

Crewkerne and West Crewkerne Joint Burial Committee

1. Ownership of a grave plot - what does this mean?

When buying a grave plot, it is important to understand that what you are actually buying is the **Exclusive Rights of Burial** in a grave for a specified period of time, which is 99 years in the case of the Crewkerne cemetery. You are not buying the grave freehold: it is more like purchasing a lease. The Joint Burial Committee retains ownership of the land at all times.

You have the right to:

- be buried in the grave if space is available (includes cremated remains);
- authorise burials or the interment of cremated remains in the grave;
- place a memorial on the grave or give permission for an additional inscription to be added.

Please note that you are **not** allowed to erect any type of fence, border or railing around your plot.

A grave owner is responsible for ensuring that the memorial is in a safe condition and paying for any repairs required.

Burial Law (Local Authorities Cemeteries Order 1977) states that no burial may take place in a grave and no memorial may be placed on a grave without the written permission of the grave owner (or owners if jointly owned). This does, of course, exclude the burial of the grave owner.

The Burial Committee's Registers contain the details of all of the registered grave owners. It is important that grave owners keep safe their Deed of Grant as this is a legal document containing the grave ownership details. The Committee issues this document when the grave is first purchased.

2. Single or joint ownership?

A grave plot can be purchased either by an individual or in joint names. When considering who should be the plot owner, please bear in mind the following:

- When a plot is owned in joint names, all instructions to the Burial Committee (for example, to erect a headstone or to change an inscription) will require the signatures of all of the plot owners on the application forms. The exception is when one of the owners dies, in which case the deceased owner has the right to be buried in the plot with no further permission required.
- Where a plot is bought by an individual, then families must be aware that, when that individual dies, the ownership of the plot will need to be transferred to a living relative if the family wish to re-use the plot or to erect a headstone or change an inscription (see 3.2 below). For this reason, many plots are bought in joint names, to minimise the need to transfer ownership.
- Please bear in mind that if the plot is owned jointly by three or more people, this could prove to be very unwieldy when attempting to obtain signatures on the required documentation. Our recommendation is therefore to restrict joint ownership to two individuals only.

3. Transfer of grave plot ownership

3.1 Living owner(s)

The grave owner can assign the **Exclusive Rights of Burial** during their lifetime, to another individual on completion of an "Assignment of Rights of Burial" form, a copy of which is available by contacting the Clerk.

For an unused plot, a grave owner may also transfer the Burial Rights back to the Burial Committee if he/she no longer wishes to retain the plot. A "Renunciation" form needs to be completed to enable this happen. Forms are available by contacting the Clerk.

3.2 Plot owner is deceased

When the owner (or owners) of a plot are deceased, it is important to understand that plot ownership does not automatically pass to the children of the deceased. Also, the Burial Committee is obliged by law to take instruction from the living owner(s) of the plot.

A situation often arises where registered owner(s) are deceased and other family members want to arrange a further burial to take place in the grave, or for an additional inscription to be placed on the memorial. In order for the burial or memorial request to proceed, the **Exclusive Rights of Burial** needs to be transferred to the person(s) entitled to the rights.

The procedure for establishing grave ownership when the original owner has died depends upon whether there is a will.

If the deceased grave owner made a valid will and Grant of Probate was obtained, ownership of the grave can be transferred by the executor. The executor must produce a "sealed" copy of the Grant of Probate as sufficient evidence for the Clerk to undertake the transfer.

With no Grant of Probate, ownership may be transferred by having a Statutory Declaration drawn up, which we can do on your behalf. This declaration can be based either on a Will that did not go to probate, claiming ownership by the executor, or by the next of kin if no Will was left by the deceased.

It is the executor's responsibility to identify the correct person(s) for the transfer of ownership. Because the Statutory Declaration is a legally binding document, it will need to be witnessed by a solicitor. There is usually a charge for this work.

It is often the case that more than one person is the rightful owner of the plot. Bearing in mind the pros and cons of single or joint ownership (see Section 2 above), next of kin may wish to agree that only one or two siblings own the plot. If this is the case, then this agreement should be included within the Statutory Declaration.

4. Fees

The transfer of Grave Ownership is handled by the Clerk to the Burial Committee and there is a fee payable. Payments are made payable to: Crewkerne Town Council. Please contact the Clerk to obtain the current fees payable.

Contact us:

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Telephone: 01460 74001 Email: towncouncil@crewkerne-tc.gov.uk

Website: www.crewkerne-tc.gov.uk