



Medstead Parish Council

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Purchasing the exclusive rights of burial

Although it is not necessary to purchase the exclusive rights in Medstead Cemetery, many of us want to reserve a particular place for our loved ones, and possibly even be buried with them when the time comes.

There are certain circumstances where existing Burial Rights will need to be transferred, but each case has to be looked at on an individual basis in line with the relevant legislation. If any of the following situations have taken place you will need to contact us to arrange a transfer of rights:

- The grave's registered owner has died but there is an application for a burial in the grave
- The grave's registered owner has died but there is an application to erect a memorial on the grave
- The grave's registered owner has died and you (or somebody else) wish to register as a new owner

Below you will find information to advise you on purchasing and transferring the exclusive rights of burial and public graves.

Unpurchased graves

People who are buried in an unpurchased grave acquire no rights and therefore all rights to that grave space are vested with the council.

It is important to note that no memorials are permitted on any unpurchased graves.

Purchased graves

For a burial to take place in a purchased grave space, the owner of the exclusive rights of burial must sign to show consent. If it is the owner who is being interred or scattered in that grave space, then

the authority must be signed by the next of kin, the person who will prove the will.

If the registered owner is not available and cannot be contacted then the grave cannot be reopened.

Purchasing the exclusive rights of burial to a grave space

When you purchase a grave space, you are becoming the owner of the Exclusive Rights of Burial, not the owner of the land itself. This means you do not own the land but have the exclusive right to say who can be buried in that grave. Provided that you do not transfer the exclusive rights to another person and the period stated on the grant has not expired, you have the automatic right to be buried within that grave space. All burial rights are currently issued for a period of 50 years and you will have the option to renew the rights at the end of that period, although we cannot specify the fee for this.

Upon purchasing a grave space you will be issued with a Grant of Exclusive Right of Burial which details the name of the cemetery, grave number and the duration of the grant. This should be kept in a safe place as it will be required in the future when a burial takes place. It is important that you inform us of a change of address.

The Grant of Exclusive Right of Burial does not specify the number of burials that can be accommodated in one grave space. This will be dependent on a number of factors including the size of coffin/caskets interred in the grave and the ground conditions at the time of excavation.

Transferring a grave

Upon the death of the owner of the Exclusive Right of Burial, it is necessary to transfer the rights to a living person so that any future burials (if applicable) can take place and a memorial can be placed on the grave. A transfer is also needed if an existing memorial needs replacing or renovating.

The owner of the rights is permitted to be buried within their grave space without the transfer taking place. After the burial, the person who has arranged the funeral and signed the interment form will be

issued a letter to discuss the transfer procedure. Factors affecting the transfer could be:

- Did the deceased (owner of the exclusive rights) leave a will?
- Is there is a will, is this going to probate?
- If there is no will, are letters of administration being obtained?

Medstead Parish Council will then ascertain which form will be required to complete the transfer process dependent upon each individual person's requirements. In some situations i.e. where no will has been left or where probate/letters of administration have not been obtained it will be necessary for a Statutory Declaration to be drawn up and signed in front of a solicitor.

If you wish to transfer the burial rights to another person, you should complete a Form of Assignment and submit it, with the Grant of Exclusive Right of Burial, to Medstead Parish Council.

There is an administrative fee to transfer the burial rights to another person and this can be found on the current Medstead Cemetery fee structure.