



## WITNEY TOWN COUNCIL

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Mrs Sharon Groth FSLCC fCMgr  
**Town Clerk**

### *Transfer of Grave Ownership*

Exclusive rights of burial will need to be transferred upon the death of a registered owner, or you may wish to transfer the ownership to another person.

It is important in the interests of the family to resolve ownership issues as soon as possible rather than wait until you need to arrange a funeral/further funeral, as the process may take some time.

Ownership is the families' responsibility, and we cannot accept a funeral booking or authorise a memorial application until ownership has been sorted out.

The transfer of the grave rights is achieved by one of the following means:

- Copy of the Will of the person that the ownership is transferring from
- Grant of Probate
- Grant of Letters of Administration

In the absence of one of these means, a Statutory Declaration can be used. This is used to transfer ownership when no official documents have been issued or applied for and usually conveys the 'known wish' of the deceased grave owner. Statutory Declarations are legal documents that have a great deal of power when used correctly but, to be legal, they must be signed in the presence of either a Magistrate or a Commissioner for Oaths.

Unless they are sworn on oath in the presence of a Magistrate or Commissioner for Oaths, they are "not worth the paper they are written on". They are often a useful means of quickly and legally transferring the Exclusive Rights without the need to go through a long-drawn-out legal process which could otherwise delay the interment.

Most solicitors will offer the service of Commission of Oaths, and legislation (The Commissioners for Oaths (Authorised Persons) (Fees) Order 1993 ) sets a fixed cost for the service. This charge currently stands at £5.

### *Transfer of ownership from a deceased registered owner*

If the owner of the exclusive rights of burial dies, they have the automatic right to be buried or have their ashes interred in the grave.

After this the rights become part of the deceased estate and may be left in a will or assigned by their executors to someone else.

If the rights are not specifically mentioned in the will, they will form part of the 'residue' of the will, usually worded as 'and all my other worldly goods, at the end of the will.'

Whoever inherits the rights will need to contact the Town Council to arrange a transfer of ownership before the grave can be re-opened again.

It is not possible to place a new memorial or alter an existing memorial without the instruction and permission of the new owner (even if the memorial relates to the previous registered owner), as someone must be responsible for the memorial.

We do ask for a copy of the will and/or Grant of Probate (if granted) as legal proof of transfer. If this is not available for any reason a Statutory Declaration will be required.

## *Transfer of ownership from a registered owner who is still living to a new owner*

Where the deed holder is still living, their signature must be obtained. If there are joint or multiple deed holders, then both or all are required to sign. A 'Form of Assignment' must be produced, and the new deed holder's signature obtained.

If the owner of the executive rights of burial wishes to transfer ownership from themselves into another person's name, they will need to contact the Town Council direct.

### *Transfer Process*

Once all necessary documents have been received together with the fee, our records will be amended and the remaining years of the original deed of grant will be transferred to the new registered owner. A new revised deed of grant will then be issued. The Transfer takes around 3-4 weeks to process.