

Exclusive Rights of Burial Information



1. Grant of Exclusive Right of Burial – the Council will grant on such terms and subject to such conditions as they think proper and upon payment of the fees to any person aged eighteen years or over who is resident in the Parish of Stratton St Margaret. The Grant of Exclusive Right of Burial will be for a period of 99 years for any grave space. The full name and address of the person to be registered as the Grantee or Owner must be given.
2. The personal representative of a deceased resident who does not have a pre-purchased Grant of Exclusive Right may for that deceased resident purchase the Exclusive Right of Burial for the interment of the resident.
3. Where a non-resident wishes to purchase Exclusive Rights of Burial in a new grave space, the Council may show discretion, if it is proven there is a strong family connection to the Parish.
4. Certificate of Grant – Upon payment of the appropriate fee, the Grantee (Owner) will be given a Grant Certificate and the details will be recorded in a registry kept for that purpose.
5. The Right of Burial is for a period of 99 years from the date of the purchase/grant. At the end of this period the right of burial can no longer be exercised and all rights relating to the grave in question, and any memorial erected on it, revert to the Council.
6. During the period of the Exclusive Right of Burial, the Grantee (Owner) will have the right to erect upon the grave, a memorial that complies with the requirements of the Council's Regulations.
7. The Grantee or Owner (or their successor in title) may at the discretion of the Council, during the last 5 years of the 99 year period (or any extension thereof), on payment of 50% of the current cost of the Exclusive Right of Burial, obtain a renewal of the grant for an additional period not to exceed the original term of the Grant
8. A Rights of Burial will not be sold to a Funeral Director, or a firm of Funeral Directors, their agents or a partner in such a firm, unless evidence is submitted by a Funeral Director satisfactory to the Manager, that the grave is required for use by an applicant as a private individual who is resident in the Parish and not for the purposes of his business.
9. Right of Burial – the purchase of an Exclusive Right of Burial entitles the Grantee (Owner) the sole right to determine who is buried in the grave and whether a memorial can be erected on the grave.
10. Consent of Grantee (Owner) is Required – No body shall be buried or cremated remains interred in any grave in which an Exclusive Right of Burial exists, except with consent in writing of the Grantee (Owner).
11. Interment of Grave Owner – To ensure that only the correct person is interred in the grave, any variation in the names must be explained and confirmed by a Statutory Declaration before the interment can take place.
12. For each opening of a grave the Grant of Exclusive Right of Burial or any assignment, or the written consent of the Grantee(Owner) must also be produced and sent to the Council Office on giving notice of burial. If the burial is to be that of the Grantee (Owner), written permission to open the grave will not be required, only production of the Grant together with all the relevant documentation.
13. Transfer of Exclusive Right of Burial – following the death of the Grantee, the Exclusive Right of Burial in any grave space must be transferred and re-registered before the grave can be further re-opened, or any stone or monument erected thereon, or any existing stone or monument repaired, altered or removed.
14. Transfer of Exclusive Right of Burial – Documents required for transfer of ownership can take place on production of any of the following relevant original documentation at the Council Office:
 - a. **Grant of Probate:** Normally granted to the Executors appointed in the will of the deceased person, once the will has been proven in court. Only the original 'sealed' Grant will be acceptable at the Council Office, i.e. it must bear the embossed seal of the Court.
 - b. **Grant of Letters of Administration:** When a deceased dies intestate (i.e. without making a valid will) then the next of kin (or some others person with a sufficient interest) can apply to the Court to be made the Administrator of the Estate. As with Grant of Probate, the original document must be seen by the Council Office bearing the embossed seal of the Court.

Exclusive Rights of Burial Information

- c. **Form of Assent:** Normally completed by the deceased's personal representative or other holder of either the Grant of Probate or Letters of Administration when it is necessary to transfer the ownership of the grave to a family member on closure of the deceased's estate.
 - d. **Statutory Declaration:** An original document to be completed and witnessed by a Solicitors, Magistrate or Commissioner of Oaths. Normally used where no other official documents have been issued or applied for.
15. Interment of relatives of residents – where the Exclusive Right of Burial in a grave space is owned by a resident, the spouse, widow or widower of such owner, may also be interred providing that at the time of the first interment the double depth requirement had been requested. Should the spouse, widow or widower reside outside of the Parish then the fee in the Scale of Charges will be doubled.
16. The right to erect a memorial, rest with the registered owner(s) and will be for the unexpired portion of the Grant of Exclusive Right of Burial.
17. Once any memorial has been erected, the grave owner or their Executor or personal representative will be held to be responsible for the future maintenance and safety of that memorial.
18. Where the Grant of Exclusive Right of Burial has expired, the grave space reverts back to the Council and the memorial will be removed.

Adopted by Full Council on 29 September 2021

Adopted by Open Spaces Committee on 31 July 2024