters of Administration were granted or to obtain a copy of these documents, enquiries can be made at:

#### WARWICKSHIRE COUNTY RECORD OFFICE

Priory Park

Cape Road

Warwick

CV34 4JS Tel:

(01926) 738959 Email: [recordoffice@warwickshire.gov.uk](mailto:recordoffice@warwickshire.gov.uk)

When FORM 2 or FORM 3 are submitted to the Council, it will be necessary for the Council to prepare a statutory declaration which the applicant will have to sign in front of a solicitor (Commissioner for Oaths) or a Magistrate (Justice of the Peace). This is in addition to the form(s) enclosed and any associated forms.

Any supporting documents stipulated in the checklist must be original and will be returned to the applicant by the Council.

***Please note: an administration fee will be charged for the preparation of a statutory declaration and processing of the transfer forms.***

## IDENTIFYING WHICH FORM TO COMPLETE

Is the owner of the Exclusive Rights of Burial (EROB) still alive?

Yes – They can sign the form to give consent and ownership will be transferred via Form of Assignment.

**If No, please continue reading:**

**EROB forms part of the estate of the deceased. Did the owner have a will?**

**YES** – Was probate obtained? (If yes continue to FORM 1 If NO continue to FORM 3)

**NO** – Were letters of Administration obtained? (Yes FORM 1, NO FORM 2)

**FORM 1**

**APPLICATION TO TRANSFER GRAVE OWNERSHIP**

**PLEASE COMPLETE THIS FORM WHEN PROBATE OR LETTERS OF ADMINISTRATION HAVE BEEN OBTAINED**

Grave No:	Cemetery Section:
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1	Full Name of current grave owner	
2	Date of Purchase	
3	Full name of applicant (must be Executor of Administrator)	
	Address	
	Telephone Number	
	Email Address	

Please provide details of all other Executors/Administrators listed on the probate/Letter of Administration: (Please use separate sheet if there are more than three in total)

4	Full name of other Executors or Administrators	
	Address	
5	Full name of other Executors or Administrators	
	Address	
6	Full name of other Executors or Administrators	
	Address	

7	Does a person from the list above wish to be registered as owner of Exclusive Right of Burial? One person can be registered as owner of the exclusive rights to burial	YES / NO
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8	If the answer to No. 6 is YES, please confirm who will be registered as the owner of the Exclusive Rights of Burial:	
9	If the answer to No. 6 is NO, please provide the name and contact details for the person wishing to own the Exclusive Right of Burial. <i>Note a Form of Assent will need to be completed and signed by the Executor/s or Administrators</i>	
	Full Name	
	Address	

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to

Cemetery Manager  
Hartshill Parish Council Burial Authority  
Hartshill Community Centre  
Church Road  
Hartshill  
CV10 0LY

#### **CHECKLIST OF SUPPORTING DOCUMENTATION – FORM 1**

*Please ensure you have enclosed the following documents: (please tick where appropriate)*

Documents/ Details	YES	N/A
Sealed copy of Grant of Probate or Letters of Administration (one of these documents must be submitted)		
Fee Payable to Hartshill Parish Council (£20)		
Separate sheet with more information, if appropriate		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to erect and Maintain a memorial		

#### **General Data Protection Regulation 2018**

The personal information you have provided will be used as an entry in the Hartshill Parish Council Cemetery Grave Records, it may also be used for auditing, monitoring statistical data and another research. The information we hold about you is normally retained for seven years or for the duration of the time you need service. The information we hold may also be shared with other Council or Government Departments.

**FORM 2**

**APPLICATION TO TRANSFER GRAVE OWNERSHIP**

PLEASE COMPLETE THIS FORM WHEN THERE IS NO WILL AND LETTERS OF ADMINISTRATION HAVE NOT BEEN OBTAINED

<u>GRAVE NO</u>		<u>CEMETERY SECTION</u>	
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<u>1</u>	Full name of the current owner	
<u>2</u>	Date of Purchase	
<u>3</u>	Full Name of Applicant	
	Address	
	Telephone Number	
	Email Address	
	What is your relationship to the above grave owner?	

Please provide details of the nearest relative(s) which will be from one of the following categories listed in order of Next of Kin:

- a) Husband or Wife
- b) Children (if no surviving spouse) All must be listed
- c) Grandchildren (if no surviving children)
- d) Parent (if no surviving spouse, children, or grandchildren)
- e) Brothers & Sisters (if no surviving spouse, children, or parent)

4	Full Name	
	Address	
	Relationship to grave owner	

5	Full Name	
	Address	
	Relationship to grave owner	

6	Who do you wish the Exclusive Rights of Burial to be transferred to? One person can be registered at the owner.	
	Full Name	
	Address	
	Relationship to Grave Owner	

If there are others entitled to the rights (other than the person listed in No.6) they will have to renounce their claim using the Parish Councils Form of Renunciation.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to

Cemetery Manager  
Hartshill Parish Council Burial Authority  
Hartshill Community Centre  
Church Road  
Hartshill  
CV10 0LY

**CHECKLIST OF SUPPORTING DOCUMENTATION – FORM 2**

Please ensure you have enclosed the following documents: (please tick where appropriate)

Documents/Details	Yes	N/A
Fee Payable to Hartshill Parish Council		
Separate sheet with more information, if applicable		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to erect and Maintain a memorial		

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**FORM 3**

**APPLICATION TO TRANSFER GRAVE OWNERSHIP**

PLEASE COMPLETE THIS FORM WHEN THERE IS A WILL AND PROBATE HAS NOT BEEN OBTAINED

<u>GRAVE NO</u>		<u>CEMETERY SECTION</u>	
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<u>1</u>	Full name of the current owner	
<u>2</u>	Date of Purchase	
<u>3</u>	Full Name of Applicant	
	Address	
	Telephone Number	
	Email Address	

Please provide details of all the beneficiaries of the grave ownership as mentioned in the Will or of the residue of the Estate (Please use separate sheet if more than two in total)

4	Full Name	
	Address	
	Relationship to grave owner	

5	Full Name	
	Address	
	Relationship to grave owner	

6	Does a person from the list above wish to be registered as owner of Exclusive Right of Burial? One person can be registered as owner of the exclusive rights to burial	YES / NO
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7	If the answer to No. 6 is YES, please confirm who will be registered as the owner of the Exclusive Rights of Burial:	
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8	If the answer to No. 6 is NO, please provide the name and contact details for the person wishing to own the Exclusive Right of Burial.	
	Full Name	
	Address	

If there are others entitled to the rights, they will have to renounce their claim using the Parish Councils Form of Renunciation.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to

Cemetery Manager  
Hartshill Parish Council Burial Authority  
Hartshill Community Centre  
Church Road  
Hartshill  
CV10 0LY

#### CHECKLIST OF SUPPORTING DOCUMENTATION – FORM 3

Please ensure you have enclosed the following documents: (please tick where appropriate)

Documents/Details	Yes	N/A
Sealed copy of will must be submitted		
Fee payable to Hartshill Parish Council		
Separate sheet with information, if applicable		
If available, the Grant of Exclusive Right of Burial		
If available, the Grant to erect and Maintain a memorial		

#### **General Data Protection Regulation 2018**

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Hartshill Parish Council

**FORM OR RENUNCIATION - EXCLUSIVE RIGHTS OF BURIAL**

Relating to application to register a new owner of Exclusive Rights to Burial

**Details of Grave Owner**

GRAVE NO:	SECTION:
GRANT NO	PURCHASE DATE:
Grave Owners Name:	

**Details of New Owner**

Full Name:	
Relationship	
Address & Postcode	
Telephone No	

**Renunciation**

I, the undersigned hereby renounce all my interest and title in the Exclusive Rights of Burial to the above Grave, and desire that the said Right of Burial shall be vested solely in the New Owner above (please sign in the presence of an independent witness and include their details)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name		
Address		
Relationship		
Email Address		
Telephone No:		
Signature		Date:
Witness Name		
Witness Address		
Occupation		

Name		
Address		
Relationship		
Email Address		
Telephone No:		
Signature		Date:
Witness Name		
Witness Address		
Occupation		

Name		
Address		
Relationship		
Email Address		
Telephone No:		
Signature		Date:
Witness Name		
Witness Address		
Occupation		

Data protection: By signing this form you are agreeing to abide by Hartshill Cemetery Regulations and grant permission for your data to be held and used by Hartshill Parish Council for Burial administration purposes only. We may need to share your information with your appointed memorial mason, funeral directors and/or other Council or Government Departments.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Hartshill Parish Council

### Assent of Executor or Administrator

I (Print Name)

Of (Company Name)

Being a) the executor of the Will of \_\_\_\_\_ proved in

b) (The Administrator of the Estate of acting under Letters of Administration granted by the

\_\_\_\_\_ Probate Registry on the \_\_\_\_\_ Day of \_\_\_\_\_ in the

year \_\_\_\_\_

Do hereby assent to the transfer to

Name

Of

The Exclusive Right of Burial in Grave \_\_\_\_\_ at Hartshill Cemetery, which was granted

To the said (Name of Deceased) \_\_\_\_\_

By Hartshill Parish Council by deed number \_\_\_\_\_

Bearing the date \_\_\_\_\_ day of \_\_\_\_\_ of the year \_\_\_\_\_

And all my estate, title, interest therian, to hold the same unto the said

\_\_\_\_\_ Subject to the conditions on which I held the same immediately before the execution thereof.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signature	
Witness	
Address	
Occupation	