

Memorials

Does the owner of an Exclusive Right of Burial have the right to erect or alter a memorial?

The owner needs to make a separate application and pay a fee before a memorial can be erected or altered.

If the owner is deceased a transfer of Exclusive Right of Burial must be carried out before a memorial can be erected or altered.

Depending on where the grave is located in the cemetery, permission to erect a memorial may not be granted for up to 1 year from the date of burial.



Stroud Town Council

Thanet House
58 London Road
Stroud
Gloucestershire
GL5 2AD

Phone: 01453 762817
Fax: 01453 753390
E-mail: council@stroudtown.gov.uk

Stroud Cemetery is owned by Stroud District Council and managed on its behalf by Stroud Town Council.

Exclusive Right of Burial



Purchasing an Exclusive Right of Burial

When a grave is purchased it refers to the purchasing of the Exclusive Right of Burial in a grave space and not the purchase of the land itself. This means that you do not own the land but have the right, during the period stated, to say who can be buried, or have ashes buried or scattered, in the grave.

We will provide you with a Sealed Deed. It is important to keep this in a secure place as it is the only legal document confirming your entitlement to the Rights.

It is also important to notify us of any change of address.

How long does the Right last?

The Right is currently granted for a period of 70 years.

Can more than one person own the Right?

Legally a number of people can jointly own the Right; however, you should bear in mind that all owners need to give permission before a grave can be opened.

Exercising the Exclusive Right of Burial

All owners must sign to authorise their exercising of the Right (with the exception of burial of an owner). If one of the owners will not sign, the grave cannot be opened for burial or a memorial erected or altered.

What happens when the owner dies?

Providing there is space, all owners have a legal right to be buried in the grave. When there are a number of owners and one dies, the rights are shared by the remaining owners. This continues until there is only one owner, at which point the rights can be transferred via their estate.

Transferring the Exclusive Right of Burial

A living owner can change ownership using a Form of Assignment and upon payment of a fee.

What happens when the owner dies?

When the last remaining owner is deceased a transfer via their estate must take place before any further burial or memorial erection or amendment can take place.

If the deceased owner left a Will

We will ask if Grant of Probate was obtained.

If Grant of Probate was obtained we will need to see and take a copy of the sealed Grant

(copies can be obtained from the Probate Office). On payment of a fee we can then transfer to the executor.

If Grant of Probate was not obtained we will need to see and take a copy of the Will and any codicils (we will only take a copy of the relevant part of the Will/codicil showing the executor). This information will be used to create a Statutory Declaration in the name of the executor. The executor must sign the declaration in the presence of a Magistrate or Commissioner of Oaths. On payment of a fee we can then transfer to the executor.

The executor can transfer the Exclusive Right of Burial to whomever they choose. Providing this is carried at the same time as the transfer to the executor a single fee will apply.

If the deceased owner did not leave a Will

We will ask if Grant of Letters of Administration were obtained.

If Grant of Letters of Administration were obtained we will need to see and take a copy of the sealed Grant (copies can be obtained from the Probate Office). On payment of a fee we can then transfer to the administrator.

If Grant of Letters of Administration were not obtained a Statutory Declaration signed in the presence of a Magistrate or Commissioner of Oaths by the lawful next of kin must be made. On payment of a fee we can then transfer to the lawful next of kin.