

## STATUTORY DECLARATION - LONDON ROAD CEMETERY, LOUTH

Upon completion please return to Louth Town Council, The Sessions House, Eastgate, Louth, Lincolnshire LN11 9AJ together with a **Form of Renunciation** if applicable. If completing a Form of Renunciation, **please complete that form first** and then make reference to it on this Statutory Declaration. See information and guidance overleaf.

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I, Full Name

Address

Postcode

Email  Telephone

Do solemnly and sincerely declare that

Purchased the Exclusive Right of Burial Certificate Number  EX/RT of Compartment  Grave Number   
in London Road Cemetery, Louth 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 Louth Town 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

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### Declaration in the presence of a Magistrate or Commissioner for Oaths

Declared at

Before me  Date

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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.

**Please Note: There is a fee payable for the transfer of grave ownership.**