

Policy

Cemetery Policy

This Procedure is a document that sets out the organization's approved and agreed practices. Any deviation must be discussed with the originating author.

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5	Paras 3 & 7	Clarification on ashes plot numbers and double depth burials.	Aug 24
6	Para 4	Review of fees at 2024 Annual Finance Meeting	Dec 24
7	Para 3	Clarification of ashes plot sizes and ashes interment payments.	Jan 25
8	Para 5	Clarification of headstone regulations and memorial safety.	Apr 25
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10	Para 5	Inclusion of natural burials	Aug 25

11	5b	Clarification of ashes rates in legacy reserved burial plots.	Oct 25
12		Review at AFM and agreement of fees for 2025/26. No changes	Nov 25

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1. DOCUMENT CONTROL SHEET

Purpose of document:	To detail the Parish Councils policy for burials in Walcott Road Cemetery
Dissemination:	This policy will be disseminated to all staff and council members and be made available on the parish website.
Implementation:	This document will be accessible via the parish council website and is applicable to all staff and council members.
Review:	This document will be reviewed in 2026 at the Annual Finance Meeting unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	Nil
This document supports (enter Standards and Legislation:	Local Authorities Cemeteries Order 1977
Key related documents:	The Social Fund (Children's Funeral Fund for England) Regulations 2019
Financial Implications:	This document has financial implications for Billingham Parish Council.
Key word search	Burial, cremation

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3. Introduction

a. Billingham Parish Council (hereafter referred to as the Council) has overall responsibility for the management and maintenance of the Walcott Road Cemetery. We want the area to be safe, pleasant and welcoming for each of our visitors. Above all, we hope that the families of the bereaved are made to feel welcome and are comforted at one of the most difficult times of their lives. Fees charged allow maintenance to be undertaken in the cemetery to maintain its safe and overall condition.

b. As the Burial Authority for the Cemetery, the Council operates within the regulations contained in the Local Authorities Cemeteries Order 1977. All interments and management thereof must be conducted in accordance with the Order. This policy details the local terms and conditions and fees for burials and the interment of ashes. **The fees in this version of the policy were agreed unchanged at the Annual Finance Meeting on 17th November 2025.** The fees associated with these activities will be reviewed at each Annual Finance Meeting.

c. Burials for those under 18 at time of death are not charged to the family / relatives. Under the Children's Funeral Fund for England 2019 the fees are recovered under the Fund by the regulating authority, in this case the Council. Para 6 refers.

4. Cemetery Fees

a. The following fees are applicable from 17th November 2025:

Residents		
Purchase of single burial plot (Adult)	£430 + cost of raising or transferring EROB	This full fee applies regardless if plot has been previously reserved.
Purchase of single burial plot (persons under age 18 at time of death)	£220	This full fee applies regardless if plot has been previously reserved. Fees are recovered by the Council from the Children's Funeral Fund

Purchase of double plot (side by side)	£860	Only available when a single burial requires a double plot.
Interment in Ashes plot (Adult)	£300	This full fee applies regardless if plot has been previously reserved
Interment in Ashes plot (persons under 18 at time of death)	£155	This full fee applies regardless if plot has been previously reserved. Fees are recovered by the Council from the Children's Funeral Fund
Additional fee for burials	£0.00	
Additional fee for ashes	£0.00	
Headstone / memorial	£200	Fees are recovered by the Council from the Children's Funeral Fund for persons under 18
Additional inscription	£30	
Reserve plot - ashes	£110	
Reserve plot - burial	£165	
Raising / Transfer of EROB	£45	
Drafting of Statutory Declaration	£45	
Duplicate Deed of Grant	£20	Plus postage and packing costs
Certified Copy of Register Entry	£15	

Non – Residents		
Purchase of single burial plot (Adult)	£1290 + cost of raising or transferring EROB	This full fee applies regardless if plot has been previously reserved
Purchase of single burial plot (persons under age 18 at time of death)	£660	This full fee applies regardless if plot has been previously reserved. Fees are recovered by the Council from the Children's Funeral Fund
Purchase of double plot (side by side)	£2580	Only available when a single burial requires a double plot.
Interment in Ashes plot (Adult)	£900	This full fee applies regardless if plot has been previously reserved
Interment in Ashes plot (persons under 18 at time of death)	£465	This full fee applies regardless if plot has been previously reserved. Fees are recovered by the Council from the Children's Funeral Fund
Additional fee for burials	£0.00	
Additional fee for ashes	£0.00	
Headstone / memorial	£200	Fees are recovered by the Council from the Children's Funeral Fund for children under 18
Additional inscription	£30	
Reserve plot - ashes	Not Applicable	Exceptions may apply related to previous residency or other extenuating circumstances.
Reserve plot - burial	Not Applicable	
Raising / Transfer of EROB	£45	
Drafting of Statutory Declaration	£45	

Duplicate Deed of Grant	£20	Plus postage and packing costs
Certified Copy of Register Entry	£15	

5. Cemetery Regulations

a. No burial or ashes interment, or scattering of ashes, is permitted without prior authorisation from the council.

b. Ashes Interment.

i. By exception (mainly pertaining to legacy Exclusive Rights of Burials issued prior to this policy) ashes interments are not permitted in a grave reserved for burial of a coffin. If permitted then the ashes interment will incur the cost of a coffin burial.

ii. The interment of one ashes casket into an existing grave (coffin burial) may be permitted. Ashes plot fees apply.

iii. Due to their larger size, ashes plots in ashes areas 1 and 2 allow for the interment of up to four caskets. These plots measure 915mm x 915mm. Ashes interments in area 3 and subsequent areas will only permit a maximum of two caskets in each plot. These plots measure 915mm (h) x 660mm (w). An ashes interment fee applies for each ashes interment in these plots.

c. **Double depth burials.** A double depth burial means that the cemetery buries two caskets or burial containers one on top of another in the same grave space, rather than side-by-side as usually done. Due to groundwater levels, double depth burials are not permitted in this cemetery¹.

d. **Shallow Graves.** A shallow grave situation occurs where a grave space is reopened to allow a second burial to take place, but where the original burial was insufficiently deep to allow a second burial (double depth burial) to take place on top without breaching legal minimum burial depths. The coffin is placed within a concrete / brick cell or compartment. Shallow graves would be permitted where original burial depth permits. These would incur coffin burial fees as per cemetery fees.

e. **Natural Burials.** Natural burial, also known as green burial, is a method of interment that prioritizes minimizing environmental impact and returning the body to the earth naturally. This involves:

i. Not embalming the body as the use of chemicals can harm the environment.

ii. Use of natural, biodegradable materials for coffins, shrouds and clothing, such as wicker, bamboo, softwood, recycled paper and cotton.

ii. Permanent memorials like headstones, statues, or vases not being allowed. Instead, markers may be flat stones or wooden plaques / crosses.

iv. Floral tributes being free of plastic, plastic wrapping, ribbons, and oasis foam.

Whilst the Cemetery can cater for natural burials, it is not a 'natural burial ground' in that the area above and around the burial site will be maintained as per the rest of the cemetery ie grass cut.

¹ A Tier 2 Groundwater Risk Assessment Report for Billingham Parish Council dated December 2019 refers.

- f. **Headstones.** The following applies to headstones:
- i. The maximum height of a headstone is 0.9m (3ft). All headstones are to be placed at the head of the grave.
 - ii. It is advised to wait at least 12 months after the burial before headstones are installed. This ensures that the ground should be compacted and that the headstones will not start to lean.
 - iii. Installation and fixing (including anchor fixing type and method where necessary) must conform with the British Standard 8415-2018. The National Association of Memorial Masons (NAMM) Code of Working Practice and British Register of Accredited Memorial Masons (BRAMM) provide guidance in meeting the standard. A qualified person must undertake the installation and have sufficient Public Liability Insurance in the event of accident or incident attributed to the installation. The BRAMM site provides a list of registered masons.
 - iv. The type and appearance of the headstone must be in keeping with those currently installed in the cemetery.
 - v. Ceramic photo plaques are not permitted.
- g. **Plinths.** The maximum overall plinth length is 7 ft (2.1 metres). The plinth length is restricted to the plot and adjacent plot if it is reserved.
- h. **Borders.** For ease of maintenance, kerb or border stones around the graves are not permitted.
- i. **Displays.** Pots, cases, flowers etc may be placed at the head of the grave, 45cm (18") to the front of the headstone and within 30cm (1 ft) either side of the headstone. The condition of the displays needs to be maintained. The Council will remove any displays in an unsightly condition eg flowers have died.
- j. **Wreaths.** All wreaths need to be removed after one month, or they will be removed by the Council.
- k. **Plants.** Bushes, trees or plants (including flowers) are not to be to be planted. By default, this also excludes the digging of plant borders around the gravestone. The Council reserves the right to remove any such plants or borders.
- l. **Demarcation.** No demarcation is to be placed around the grave.
- m. **Ornaments.** Whilst small items of sentimental value can be placed on a grave at the time of burial, these are likely to become lost or damaged due to weather and maintenance of the grave, as well as deteriorate in condition with time. It is recommended that these are removed after one month. The council reserves the right to remove such ornaments where condition dictates after this time.
- n. **Memorial Tablets.**
- i. A tablet may be placed over ashes interred in a plot. Any memorial in the designated Ashes areas must be laid flat and be fully contained within the plot area.
 - ii. A vase hole is permitted only where the plaque is placed against the headstone. All other plaques placed further down the plot must be recessed and a waiver signed.

- o. **Other.** Friends and family are responsible for all freestanding pots placed on graves. They are to ensure that they are secure and safe from being blown around the cemetery. The council reserves the right to dispose of any freestanding pots that are found to be displaced from a grave, for example due to high winds.
- p. **Memorial Benches.** There is limited space in the cemetery for the siting of any further memorial benches. However, where an application to install a bench is made the following conditions have to be adhered to:
- i. The Council would propose suitable sites to the applicants.
 - ii. The type of bench would need approval by the Council. The Council supports the use of benches made from recycled products and other environmentally friendly options.
 - iii. The cost of the bench and work needed for installation would be borne by the bench owners (the applicants).
 - iv. Installation of the bench would be the responsibility of the applicant and installation would be required to meet all current regulations.
 - v. Whilst the Council would inspect the bench regularly, any maintenance work would be the owner's responsibility. If essential maintenance work was not completed in a reasonable specified time, the Council reserves the right to remove the bench.
- q. **Artificial Grass.** The placing of artificial grass in the cemetery is not permitted unless prior permission is sought and agreed by the Council. Responsibility for maintenance of any artificial turf remains with the person authorised to lay it. The Council reserves the right to remove any artificial grass placed without permission or is placed and not suitably maintained.
- r. **Memorial Safety.** It is the responsibility of the grave owner to maintain their memorial in a safe condition, including the arrangement of and payment for any repairs. Where the Council considers a memorial is unsafe, we will make every effort to contact the owner to give them notice to have their memorial made safe. If the council is required to take any action to make a memorial safe then any costs incurred will be recovered from the grave owner.

6. Children's Funeral Fund

Introduction

- a. The Children's Funeral Fund for England (CFF) is a scheme to provide funding for the fees charged for any burial or cremation of a child under the age of 18 or stillborn after 24 weeks of pregnancy. The fund also covers certain associated expenses.
- b. Claims can be made for child funerals taking place in England on or after 23 July 2019. All claims must be submitted within 6 months of the date of the funeral.
- c. There are no nationality or residency requirements. Funding is available regardless of the income of the child's parents, guardian or carer.
- d. A claim may be rejected or not paid in full if it's not considered to be reasonable. The technical guidance has more information how claims will be assessed and should be referred to at all times to ensure any changes in regulations are complied with. This guidance is available at https://assets.publishing.service.gov.uk/media/5e70f86de90e070ac6706eb0/The_Childrens_Funeral_Fund_for_England_Technical_Guidance.pdf.

What the Council can claim.

- e. Subject to the guidance on reasonableness set out at 2.2, 2.3 and 4.9-4.13 of the technical guidance, for the Council the CFF will cover:
 - i. The fees for the carrying out of a burial (whether of a body or of cremated remains). These fees should be reasonable, for example: - a plot for the burial of a body should be appropriate to the size of the child. However, if the responsible person wishes to purchase an adult sized plot for the purpose of being buried with the child in future, this may also be considered reasonable.
 - ii. The fees for permission to erect a memorial (including a headstone) (whether for a body or for cremated remains).

How to Claim

- f. Claims are to be submitted iaw part 3 of the Technical Guidance.
- g. Forms are available at <http://www.gov.uk/child-funeral-costs> for burial and cremation authorities to use when making a claim for the fees as set out at 2.2 and 2.3.
- h. Claims to the CFF may be submitted:
 - i. by post, using the non-digital form and sending to: CFF PO Box 1385 Thornton-Cleveleys FY5 9DE.
 - ii. by email, using the non-digital form and sending to cff@gov.sscl.com;
- i. Evidence to support the claim should be provided as detailed in para 3b of the Technical Guidance.

7. Exclusive Rights of Burial (EROB)

- a. Where a burial takes place in a plot where no EROB previously exists, then an EROB will be raised and the Deed of Grant issued to the Grave Owner, as identified at the time of interment. The EROB will be valid for 50 years. A charge will be made for this.
- b. Where an EROB already exists and the grave owner is being interred, if the grave owner is the only name on the Deed of Grant then the EROB will be transferred in accordance with the flow chart on page 10. The transferred EROB will be valid for the remaining life of its original 50 years. A charge will be made for this.

Reservation of graves

- c. Reservation of a grave for a coffin or a cremated remains plot (hereafter the term plot covers both) is to be made by submitting a 'Form of Purchase of Exclusive Rights of Burial' to the Council. On receipt of the form and correct payment the Council will issue a Deed of Grant. This will be either a Grant of Exclusive Right of Burial or a Grant of Exclusive Right of Ashes Interment.
- d. When reserving a grave, the EROB is being purchased and not the land itself, which remains the property of the Council. The EROB is purchased for 50 years. The EROB entitles the owner(s) to determine who may be buried in the grave and apply for a memorial stone to be placed on the plot (at the stated fees above). The Council issues EROBs for single burial plots only. There can be a maximum of two owners per plot.
- e. An EROB for an ashes plot in area 3 and upwards allows the grantee to determine the

placement of a maximum of two ashes caskets in an ashes plot. Existing and new reservations in ashes areas 1 and 2 permit the placement of up to four ashes caskets in each plot.

f. A reservation of a grave plot (for a coffin burial) cannot be used for an ashes interment.

g. An EROB awarded to a Billingham resident grantee cannot be used for the interment of a non-resident without approval from the Council. However, an EROB originally granted to a non-resident can be used for resident interments.

h. Burial Law (Local Authorities Cemeteries Order 1977) states that no burial may take place in a grave and no memorial may be placed on a grave without the written permission of the grave owner during the period of the Exclusive Rights, excluding the burial of the grave owner. The EROB may be renewed for a further term towards the end of the period of lease (upon payment of further reservation fee) by contacting the Council.

i. The Council's Statutory Registers contain the details of the registered plot. It is important that plot owners keep safe their Deed of Grant. This is a legal document containing the plot details. The Council issues the document when the plot is first reserved and it should be produced at the time of a burial in the plot. Possession of the Deed does not in itself signify ownership of the plot. A charge will be made for a duplicate Deed of Grant.

j. Where registered owner(s) are deceased and other family members want to arrange a burial to take place, or for an additional inscription to be placed on the memorial, the EROB needs to be transferred to the person(s) entitled to the rights.

Transfer of Exclusive Right of Burial

k. The Exclusive Rights of Burial may be transferred from a living owner to another person for the remaining term of the period that the Right was granted for. The living owner must be aware the transfer of their rights means they no longer have automatic right to be buried in the plot themselves upon their death. If the living owner of the Exclusive Rights of Burial wishes to transfer the Rights to another person a 'Form of Assignment' must be completed.

l. If the grave owner is deceased and left a valid will and an estate of sufficient value to require the Grant of Probate to Executors, then the ownership of the plot can be transferred to the Executor. The applicant must produce a sealed copy of the Grant of Probate and complete a 'Form of Assent'.

m. If there is no valid will, but the estate is of sufficient value to need a Grant of Probate, ownership of the plot can be transferred to a personal representative of the deceased on production of a sealed copy of the Grant of Letters of Administration.

n. If there is no probate, or letters of administration and the deceased is known to have died intestate (without a will), ownership can be transferred to the executor by process of Statutory Declaration.

o. The person applying for the transfer of ownership will need to complete a 'Statutory Declaration Application Form' to enable the Statutory Declaration to be written; this is a legal document produced by the Council and must be signed in the presence of a Magistrate or Commissioner for Oaths. Once signed this must be submitted with a 'Form of Assent' to transfer the plot to the new owner(s).

p. The Statutory Declaration will set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner. A death certificate may be asked for. The

Statutory Declaration application will help you to collect together the information required by the Council to create this bespoke document.

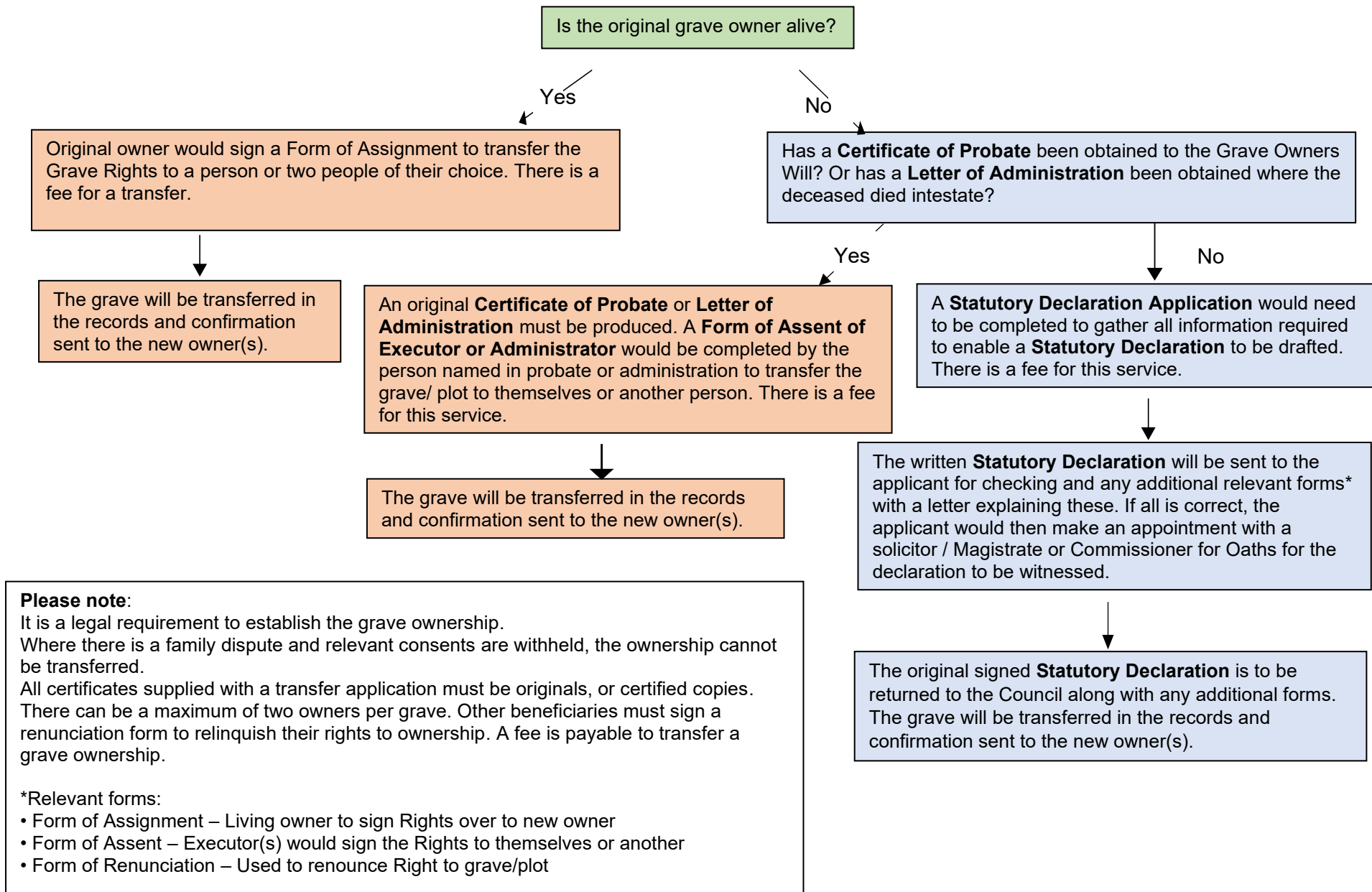
Family Disputes

o. The Council cannot and will not become involved where there is a family dispute over any ownership or where there is a stalemate and relevant consents are withheld. The various next of kin should endeavour to reach some form of agreement between themselves or, if that fails, seek independent legal advice. Until such problems are resolved, the Council will not register any transfer of ownership of the Plot Deed.

Surrender of Exclusive Right of Burial

q. If the plot is no longer needed, it can be surrendered to the Council by completing a 'Form of Assignment', transferring the rights to Billingham Parish Council. There will be no return of any part of the reservation fee, regardless of length of period the EROB has remaining.

Transferring the Exclusive Right of Burial



Form of Purchase of Exclusive Rights of Burial

For the reservation of graves and cremated remains plots

I (title and full name)

Of (full address and postcode)

(Telephone Number)

Solely / Jointly (delete as appropriate)

Along with (title and full name)

Of (full address and postcode)

(Telephone Number)

request Billingham Parish Council to issue me a formal grant of Exclusive Right of Burial for the grave

(coffin) / ash plot described in the register as grave number of Billingham Parish Council's
Walcott Road Cemetery.

Applicant 1

Signed

(Signature)

Name

(Full name)

Date

Applicant 2

Signed

(Signature)

Name

(Full name)

Date

Form of Assignment

Local Authorities Cemeteries Order 1977

I (title and full name)

Of (full address and postcode)

(Telephone Number)

Being the sole/Joint (delete as appropriate) Registered Owner of the grave / ash plot described in the register as grave number , of Billingham Parish Council's **Walcott Road Cemetery**,

which was Granted to (insert the full name of the person(s) named on the Deed of Grant

by Deed of Grant No bearing the date (date) day of (month) (year)

Do hereby assign to transfer the Exclusive Right of Burial, for the unexpired residue of the term, and all my estate and title, and interest therein, including the right of placing a memorial thereon of the nature and in the position approved by Billingham Parish Council to (insert new owner(s) full name and title)

Of (full address and postcode)

(Telephone Number)

Subject to the conditions on which were held by myself immediately before the execution thereof.

Witness my Hand and Seal this (date) day of (month) (year)

Signed and delivered by me

(Signature)

In the presence of

(Signature of witness)

Date

(Full Name and Address of Witness)

(Occupation of Witness)

(Witness Telephone Number)

Form of Assent of Executor or Administrator

Local Authorities Cemeteries Order 1977

I (title and full name)

Of (full address and postcode)

(Telephone Number)

Being the Executor of Will of / The Administrator of the Estate of the late

Do hereby assign to transfer the exclusive Right of Burial, for the unexpired residue of the term in respect of the grave / ash plot described in the register as grave number , of Billingham Parish

Council's **Walcott Road Cemetery** to,

(New owner's title and full name)

Of (full address and postcode)

(Telephone Number)

Solely / Jointly Along With (delete as appropriate)

(Joint owner's title and full name)

Of (full address and postcode)

(Telephone Number)

Subject to the conditions on which were held by myself immediately before the execution thereof.

Witness my Hand and Seal this (date) day of (month) (year)

Signed and delivered by me

(Signature)

In the presence of

(Signature of witness)

Date

(Full Name and Address of Witness)

(Occupation of Witness)

(Witness Telephone Number)

Statutory Declaration Application

Walcott Road Cemetery		Grave Number:	
Full name of original owner:		Date of Death:	
Purchase Date:		Deed Number:	
Names of People Buried:			
Full name and address of Next of Kin who is applying: (Must be closest next of kin)			
Telephone number:			
Email:			
Relationship to original owner:			
Is there a will?		Yes / No (If yes please provide Executor(s) full name and address)	
If yes, is there probate?		Yes / No (If yes please provide sealed copy)	
If no will - are there Letters of Administration?		Yes / No (If yes please provide sealed copy)	
<p align="center">If no Probate or Letters of Administration</p> <p>Please complete all of Grave Owners nearest Next of Kin of equal kinship to the person applying. PLEASE NOTE WE ALLOW A MAXIMUM OF 2 PEOPLE TO BE NAMED ON A GRAVE DEED - ALL OTHER NEXT OF KIN MUST RENOUNCE THEIR RIGHT VIA A FORM OF RENUNCIATION</p>			
Name:	Name:	Name:	
Address:	Address:	Address:	
Relationship:	Relationship:	Relationship:	
To renounce – Yes / No	To renounce – Yes / No	To renounce – Yes / No	
Name:	Name:	Name:	
Address:	Address:	Address:	
Relationship:	Relationship:	Relationship:	
To renounce – Yes / No	To renounce – Yes / No	To renounce – Yes / No	

'Next of kin' / 'Nearest Relative' –

1. Husband / Wife 2. Son / Daughter 3. Father / Mother 4. Brother / Sister 5. Grandparent
6. Grandchild 7. Uncle / Aunt 8. Nephew / Niece

Statutory Declaration

I (title and full name)

Of (full address and postcode)

(Telephone Number)

(Email)

Do solemnly and sincerely declare that (title and full name)

Purchased the Exclusive Rights of Burial for grave number of Billingham Parish Council's

Walcott Road Cemetery and that:

In this section box please state your circumstances for wishing to make this declaration—see overleaf for examples

I hereby declare that I will indemnify Billingham Parish Council and their officers against all actions, proceedings, losses, costs damages, claims or expenses of any nature (including exhumation of any burial) should it subsequently be proved that my claim is unfounded and that I have no title to exercise the Rights to Burial in this grave and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835.

Signature

Date

Declaration in the presence of a Magistrate or Commissioner for Oaths

Declared at

Address of Magistrate or Commissioner for Oaths

Before me

Signature of Magistrate or Commissioner for Oaths

Date

The Statutory Declaration should clearly set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner. The original Certificate of Exclusive Rights of Burial Certificate and a certified copy of the owner's death certificate should accompany the Declaration (certificates will be returned). Where the certificate has been lost, suitable wording should be incorporated within the declaration to that effect.

Examples of declarations that could be made

A) Surviving husband/wife:

That said John Smith* died intestate, leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration and THAT I Mary Smith am his lawful surviving wife and lawful next of kin. I am therefore the present rightful owner of the said Exclusive Right of Burial.

B) Surviving children, all children taking ownership:

The said John Smith * died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration and THAT James Smith, Emma Smith and myself the said Steven Smith are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial.

C) Surviving children, only one to take over the ownership:

The said John Smith* died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT James Smith, Emma Smith and myself the said Steven Smith are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial BUT James and Emma Smith desire that the exclusive Right of Burial be vested solely in my name as Steven Smith and have given their consent in the document attached hereto which I declare to be genuine.

Please note in this scenario a Form of Renunciation should be attached to the Statutory Declaration from those next of kin who do not want to be registered as owners.

Guidance/information notes for completing a Statutory Declaration

Grave ownership: The Council's Statutory Registers contain the details of the registered grave owners. It is important that grave owners keep safe their Certificate of Exclusive Right of Burial as this is a legal document containing the grave details. The Council now issues this document when the grave is first purchased and it should be produced for each burial. Possession of the Certificate does not in itself signify ownership of the grave.

Death of a grave owner: A situation often arises where the registered owner(s) of a grave are deceased. Other family members may wish to arrange a further burial to take place in the grave, or for an additional inscription to be placed on the memorial.

Intestate: means not having made a Will before one dies.

Grant of Probate: If the deceased has made a valid Will, the Executor will apply for a Grant of Probate. The grant is a legal document which confirms that the Executor has the authority to deal with the deceased person's assets.

Grant of Letters of Administration: This is a legal document issued to prove who has legal authority to deal with the Estate of the person that has passed away without leaving a valid Will.

Why do we need you to complete a Statutory Declaration: A Statutory Declaration may be required to ensure that burial rights are assigned only to the rightful owner(s) and serves to protect both the owners of those rights and the Council. This is a procedure used by most burial and cremation authorities in England in accordance with the Local Authorities Cemeteries Order of 1977 which states that no burial may take place in a grave and no memorial may be placed on a grave without the written permission of the grave owner during the period of the Exclusive Rights, excluding the burial of the grave owner.

Who completes a Statutory Declaration: If no valid Will was left by the deceased or a Will was left but the official documents required for the transfer of grave ownership were not issued, then a Statutory Declaration should be completed by the Executor, the Administrator or a representative Next of Kin. The Statutory Declaration needs to be completed in the presence of a Magistrate or a Commissioner for Oaths.

When to use a Form of Renunciation: If there is more than one person entitled to claim ownership of the deceased owner's grave then each person who is entitled would need to give their consent for further burials. This can often lead to delays in arranging burials or family disputes and so it is often better for just one member of the family to become the registered grave owner by transferring the grave ownership to them. To do this those persons with a claim to the ownership can 'renounce' their entitlement in favour of one person who they have agreed will take over the ownership. In this circumstance a Form of Renunciation is completed by all of those with a claim, stating the person to take over the ownership and those persons renouncing their entitlement. Following the submission of all required documentation the Statutory Register of grave ownership is updated with the new owner's details. If completing a form of Renunciation as well as a Statutory Declaration, the Form of Renunciation should be completed first and made reference to in the Statutory Declaration.

Form of Renunciation

Local Authorities Cemeteries Order 1977

I (title and full name)

Of (full address and postcode)

(Telephone Number)

Do hereby renounce all my interest and title in the Right of Burial in respect of the grave described in the register as Grave Number , of Billingham Parish Council's **Walcott Road Cemetery**,

and desire that the said Right of Burial shall be vested (delete as Appropriate) Solely/Jointly (New owner's title and full name)

Of (full address and postcode)

(Telephone Number)

And

Of (full address and postcode)

(Telephone Number)

Witness my Hand and Seal this (date) day of (month) (year)

Signed and delivered by me

(Signature)

In the presence of

(Signature of witness)

Date

(Full Name and Address of Witness)

(Occupation of Witness)

(Witness Telephone Number)

Grant No



Grant of Exclusive Right of Burial (Coffin plot)

Section 214 of the Local Government Act 1972

By virtue of the powers conferred by section 214 of the Local Government Act 1972 and of the order made by the Secretary of State thereunder, WE, **Billinghay Parish Council**

in consideration of the sum of

paid to us solely / jointly by

(title and full name)

Of (full address and postcode)

(Telephone Number)

Along with (title and full name)

Of (full address and postcode)

(Telephone Number)

(hereinafter called 'the grantee/s') DO HEREBY GRANT to the grantee/s and his/her successors in title the exclusive right of burial (coffin) in the grave space in **Walcott Road Cemetery** grave No.

on the plan of the Cemetery made in pursuance of the said Act and ORDER TO HOLD the same to the Grantee/s and his/her successors in title for the period of **50 years** from the date of this grant, for the purpose of resident / non-resident burial only.

IT IS HEREBY CERTIFIED that the transaction hereby affected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £120,000.

GIVEN under my hand this (date)

day of (month)

(year)

(Signature)

(Designation)

(The officer appointed for this purpose)

Note: This Grant is subject to the provisions of any Order made under section 214 of the Local Government Act 1972. A copy of any such Order currently in force may be inspected at all reasonable times at the office of the officer who signed the grant.

Grant No



Grant of Exclusive Right of Ashes Interment

Section 214 of the Local Government Act 1972

By virtue of the powers conferred by section 214 of the Local Government Act 1972 and of the order made by the Secretary of State thereunder, WE, **Billingham Parish Council**

in consideration of the sum of

paid to us solely / jointly by

(title and full name)

Of (full address and postcode)

(Telephone Number)

Along with (title and full name)

Of (full address and postcode)

(Telephone Number)

(hereinafter called 'the grantee/s') DO HEREBY GRANT to the grantee/s and his/her successors in title the exclusive right of burial of ashes in the ashes plot in **Walcott Road Cemetery** numbered

on the plan of the Cemetery made in pursuance of the said Act and ORDER TO HOLD the same to the Grantee/s and his/her successors in title for the period of **50 years** from the date of this grant, for the purpose of ashes interment only.

IT IS HEREBY CERTIFIED that the transaction hereby affected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £120,000.

GIVEN under my hand this (date)

day of (month)

(year)

(Signature)

(Designation)

(The officer appointed for this purpose)

Note: This Grant is subject to the provisions of any Order made under section 214 of the Local Government Act 1972. A copy of any such Order currently in force may be inspected at all reasonable times at the office of the officer who signed the grant.

Examples of Statutory Declaration wording.

1. **Name correction.** Statutory Declarations have many uses, one of which is to correct the name of the owner of the Exclusive Right of Burial when their name has been incorrectly registered with the cemetery and therefore details in grave registers need to be amended. For example - middle names are often not given when the exclusive Rights of Burial are purchased:

that I the said Frederick John Smith am one and the same person as John Smith my name having been incorrectly given when the exclusive Right of Burial was purchased and I make this declaration in order that the said Right of Burial may be registered in my correct name as Frederick John Smith AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

2. **Incorrect name.** Many times the incorrect registration of an owners name is not found until AFTER his death. In this case a Statutory Declaration needs to be completed by the next of kin of the deceased who will have to swear on oath the following details:

the said Frederick John Smith shown on Disposal certificate Dis28 41894 dated 1st June 2000 issued by the registrar of births and deaths for the district of Newham is one and the same person as John Smith his name having been incorrectly given when the exclusive Rights of Burial was purchased and I make this declaration in order that the said Frederick John Smith may be buried in the said grave space on Monday 6th June 2000 as is his right is right as owner thereof AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

3. **Intestate deceased - partner.** Many people die intestate (without a will). When grave ownership needs to be transferred from a deceased owner who hasn't left a valid Will, and his estate is only small and doesn't necessitate applying for Grant of Letters of Administration then the following wording will need to be used:

the said Frederick John Smith died intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT I the said Ann Smith am his lawful surviving wife and next of kin and therefore the present rightful owner of the said Right of Burial AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

4. **Intestate deceased – next of kin.** When ownership needs to be transferred from a deceased owner who is widowed, who left no Will, and who's estate does not warrant applying for Grant of Letters of Administration, then the following wording can be used:

the said Frederick John Smith died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT Colin John Smith, Brian Alan Smith and myself the said Mary Ann Smith are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

5. **Next of kin with renunciation.** The previous Declaration showed ownership being claimed by the three children of John Smith i.e. his next of kin. But what if only one of the children want ownership? In this circumstance a Form of Renunciation needs to be completed and written into the declaration:

the said Frederick John Smith died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT Colin John Smith, Brian Alan Smith and myself the said Mary Ann Smith are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial BUT Colin John Smith and Brian Alan Smith desire that the exclusive Right of Burial be vested solely in my name as Mary Ann Smith and have given their consent in the document attached hereto which I declare to be genuine

AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

6. **Statutory declaration based on will.** When a deceased person has left a perfectly valid Will, but his estate is of insufficient value to demand that the Will is proven in Court, then a Statutory Declaration can be prepared BASED on the Will:

the said Frederick John Smith died leaving his Last Will and Testament dated 5th February 1987 without codicil and which was not revoked in which I the said Brian John Smith was named as sole executor BUT at the time of his death the said Frederick John Smith left an estate of insufficient value for estate of insufficient value for which it was required by law to obtain Probate on the said Will and I have not neither do I intend to endeavour to obtain such Probate and in these circumstances I declare myself the said Brian John Smith to be the present rightful owner of the said Right of Burial AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....

7. **Statutory declaration based on will – executor deceased.** The same scenario to the previous example i.e. a valid Last Will and Testament has been left by the deceased but his estate is not big enough that the Will needed to be proven. To complicate matters the executor is now also deceased. The Statutory Declaration should be BASED on the Will:

the said Frederick John Smith died leaving his Last Will and Testament dated 5th February 1987 without codicil and which was not revoked in which Brian John Smith was named as sole executor BUT at the time of his death the said Frederick John Smith left an estate of insufficient value for which it was required by law to obtain Probate on the said Will FURTHER the said Brian John Smith is now deceased and in his fiduciary duties failed failed to transfer ownership in accordance with the provisions of the will THAT I the said Alan Smith am the sole surviving residuary legatee and therefore the present rightful owner of the said Right of Burial AND FURTHER I hereby indemnify Billingham Parish Council and all its officers and servants from any liability whatsoever in this matter or arising therefrom.....