

## Ware Town Council

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## WARE TOWN COUNCIL

### **EXCLUSIVE RIGHT OF BURIAL – WARE CEMETERY**

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, Ware 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. 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 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 Ware 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 Ware 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. (form attached)

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. A Statutory declaration detailing the relationship of the person claiming the Right of Exclusive Burial to the deceased owner. (form attached)
3. A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial. (form attached)

### **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.(form attached)

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. A Statutory declaration detailing the relationship of the person claiming the rights to the registered grave owner. (form attached)
3. A Form of Renunciation from all other people who would be entitled to claim the Grant of Exclusive Right of Burial. (form attached)

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

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**Blank copies of the forms detailed may be obtained from the Cemeteries Officer at  
Ware Town Council, Ware Priory, High Street, Ware, Herts. SG12 9AL.  
or downloaded from the Ware Town Council Website.**

**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.**

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

The Town Clerk, Ware Town Council, Ware Priory, High Street, Ware, Herts. SG12 9AL  
Tel: 01920 460316 [www.waretowncouncil.gov.uk](http://www.waretowncouncil.gov.uk) [cemetery@waretowncouncil.gov.uk](mailto:cemetery@waretowncouncil.gov.uk)