

**West Moors Town Council**  
**Forms required for Right of Burial Transfers**  
**Guidance**



The Council must obey the law relating to ownership of graves and burials, and the transfers thereof. The Council wish to advise that due to Administration Restrictions we only accept a maximum of TWO owners.

**If the owner of a grave has died, they can automatically be interred in the grave. If another interment is required, who is not the owner, a transfer of ownership MUST take place first.**

**Deceased Dies Intestate/Statutory Declarations**

If there is no Will (or is not valid), no Executors, and Letters of Administration have not been granted, the rules of intestacy apply as laid down in the Administration of Estate Act 1925.

The applicant for transfer of ownership should complete a;

**Statutory Declaration.**

Is a legal document and must be signed in the presence of a Magistrate or Commissioner for Oaths. It should clearly set out the facts regarding the *original purchase* of the Exclusive Right of Burial, the *death of the registered owner*, intestate or otherwise and the *relationship of the applicant* to the registered owner. A copy of the original deed of grant is not needed as the office will have a copy, but it is preferable.

**Grant of Probate**

Granted to the executor/s of a Last Will and Testament once a document has been proven in Court. To be legally acceptable to the Council you must provide the "SEALED" Grant; i.e. it must bear the embossed seal of the court.

From 25<sup>th</sup> March 2019, a new style of Probate document was introduced bearing a hologram, so you will come across both the older type and newer ones. The following website explains it well:

[Changes To Grants Of Probate | Roche Legal](#)

**Letters of Administration**

When a deceased person dies intestate, then the next of kin can apply to the Courts to be made *Administrator of the estate*. An Administrator receives the same powers to administer the estate of the deceased as an executor.

Ownership of the grave can be transferred to this personal representative/NoK of the deceased. The applicant must produce a sealed copy of the Grant of Letters of Administration Form and complete the **Form of Assent of Executor or Administration** form.

**A Form of Assignment**

Used to transfer the rights from a living owner to another person (or to add a name if you want joint ownership).

It should be completed if the owner wishes to transfer the rights during his/her lifetime. (The owner should understand that the transfer of their rights does mean that they lose the automatic right to be buried in the plot themselves upon their death; they should discuss this with the new owner before making the decision to transfer the rights via this form).

**A Form of Assent**

To transfer the rights from a living owner to another person when the original transfer was made using a Grant of Probate or Letters of Administration.

If the deceased grave owner made a valid will and left an estate of sufficient value to require the Grant of Probate to executors, ownership of the grave can be transferred to the executor.

The applicant must produce a sealed copy of the Grant of Probate and complete the Assent of Executor or Administration form. No Statutory Declaration is required, just updating or records, or to the discretion of the Burial Authority, a new Deed of Grant to be issued.

### **Form of Renunciation**

This form was only ever intended to be used in one circumstance - where there are no legal documents to make use of and there are several siblings who are legally next of kin but not all wanting ownership.

When they are all in agreement that ownership goes to just one or maybe two of them they could give up their rights by signing the form of renunciation form but the protection was in the fact that it is **sworn to be a genuine document within a Statutory Declaration**. It's not a standalone or legal document in itself, whereas the other forms are.

Once the renunciation forms are complete, and the names have been listed in the '**Name of all persons renouncing their rights with equal interest**' form, for clarity purposes, then the Statutory Declaration can be filled out by the nominated owner and be attached with the renunciation forms.

### **Certificates**

All certificates (Death, cremation, Will, Probate) supplied with transfer applications must be originals or certified copies.

### **Fees**

An administration fee of £25 is applicable to each form that needs processing and is payable to West Moors Town Council.

If any more information is required to assist with any of the above forms, to determine which one is required or how to fill it out, please do not hesitate to contact the office on 01202 861044 or email: [office@westmoors-tc.gov.uk](mailto:office@westmoors-tc.gov.uk)