



**WITNEY**  
TOWN COUNCIL

# Exclusive Right of Burial Forms

## A Brief Explanation

During the period of the EROB the Holder 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)

When the EROB Holder passes away anyone can instruct their burial into the plot. The EROB will need to be transferred if a headstone is to be installed or if there are to be future burials into the plot. No memorial work can take place without signed consent from the EROB Holder. If there is more than one Holder named on the EROB then all Holders must sign before any work can take place. Additionally all EROB Holders will have to sign any interment paperwork if there are to be any further burials.

If consent from all EROB Holders can not be obtained then we are unable to action any instructions.

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

## Types of EROB Form

### 1. **Application For Purchase of Grave Space** - *For use with a new plot.*

Please use this to request the purchase of a new grave space Reservation and immediate burial plots are in sections designated by Witney |Town Council and may not always be on the same row or section. We operate a 'next in line' policy for immediate burials and reservations. Applicants will not be able to choose the location of their plot. All requests to reserve a plot next to an immediate burial will be evaluated on a case by case basis and are not guaranteed.

### 2. **Transfer Request Form** – *For use when the deceased leaves a will.*

The most common way to transfer an EROB is to use the deceased person's will. The will is an instruction from the deceased as to how they would like their estate to be distributed as such their chosen executors should either take on the EROB or instruct who should. In some cases the deceased may have directly named a person they would like to take on the EROB. In this instance we would grant the EROB to the named person rather than the executors. Where there is more than one executor the EROB can either be put into joint names or into one if all parties agree. For this type of transfer we require a copy of the will

and a completed Transfer Request form. If no will has been left the family will usually apply for Letters of Administration to be issued in order to deal with their estate. We will accept proof of probate or letters of administration in the absence of a will.

3. **Form of Renunciation** – *For use when a living person wants to give up their right to an EROB.*

Executors of an estate may decide to limit the number of new Holders of an EROB. In this case we require a copy of the will/letters of administration as evidence to who is entitled to the EROB and a Form of Renunciation completed by each individual who may be entitled yet does not wish to take on the EROB. The Form(s) of renunciation are supplementary to a completed transfer request.

4. **Statutory Declaration** – *For use where there is no will, estate, or in historic cases where the plot may never have been purchased.*

This is used as a last resort when no will or Letter of Administration exist. Prior to acceptance of a Statutory Declaration the Council will carry out a check via the Government Website (<https://probatesearch.service.gov.uk/help>) When used the applicant will be making a legal declaration that they, above all other relatives, have the right to ownership of the EROB for the plot. If there are any other family members that may be entitled to the plot this must be noted in the declaration, acknowledging that they have been informed and that they are happy for the applicant to take sole ownership of the plot. This declaration must be witnessed by a commissioner for oaths. A false declaration may be legally challenged by family members. In this case Witney Town Council cannot intervene and any parties wishing to challenge ownership must seek legal advice.

5. **Assignment of Right of Burial** – *For use when the EROB holder is alive and wishes to pass ownership over to a friend or relative.*

If the EROB Holder no longer wishes to use their plot and would like to pass it on they can fill out the Assignment of Right of Burial form. This also applies to plots where burials have taken place but for whatever reason the original EROB holder no longer wishes to be responsible for the plot. The length of term of the EROB will not restart, meaning the new holder will be entitled to as many years as remains at the time of the swap. When the term runs out the new holder will be able to renew the EROB at the prices current at the time of renewal, for the length of time current at the time of renewal.

6. **Application For Return of A Grave Space** – *For use when an EROB holder no longer has use for an empty plot and would like a refund.*

If the EROB holder no longer wishes to use their plot and it is empty, they may apply to Witney Town Council to return it for a refund of the original purchase price.