Transfer of Burial Rights: A Legal Process
**Burial “Rights” – what are they?**

The Exclusive Right of Burial of a grave gives a person(s) the “right” to say who can be buried in the grave. Burial “rights” also include the right to erect a memorial.

The granting of burial rights to a grave does not mean you own the land itself but you do have the exclusive right to say who can be buried in the grave. A memorial can be erected and remain on the grave for the period of the lease.

The Exclusive Right of Burial lease for a full grave or cremation plot is 50 years; Great Yarmouth Borough Council retains ownership of the land at all times.

**Ownership of a grave – what does this mean?**

The person(s) who is registered as the owner of the plot have certain rights and responsibilities.

You have the right to:
- Be buried in the grave or plot if space is available (includes cremated remains)
- Authorise further burials in the grave where space is available or for the interment of cremated remains;
- Place an inscribed memorial on the grave or give permission for an additional inscription to be added.

You are responsible for:
- Ensuring the memorial is in a safe condition and pay for any repairs required.

It is not unusual for a grave to be owned by more than one person. In this situation the living owners must give their consent before any internments can take place (except where a current owner is being buried) or a memorial is erected/altered.
How to transfer the Exclusive Right of Burial of a grave or cremation plot

A situation often arises where registered owner(s) are deceased and other family members want to arrange for a further burial to take place or for an additional inscription to be placed on the memorial. As stated a living owner(s) is required to give permission for a burial to take place or a memorial to be erected/ altered. In order for the burial or memorial request to proceed the Exclusive Right of Burial needs to be transferred to the person(s) entitled to the rights.
Transfer of the burial rights needs to be done

- If the registered owner(s) as stated in our burial registers is deceased but left a Will and their estate went to probate – see Probate and Assent section
- If the registered owner left an estate of sufficient value that probate was required - see Probate and Assent section
- If the registered owner(s) left a Will, but there were insufficient funds for probate – see what is a Statutory Declaration section
- If the registered owner(s) is deceased and did not leave a Will a Statutory Declaration is required - see what is a Statutory Declaration section

Probate and Assent

When an estate goes to probate the Executor swears on oath that the Will is the deceased’s last valid Will. Once issued the Executor will receive the Seal of Probate, a document with an embossed seal in the right hand corner. We need to see this document (photocopies are not acceptable). The probate document will be returned once the Transfer of Burial Rights has been completed.
We also require an Assent of Executor or Administrator” form to be completed by all of the Executors named on the probate. The Executor(s) are required to provide names and addresses of the person(s) who are to be the registered owners of the grave/plot.

**What is a Statutory Declaration?**

A Statutory Declaration is a typed sworn statement explaining the registered owner of a grave/plot is deceased and names who is entitled to the Exclusive Right of Burial and why. This statement must give the names of all those persons entitled to the Rights whether they wish to be owners or not. The Statutory Declaration must be signed and witnessed by the Commissioner of Oaths/magistrate.

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**Family Tree Flow Chart**

- **Surviving Spouse**
  - All Surviving Children
  - All Surviving Grandchildren
  - All Great Grandchildren
  - All Cousins
  - No Children
  - All Surviving Brothers/Sisters
  - All Nieces/Nephews
  - All Cousins
  - Executor or Estate Administrator
**Renunciation – what does this mean?**

Renunciation is when a registered owner or someone entitled to the Burial Rights does not wish to retain their rights. A form of Renunciation needs to be completed. This form can only be used in conjunction with a Statutory Declaration.

**Assignment of Right of Burial – what does this mean?**

If you are the registered owner(s) of the Exclusive Right of Burial of a grave/plot and would like another person(s) to also be an owner(s), you can assign the rights making them joint owners – see Ownership of a Grave – what does this mean section. Assigning the right of burial jointly has many benefits:

- In the future when an owner is deceased this leaves a remaining owner(s) and no further legal transfer would be required;
- If it is your intention to be buried in the grave that you own, assigning the rights jointly ensures this can still take place (provided adequate space is available) without seeking permission from another person;
- Ensures that there is a living owner to take care of the memorial arrangements

**Leases of Graves and Cremation Plots**

When the cemeteries were opened the leases were made in perpetuity (99 years). This means that each time a burial took place the lease was automatically extended and the 99 years began again. This is why families believed that a grave was purchased forever, however, this is not the case.

**Change of Address**

Please let us know if you change your address. If our records are kept up to date we can let you know when:

- The exclusive right of Burial in your grave/plot is due for renewal
- Provide important information following a memorial safety inspection
- Advise you when a memorial lease is due for renewal
Fees

When a Transfer of Exclusive Right of Burial is requested, by law we are required to amend our statutory registers and electronic records. We will write the person applying informing them that the transfer has been completed.

Upon completion you will receive confirmation in the form of an amendment to the original deed if this was supplied or in the form of a certificate of registration.

For the current fee payable please check on our website www.great-yarmouth.gov.uk or contact the Bereavement Services Team:

Telephone: 01493 441974
Email: bereavement@great-yarmouth.gov.uk
Fees payable to other organisation will include a Commissioner of Oaths