

Abbotts Ann Parish Council

Appendix B to
Abbotts Ann Parish Council
Burial Ground Regulations

Exclusive Rights of Burial **to a Grave or a Cremated Remains Plot**

Exclusive Right of Burial

All prospective interments and memorial applications are only permissible when Exclusive Rights of Burial (ERB) have been purchased for a grave or cremated remains plot.

On purchasing a Right of Burial you become the holder of the ERB to a grave space or cremated remains plot in Abbotts Ann civil Burial Ground. It is important to note you are not the owner of the land as this remains in the ownership of Abbotts Ann Parish Council.

When purchased, you will be issued with a Deed of Grant of ERB; this must be kept in a safe place as it will be required to be produced as proof of ownership with all prospective burials and memorial applications. All ERB Deed of Grants are currently issued for a period of 30 years and may be renewed at the end of this period. Grants already in place for 75 years remain extant.

Provided that you do not Transfer/Assign the Exclusive Rights to another person, and the period stated on the Deed of Grant has not expired, all Holders have the Right to be buried and to bury others within the purchased plot, depending upon space availability. All interments in a given plot, whether burials or the interment of cremated remains, will require the permission of the Parish Clerk and will incur the appropriate interment fees.

The Grant of ERB does not specify the number of burials that can be accommodated within the burial plot; this will be dependent upon the depth of the first interment, the size of coffin / caskets interred in the burial plot and the ground conditions at the time of excavation. The Parish clerk will be pleased to advise on utilisation within a burial plot and endeavour to accommodate your requests, but at time of burial alternative arrangements may be required.

The Deeds will remain with the Holder(s) until such a time of the death of the last surviving Holder; the Exclusive Rights will then need to be Transferred to the entitled claimant.

If you wish to pre-purchase ERB to a grave or cremated remains burial plot, more information can be obtained from the Parish Clerk. Abbotts Ann Parish Council may be able to buy back unwanted, unused burial plots and issue applicants with a refund for the remaining years of ownership. Please contact the Parish Clerk for more information.

Purchasing an Exclusive Right of Burial

Residents of the Parish of Abbotts Ann may apply to pre-purchase ERB for a grave or cremated remains burial plot and should contact the Parish Clerk for advice and further information.

Should an ERB not have been purchased in advance then one will need to be purchased prior to, or at the same time as, any prospective interment.

Up to a maximum of three people may be joint Holders of the ERB; please note Holders must all agree to give consent with future interments and memorial applications on the purchased plot.

When your purchase request has been processed, all elected Holders will receive an ERB Deed of Grant for your burial plot and the details will be entered in the ERB Register. Once received, please ensure you keep the Deed of Grant in a safe place as it is evidence of your ownership of the ERB and will be required as proof of ownership with all prospective burials and memorial applications. Re-issuing the ERB Deed of Grant through loss or misplacement will incur a fee.

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Would you please ensure the Clerk is aware of any future changes to your details as outlined on your Deed of Grant; a new Deed of Grant will need to be reissued with the correct information. Re-issuing the ERB Deed of Grant through a change of contact details will not incur a fee. Up-to-date details are required to ensure the Register is accurate and correctly maintained.

Burial plots will need to be repurchased if the existing ERB has expired prior to a prospective burial and/or memorial application.

Transfer or Assignment of Exclusive Right of Burial

Transfer of the Exclusive Right of Burial when the Holder is deceased

ERB form part of the Estate of the deceased owner, which can only be Transferred, for the remaining years on the Deed, to the entitled person(s). When the Holder to the ERB is deceased, a Transfer of the Right is subsequently required to enable future burial applications and memorial headstone installations and amendments.

If the deceased left a valid Will and Estate of sufficient value to require **Grant of Probate**, ownership is Transferred to the Executor(s) on production of the original sealed/endorsed Grant of Probate. Applicants will also need to complete a **Deed of Assignment** to clarify and/or elect the proposed new Holder(s).

If there is no Grant of Probate then ownership may be Transferred for the remaining years on the Deed to the Executor(s) named in the **Will** on production of the original, sealed/endorsed Will. In this case applicants will also need to provide a completed **Statutory Declaration - Will No Probate** to claim the ERB and complete a **Deed of Assignment** to clarify and/or elect the proposed new Holder(s).

If there is no Will, or the Will was not valid, but there is an Estate sufficient to require a **Grant of Letters of Administration**, ownership can be Transferred for the remaining years on the Deed to the personal representative of the deceased on production of the original sealed / endorsed Grant of Letters of Administration. Applicants will also need to complete a **Deed of Assignment** to clarify and/ or elect the proposed new Holder(s).

When the Transfer of the ERB has skipped a generation, and it is unknown whether the deceased grave owner left a Will or if Letters of Administration were issued, you can use the Government Find a Will website to answer this question. The person concerned can then purchase a copy to aid the transfer.

Where there are **no Executors or Letters of Administration** then the rules of Intestacy apply, as stated in the Administration of Estates Act 1925. In this case, applicants must submit a **Statutory Declaration - No Will No Probate** to claim the Exclusive Right of Burial and complete a **Deed of Assignment** to clarify and / or elect the proposed new Holder(s) for the remaining years on the Deed. If the lawful next of kin of the deceased grave owner need to be clarified or identified, the Government Who Inherits website will help identify those who are entitled and hence enable a lawful transfer.

If claimants do not wish to attain the Exclusive Right, to renounce all Right, an **Assent of Executor or Administrator** will need to be completed and returned with the Transfer paperwork.

Assignment of the Exclusive Right of Burial when the Holder is living

If you do not wish to attain the Exclusive Right, but wish to undertake an In-life Transfer and elect a new Holder(s) for the remaining years on the Deed, you will need to complete a **Deed of Assignment** to clarify and elect the proposed new Holder(s).

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To elect additional Holder(s) to your burial plot ownership for the remaining years on the Deed, you will need to complete a **Deed of Assignment** to clarify you elect the proposed new Holder(s).

Lost or mislaid Exclusive Right of Burial Deed of Grant

If the Deed of Grant has been lost or mislaid, a **Statutory Declaration for a Lost Deed of Grant of Exclusive Right of Burial** and accompanying **Indemnity Agreement Following Loss of Grant of Exclusive Right of Burial** will need to be completed as proof of ownership.

Re-issuing the Exclusive Right of Burial Deed of Grant through loss or misplacement will incur a fee.

Documents can be downloaded from the Parish Council website (www.abbottsann-pc@gov.uk) or obtained from the Parish Clerk. The Statutory Declaration for a Lost Deed of Grant of Exclusive Right of Burial will need to be declared before a Solicitor/Commissioner for Oaths.

When you receive your replacement Exclusive Right of Burial Deed of Grant, please ensure you keep it in a safe place as it will be required as proof of ownership with all prospective burials and memorial applications.

Surrender a Burial Plot with an Exclusive Right of Burial

If you wish to Surrender the Exclusive Right of Burial to your unused cremated remains plot or grave, Abbotts Ann Parish Council may be able to buy back the plot and issue you with a refund of the original purchase payment, less the years of ownership.

You will need to provide the Parish Clerk with paperwork in support of your Surrender request. These include:

A completed **Deed of Surrender of Right of Burial** form for each grave you wish to Surrender; The **original Deed of Grant of ERB** for each grave you wish to Surrender; and a **short letter outlining your Surrender instruction**.

Decorations on Graves or Cremation Plots

All ERB holders are reminded that:-

- (a) Only natural flowers or foliage are permitted. No artificial flowers are allowed except for traditional Christmas wreaths or Remembrance Day poppies, which must be removed within two months of the burial/interment at which they were placed.
- (b) No lights of any kind are permitted on graves or the Garden of Remembrance.
- (c) Bulbs may be planted in any grave, but not in the Garden of Remembrance.
- (d) Flowers may be laid, or placed in appropriate containers, on graves or cremation plots, but must be removed when withered.
- (e) No responsibility for removal by others of flowers or containers can be accepted by the Parish Council, however the Parish Council reserves the right to remove and destroy any decorations that do not conform with these rules.