



## **HERTFORD TOWN COUNCIL**

### **Exclusive Right of Burial – Hertford Cemetery**

#### **What is an Exclusive Right of Burial?**

When a grave is 'purchased' this refers to the purchasing of the exclusive right of burial in a grave space and not the purchase of the land itself. This means that you do not own the land but have the exclusive right, during the period stated in the Grant of Exclusive Right of Burial, to say who can be buried in the grave. 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. However, Hertford Town Council will determine the number of burials (this includes cremated remains) permitted in the grave.

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. No burials or changes to memorials can be authorised without the permission of the holder of the exclusive right of burial.

In accordance with the Local Authorities Cemeteries Order all grave rights are sold for a fixed period. The number of years the rights have been granted for is shown on your Grave Grant. At the end of this period you may apply to the Council to extend those rights.

**Please advise us if you change your address. This is most important to enable us to keep our records up to date.**

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

If you wish to you can transfer those rights to another person, the documents that we will require from you are detailed in this leaflet.

If you wish to transfer the ownership during your lifetime you must complete a Form of Assignment and submit it to the Central Cemeteries Office, together with the Grant of Exclusive Right of Burial.

A blank Form of Assignment for completion by you is available from the Cemeteries Officer at Hertford Town Council.

## **Documents Required to Transfer an Exclusive Right of Burial When the Owner has Died**

The following sections describe the information required by the Cemetery Officer of Hertford Town Council to enable us to properly process transfers of grave ownership.

References to Wills in this leaflet are references to Wills recognised as valid by the laws in England and Wales.

### **If the Deceased Owner Left a Will**

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

1. The Grant of Exclusive Right of Burial
2. The Grant of Probate
3. 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:

1. The Grant of Exclusive Right of Burial
2. The Death Certificate
3. A Statutory declaration detailing the relationship of the person claiming the Right of Exclusive Burial to the deceased owner.
4. A Form of Renouncement 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:

1. The Grant of Exclusive Right of Burial
2. The Grant of Letters of Administration
3. 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 Letters of Administration we will require:

1. The Grant of Exclusive Right of Burial
2. The Death Certificate
3. A Statutory declaration detailing the relationship of the person claiming the rights to the registered grave owner.
4. A Form of Renouncement from all other people who would be entitled to claim the Grant of Exclusive Right of Burial.

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

This leaflet attempts to answer the most commonly asked questions by members of the public. However, if your circumstances are not described within this leaflet or you have any questions regarding the contents of this leaflet do not hesitate to contact us at:

Cemetery Officer, Hertford Town Council, The Castle, Hertford, SG14 1HR  
01992 552 885 [www.hertford.gov.uk](http://www.hertford.gov.uk) [cemeteryadmin@hertford.gov.uk](mailto:cemeteryadmin@hertford.gov.uk)

**Blank copies of the forms detailed on this page may be obtained from the Cemeteries Officer at Hertford Town Council. Please note, however, you should seek your own independent legal advice regarding your circumstances and completing of the forms. You are responsible for ensuring that the correct form has been completed and all details contained in it are correct.**