

## **Grave Ownership – The Facts**

When a grave is ‘purchased’, you purchase the ‘Exclusive Right of Burial’ (EROB), for a particular grave space for a fixed period of time which is noted on the Deed. When ownership is transferred, it is for the length of the original EROB which historically was 100 years. New EROBs issued since 2014 are for 50 years.

### **What does it mean to be the grave owner?**

During the period of the EROB the grave owner can -

- authorise other burials (if there is space) or scatterings
- place or amend a memorial and is responsible for ensuring it is in a safe condition, to maintain and repair if required.
- be buried in the grave (if there is space)

The land ownership always remains with Tamworth Borough Council, it is a bit like purchasing a fixed term lease for the grave rather than buying the actual freehold.

### **I have the Deed of Grant, can I become the new owner?**

Possession of the Deed of Grant or EROB document does not itself convey ownership or entitlement to ownership.

### **Who is entitled to be the new owner?**

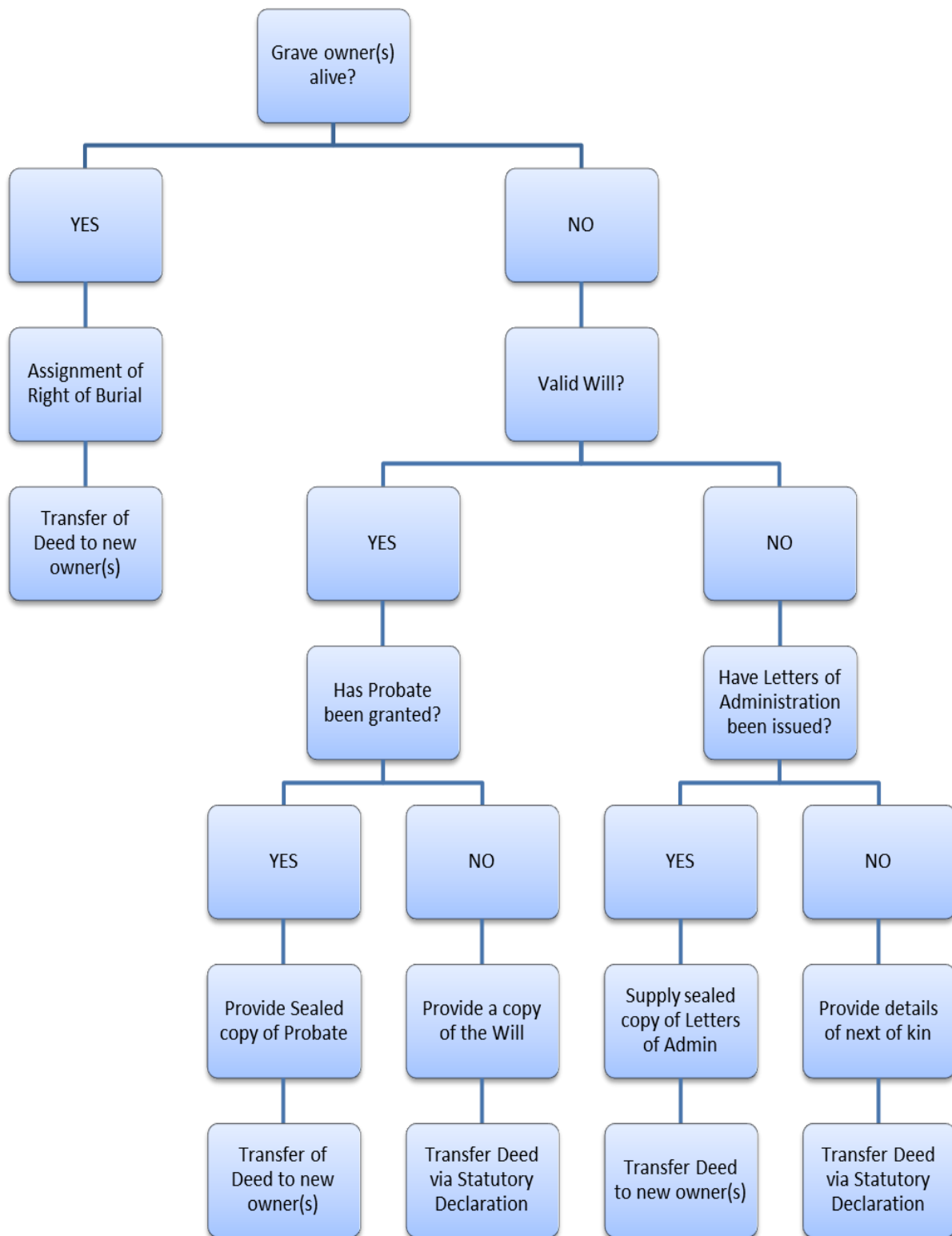
On the death of the owner the EROB forms part of their estate and we have to work out who is legally entitled to be the new owner.

Please refer to the chart overleaf to help you determine this and how the transfer of ownership can be made.

### **Can you have more than one owner?**

Yes you can, but consent from all owners will be required before any interments or memorials can be permitted. So please bear this in mind when deciding who the owners will be.

## Transferring the Right of Burial for a Grave



## **How do I know if the owner left a Will?**

Go to [www.gov.uk](http://www.gov.uk) and enter 'find a will' in the search box, you will be able to search to see if there was a will or probate for the deceased and information on how to order a copy.

## **What is a Statutory Declaration?**

It is a bespoke document detailing the facts regarding the original purchase of the EROB, the death of the registered owner intestate or otherwise, and the relationship of the applicant to the registered owner. It will include the names of all those entitled to the Rights whether they wish to be owners or not.

It is essential that the written agreement of all the next of kin of the deceased owner to the transfer of ownership should also be obtained and attached to the Declaration

The original Deed of Grant and a certified copy of the owner's death certificate (unless the owner is buried in the grave) should accompany the declaration. If the Deed has been lost, then words to this effect will be incorporated in the declaration.

This may be a complex process and there are specific rules as laid down in the Administration of Estates Act 1925 and it maybe necessary to contact a number of members of the family to gain their permission.

## **What happens if someone does not consent or I am unable to contact them?**

If consent from all next of kin/those entitled is not obtained then it is not possible to transfer the ownership. A death certificate may be requested for anyone entitled, who is now deceased.

## **How much will it cost?**

The cemetery fees until 31 March 2025 are £87 to transfer the ownership and £18 for each equally entitled person giving up (renouncing) their rights in favour of another. A solicitor or commissioner of oaths will make a small charge for a statutory declaration.

Please note the cemetery fee is non-refundable in the event that a transfer is unsuccessful.

## **What next?**

Please contact the Cemeteries Office on 01827 709343 or email [cemeteries@tamworth.gov.uk](mailto:cemeteries@tamworth.gov.uk) for advice and further information.