

GRAVE OWNERSHIP

Having multiple owners

It is possible for a grave space to have multiple owners and sometimes there are several people (for example multiple siblings), who have entitlement to a plot. When transferring a plot with several entitled parties, it is helpful for a family to consider how many owners they want, and who they should be. All owners will need to agree and sign paperwork for any decisions that need making, so you might want to consider where people live, and how easy it would be for them to communicate. Any family member who is entitled to take joint ownership, but agrees not to, will still need to sign a renunciation form, in order to give up their entitlement.

Sometimes a plot owner/s may wish to add an additional owner, for example an owner may wish to make their spouse a joint plot holder. This is perfectly possible and usually easier to do whilst both parties are alive, rather than completing a transfer after death. Please contact the office if you would like to talk through your options.

Transferring grave ownership

Pilning & Severn Beach Parish Council require every burial plot to have a living owner, for many reasons, but most importantly because only the owner can allow further burials within a plot, give permission to erect a memorial or have an inscription added.

When the last owner of a grave dies, the family must transfer the grave to a new owner in order to take ongoing responsibility for the plot. Usually, the burial of the owner happens before the transfer, as an owner is always legally entitled to be buried within their own grave space (unless the grave is full).

Who is entitled to take ownership of a grave?

When seeking to transfer ownership, there are details that we will need from you in order to determine the process we must follow.

In most cases, we can transfer a plot following the rules below, but there are occasionally cases where we are unable to transfer ownership of a grave where key people are not contactable or are unwilling to get involved.

An administration fee of £50 is payable for the transfer of grave ownership.

Probate

Where the deceased owner left a will and their estate was subject to probate, the person/s named on probate as the executors to the will are the person/s legally entitled to transfer ownership of the grave. Probate can take a while after death to be issued, so sometimes there can be a delay in transferring ownership until this document is received.

Please be aware that we will need to see an original copy of your probate certificate – we do not keep it and will give it back, but you will be required to either bring it into the office in person or post it to us and we can return it by recorded delivery.

Letters of Administration

Where the deceased owner did not leave a will but there was sufficient estate, or where the executors named in it are unable to manage the estate, letters of administration may be issued. The person/s named on the letters of administration who will act as executors to the estate are legally entitled to transfer ownership of the grave. Letters of administration can take a while after death to be issued, so sometimes there can be a delay in transferring ownership until this document is received.

Please be aware that we will need to see an original copy of your letter of administration – we do not keep it and will give it back, but you will be required to either bring it into the office in person or post it to us and we can return it by recorded delivery.

Intestate

Where the deceased owner died without a will, or where the estate was not sufficient to require probate, we will need to help you establish who is rightfully entitled to take ownership of the grave. Once this is established, we will draw up a Statutory Declaration which will allow the new owner/s to take on the plot, detailing their entitlement and any other parties involved. This can be complex, and it may be necessary for the person applying for ownership to get in contact with many members of the family to gain their permission.

A Statutory Declaration must be signed under witness of a Commissioner of Oaths (magistrate or solicitor), so where this option is required, you will need to

choose a solicitor to take your paperwork to in order than it can be countersigned. The solicitor's charge for this should be minimal.



Pilning & Severn Beach Parish Council is a member of the Institute of Cemetery and Crematorium Management, which means we work in line with their guidelines and best practice.