

GREAT YELDHAM PARISH COUNCIL

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Advice for the owner of an Exclusive Right of Burial

Deed of Grant for an Exclusive Right of Burial

The Deed of Grant is an important legal document, that confirms you are the current legal owner of the grave and this should be stored in a safe place.

Extent of Purchaser's Rights

Ownership of an Exclusive Right of Burial does not imply ownership of the land itself or the right to carry out any particular activity on the grave plot.

The land is still owned by Great Yeldham Parish Council, however, it does allow the owner to decide who may be buried there and whether or not to have a memorial headstone/ Stone Tablet (The Glades).

Use of the Grave for Burial

Where an Exclusive Right of Burial has been granted in respect of the grave and a request is made to prepare it for a burial, the Deed of Grant must be presented at Great Yeldham Parish Council.

If the Deed of Grant is lost, the person requesting that the grave be opened, must make a statutory declaration under oath, that they have the right to do so.

Possession of a Deed does not in itself give any person the right to have a grave opened, as that right lies only with the person named on the Deed.

Renewal of Exclusive Right of Burial

Exclusive Right of Burial is currently granted for a period of 50 years only.

After this period has elapsed a letter of notification will be sent to the last known address of the person named on the Deed.

It is important therefore, that you inform us of any change in address, in writing, so that we can amend our records accordingly.

Transfer of Exclusive Right of Burial

If you wish to transfer an exclusive right of burial to another person, you can do so by means of completing an 'Application for Transferring EROB' accompanied with copies of 'Grant of Probate or Letters of Administration and/or Will (see form for further details). If these documents were not

obtained a Statutory Declaration will need to be obtained, a copy is available from Great Yeldham Parish Council.

This will need to be filled in accurately, is a legally binding document and must be witnessed by a Commissioner for Oaths and returned to Great Yeldham Parish Council, after which, a new Deed of Grant will be issued. The Commissioner of Oaths will charge you for this service at their prevailing rate.

It is important to note that a Transfer of Exclusive Right of Burial does not alter the expiry date of the original right of burial.

A fee of £40.00 is payable to Great Yeldham Parish Council for this service.

Memorials

The person named on a Deed as owner of Exclusive Right of Burial in a grave also has the right to have a memorial erected on that grave (except in The Glades, an inscribed stone tablet maybe purchased from the burial authority).

However, before doing so a formal application for a permit must be made to Great Yeldham Parish Council giving full details of the memorial, this function is carried out by utilising the services of a Stonemason.

Responsibility for any memorial erected on a grave lies with the person named on the Deed pertaining to it.

That person should be aware of the possibility of an unsafe memorial falling on visitors to the cemetery, or cemetery staff with possibly fatal results. Even small memorials can cause serious injuries, particularly to young children.

The safety of memorials is of great concern to the council and any memorial which is considered a potential safety hazard may be re-affixed or laid to the ground without notice and all costs recharged back to the owner.

Damage to Graves

Great Yeldham Parish Council will not be held responsible for any damage caused to a grave or memorial, except where it can be proven, that the damage is the result of grave digging or grounds maintenance operations.

It is strongly recommended that memorials are insured against all eventualities, your chosen stone mason may be able to assist you with this. The grave number must be placed on the memorial in a suitable discrete position to identify the deceased and reduce their value to possible theft.

Anyone witnessing any criminal act in the cemetery grounds should report the matter to the local police and to Great Yeldham Parish Council.

The owner shall be responsible for keeping all memorial stones in a proper state of repair and in a tidy condition. The Council has the right to remove or to require the owner to remove any memorial stone which in its opinion has become dangerous or contravenes the regulations.