

Louth Town Council

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Town Clerk: Mrs. L. Phillips



EXCLUSIVE RIGHTS OF BURIAL (EX/RT CERTIFICATES) OWNERS RIGHTS AND RESPONSIBILITIES

When you buy a grave, what you are actually buying is the Exclusive Right of Burial for a specific period (at Louth Cemetery this is for 60 years). You do not become the freehold owner of the land, but you own the 'right' to make decisions affecting the gravespace.

The Exclusive Right of Burial gives a person the 'right' to say who can be buried in the grave and to apply for permission for a memorial to be erected.

When the owner of the Exclusive Right of Burial dies, they have the automatic right to be buried or have their ashes interred in the grave. After this interment, the 'rights' to have a memorial erected or any further ashes interred within that gravespace becomes part of the deceased's estate (this item is rarely itemised within the Will).

This Exclusive Right cannot be transferred to another person without a formal procedure as Louth Town Council is unable to simply transfer deeds upon request. It must be satisfied that any person receiving the deed is legally entitled to it.

Please note that an administration charge is made for transferring the Exclusive Rights of Burial which must be paid at the time of transfer to Louth Town Council.

Transferring the Exclusive Rights of Burial During Your Lifetime

To make this transfer you will need to complete a **Deed of Assignment** form which gives the details of the person to whom you wish to assign the Exclusive Rights to. The time span of reservation remains from the original date on the certificate.

Transferring the Exclusive Rights of Burial Following the Death of the Grave Owner.

When there is a Last Will and Testament

If the grave owner leaves a Last Will and Testament the main beneficiary of the deceased's estate is entitled to the burial rights if the Exclusive Right of Burial wasn't itemised in the Will. If the estate is divided equally between a number of persons, they are all entitled to the Exclusive Rights of Burial.

If the estate was of sufficient value to require a Grant of Probate to Executors, then the ownership of the grave can be transferred to the Executor. Louth Town Council will need to see the original copy of the Grant of Probate (with the seal on) and also receive a completed Form of Assent.

If a Grant of Probate was not obtained, then you will need to use a Statutory Declaration to confirm the details of the Will and then use a Form of Assignment to transfer the Right of Burial.

When there is no Last Will and Testament

If the grave owner didn't leave a Last Will and Testament, then the persons entitled to the Exclusive Rights of Burial are likely to be the direct next of kin following their blood line. In this case you might obtain a Grant of Letters of Administration, the original of which Louth Town Council will need to see and take a copy of. Along with this we will also need to receive a completed Form of Assent.

No Will or Grant of Letters of Administration

If neither of these documents are available, then you will be required to complete a Statutory Declaration which has to be made before a Magistrate or Commissioner for Oaths and then use a Form of Assignment to transfer the Exclusive Rights of Burial.

Siblings Wishing to Transfer the Exclusive Rights of Burial to One Sibling

Once you have completed the process of Assignment as above, if a number of siblings wish that just one sibling take over responsibility of the Exclusive Rights of Burial, this can be done by completing a Form of Renunciation.

Note - A Statutory Declaration is a sworn statement explaining that the registered owner of a grave space is deceased and giving the names of those entitled to the Exclusive Rights of Burial and why. This statement must give names of all those persons entitled to the rights, and whether they wish to be owners or not. A Magistrate or Commissioner for Oaths (for example solicitor) will need to witness the declaration, and Louth Town Council will make a charge for administering a declaration.

Permission to Fix a Memorial

Memorials are permitted in the cemetery but may only be erected by a suitably qualified monumental stonemason. The person who has the Exclusive Rights of Burial (EX/RT) for a grave has the right to apply for permission to erect a memorial. Louth Town Council only accept applications to erect a memorial from the person who owns the Exclusive Rights of Burial for the grave and the certificate details should be given on application.

If you are not the grave owner, and would like to erect a memorial, you must either ask the grave owner to apply for permission or arrange for the Exclusive Rights of Burial to be transferred to you prior to applying to erect a memorial.

Once permission is granted to erect a Memorial and the stone masons have installed it, the grave owner will be responsible for the maintenance and repair of it for the term granted on the original Exclusive Rights of Burial certificate (usually 60 years).

When the EX/RT reservation date has expired, the memorial will revert to the jurisdiction of Louth Town Council.

For the further information on memorials, please contact Louth Town Council.

PLEASE NOTE - the Exclusive Rights of Burial Certificate is an **IMPORTANT** document and should be kept in a safe place. If you are making a Last Will and Testament, you may want to itemise it in this document. Please notify Louth Town Council of any address changes during your lifetime.