

STURMINSTER NEWTON TOWN COUNCIL

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APPLYING TO REGISTER A TRANSFER OF EXCLUSIVE RIGHT OF BURIAL

Only the owner of the “Exclusive Right of Burial” in a grave space has the right to be buried in it or to decide who (else) is buried in it and what memorial is put upon it. This applies equally to spaces for coffin burials and to plots in the Garden of Remembrance for the interment of cremated remains.

Sturminster Newton Town Council sells such rights for spaces in Sturminster Newton Cemetery and allows these rights to be transferred (either before or after the original buyer has died). This enables someone (usually a relative of the original buyer of the right or of the person whose remains are interred) to make decisions (subject to the cemetery regulations) about interments in the plot or memorials, after the original buyer has died. It ensures that only the person who bought the rights or has properly acquired them makes these decisions.

By law we are only able to accept applications to permit interments or memorials if they are submitted by (or with the authority of) the current rights owner. We will always try to consult the current rights owner about issues affecting the grave (e.g. maintenance problems, memorials that become unsafe, etc.).

The Exclusive Right of Burial can be transferred to another person by the present holder and the correct forms can be obtained from the Council Office. All holders must be party to the forms.

- Transfer or a change by a living holder can be done through a Form of Assignment, which requires witnessing.
- If the holder dies then the Exclusive Right of Burial becomes part of his/her estate and the executors or administrators will need to obtain a Grant (of Probate or Letters of Administration) and complete an Assent, which transfers the Right to another person. A separate Assent of the Right is not necessarily required; the Right can (and, whether intentionally or unintentionally, will often in practice) be included in an Assent of the deceased person’s residuary estate.
- If the holder dies but no Grant of Probate or Letters of Administration is obtained, a Statutory Declaration must be completed by the person who has become legally entitled to the Right before a Magistrate or Commissioner for Oaths as evidence of the transfer of ownership of the Right.

We require a simple application form to be completed and a modest fee paid so we can update our records with details of the new owner of the Right every time there is a change. If the original Certificate of Grant of Exclusive Right of Burial accompanies the application, we will attach an official certificate recording registration of the transfer in our records to this before returning it to the applicant.