

# **GUIDANCE ON HOW TO TRANSFER**

## **A BURIAL GRANT**

The following guidance has been written to help those who wish to transfer a burial grant. If you have any further queries which are not answered by this guidance, please contact the Assistant Clerk, Mrs Cheryl Taylor:

by telephone on 07521 735539

by email on [acbishopstoke.pc@btinternet.com](mailto:acbishopstoke.pc@btinternet.com).

by appointment at the Parish Office, Riverside, Bishopstoke, Eastleigh, SO50 6LQ

### **What Is a Burial Grant?**

A burial grant, also known as a grant of exclusive right of burial, entitles the owner to determine who is buried in a particular grave and whether a memorial can be erected. It does not provide any ownership to the land itself, which is owned by Bishopstoke Parish Council.

Since the Cemetery has been in use there have been different periods of time covered by the burial grants that have been issued. Current periods for which a burial grant can be purchased are 30 years and 60 years. At the end of the period covered by the burial grant Bishopstoke Parish Council will seek to contact the owner(s) to invite them to apply for an extension to the burial grant period.

In order to authorise a burial or to authorise a memorial application, written consent is needed from the current legal owner(s) of a burial grant for the particular grave concerned. If the grant owner is the person being buried they have the automatic right to be buried in the particular grave for which they own the grant. Following the burial of the last surviving grant owner the grant must be transferred to the next legal owner(s) before any further burials can be authorised, before any new memorial can be added, or before any changes can be made to a memorial (including an additional inscription).

### **How to Transfer a Burial Grant**

The procedure to transfer a burial grant will depend upon the exact circumstances of

the estate of the person who last owned the burial grant.

If the person who last owned the burial grant has left a will the following documentation will be required:

The Grant of Exclusive Right of Burial (if available)

The Grant of Probate (an original form with the probate seal)

A certified copy of the will (ie certified by a solicitor as a true copy of the will)

If letters of administration have been obtained, rather than probate, then an original letter of administration form, as supplied by the Probate Office, will be required.

If neither the grant of probate or letters of administration have been obtained the grant will be transferred according to the will of the last person to own the burial grant (if one is available), or according to the laws of intestacy (if no will is available). In both these circumstances statutory declaration forms will be required to establish the circumstances under which the heirs to the estate are claiming the burial grant. Statutory declaration forms will be drawn up by Bishopstoke Parish Council based upon information supplied, and the heirs to the estate will then need to visit a solicitor to complete the forms.

If the estate of the person who last owned the burial grant has not yet been distributed then Bishopstoke Parish Council will deal directly with the executors to the estate. If the estate has already been distributed then Bishopstoke Parish Council will deal directly with the heirs to the estate. Where the estate has not yet been distributed the executors can determine on the basis of the will to whom Bishopstoke Parish Council should transfer the burial grant. If the executors inform Bishopstoke Parish Council that some of the heirs to the estate will not be claiming the burial grant, Bishopstoke Parish Council will provide documentation to complete for those heirs to confirm that they are declining the grant.

### **Frequently asked questions:**

#### **I am in possession of the burial grant - am I now the owner of the burial grant?**

No, possession of the document itself does not mean that you are the owner. The owners of the burial grant are the heirs to the estate for the last registered surviving owner.

#### **I am the oldest child - am I now the owner of the burial grant?**

No, the owners of the burial grant are the heirs to the estate for the last registered surviving owner.

#### **Do my children inherit the burial grant?**

Ownership of a burial grant where there is only one named owner passes to the heirs to the estate of the owner. Where the grant is in joint ownership, ownership

passes between the joint owners until there is only one surviving grant owner. Upon the death of the last surviving grant owner ownership passes to the heirs to their estate.

**The burial grant is not mentioned in the will - how do you determine who owns the burial grant?**

If the burial grant is not specifically mentioned in the will, those inheriting will be those named as inheriting the residual part of the estate.

**How do I obtain a copy of the will if probate was obtained many years ago and I no longer have documentation?**

Copies of the will can be obtained from the following government website [www.probaterearch.service.gov.uk](http://www.probaterearch.service.gov.uk) and documentation can either be obtained by post or online.

**How do I know if there was a will that went to probate?**

A search can be made online from the following government website [www.probaterearch.service.gov.uk](http://www.probaterearch.service.gov.uk) and if documentation exists, it can then be obtained by post or online.

**Can the grant be owned by a person under the age of 18?**

No, Bishopstoke Parish Council will only transfer the grant to persons over the age of 18.

**Can I decline the grant?**

Yes, you do not have to do have ownership of the grant passed to you if you are an heir to the estate. However, you will need to complete a Bishopstoke Parish Council form to confirm that you are declining the grant.

**Can I give up ownership of the burial grant?**

Yes, ownership of the burial grant rights can be handed back to Bishopstoke Parish Council following completion of certain documentation. However, you will need to bear in mind that you will then have no right to determine who can be buried in the particular grave concerned, and you will have no right to determine what happens to the memorial in the future. These rights will have passed to Bishopstoke Parish Council.

### **Is there a fee for transferring the grant?**

Yes, the fee is stated on our list of current fees and charges, which is available on Bishopstoke Parish Council's website. There is only one fee whether the grant is being transferred into sole ownership or joint ownership.

There is no fee to transfer to a spouse or a person who was a registered civil partner.

There is no fee to transfer from a living grant owner if this was mentioned at the time of the first transfer and is carried out within six months of the original transfer.

If the last registered owner had purchased more than one burial grant, and both grants are transferred to new owners at the same time, then only one fee is payable.

Guidance agreed: 18/10/2017