

## NOTES FOR USE OF FORMS TO TRANSFER EXCLUSIVE RIGHT OF BURIAL

### IF OWNER IS STILL ALIVE

A **Form of Assignment [1]** should be completed if the owner wishes to transfer the rights during his/her lifetime

### IF OWNER IS DECEASED AND HAS LEFT A WILL

If the deceased owner left a will and Grant of Probate has been obtained (the document issued by the Court after the will has been proved in court) naming the person the Right should be passed to, he/she should provide the Council with the original Deed of Grant and the Grant of Probate (bearing the Court Seal)

GRANT OF PROBATE MAY NOT BE REQUIRED IF the person who died left less than £5,000 or they owned everything jointly with someone else and everything passes automatically to the surviving joint owner.

If for the above reason, Grant of Probate is not to be applied for and someone wishes to claim the Exclusive Right of Burial, a **STATUTORY DECLARATION [2]** form should be completed by the claimant. This form allows the claimant to detail their relationship to the deceased. (This form may also be an acceptable temporary measure while the Probate process is taking place dependant on circumstances).

An **ASSENT FORM [3]** should be used if the person who is named in the will to take over ownership of the Right of Exclusive Right of Burial is not the Executor. This form should be completed by the Executor and he/she should provide the Council with the original Deed of Grant and the Death Certificate.

A **FORM OF RENUNCIATION** should be completed by all other people who would be entitled to claim the Exclusive Right of Burial but have no interest in doing so.

### IF OWNER IS DECEASED AND LEFT NO WILL (died intestate)

If the deceased died intestate (without a will) the Council should be provided with the original Deed of Grant and the Grant of Letters of Administration (letters of administration are granted to a person(s) who apply to the Court to receive permission to administer the estate of the deceased). The Administrator of an estate has the same powers and responsibilities as an Executor. If that applicant for the Exclusive Right of Burial is not the Administrator then an **ASSENT FORM [3]** is required from the Administrator.

If the estate is of insufficient value to merit application for Letters of Administration the Council should ask for the original Deed of Grant and the Death Certificate and a **STATUTORY DECLARATION [2]** form should be completed by the claimant. This form allows the claimant to detail their relationship to the deceased. (This form may also be an acceptable temporary measure while the Letters of Administration process is taking place dependant on circumstances).

A **FORM OF RENUNCIATION** should be completed by all other people who would be entitled to claim the Exclusive Right of Burial but have no interest in doing so.