

# Exclusive Right of Burial and Memorial Process

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HOLLESLEY PARISH COUNCIL

Karrie Langdon  
HOLLESLEY PARISH COUNCILLOR

## 1 INTRODUCTION

At the present time in Hollesley New Cemetery each plot is given the exclusive right of burial and the exclusive right to erect a memorial. These rights can endure for up to 75 and 100 years respectively. Once the grave is occupied then the remains are held in perpetuity.

However, it must be noted that new legislation, being discussed at the time of writing this process, seeks to reuse graves after 100 years of use due to general shortage of land for this purpose within the UK. This practise is already in force in London cemeteries.

This document defines the process of administering and managing the Exclusive Right of Burial and the Exclusive Right to Erect a Memorial in Hollesley New Cemetery.

## 2 SCOPE

2.1 The Exclusive Right of Burial and the Exclusive Right to Erect a Memorial is inclusive of all designated plots within the cemetery.

2.2 The Exclusive Right to Erect a Memorial on the Memorial Wall.

2.3 This process defines how the Burial Authority will manage the administration of:-

- the implementation of the Exclusive Right of Burial
- the implementation of the Exclusive Right to erect a Memorial
- the removal of memorials

2.4 This process describes the actions to be taken to meet the requirements stated in Local Authorities Cemetery Order 1977 Section 10

2.5 In the process:

**“Burial Authority”** means Hollesley Parish Council.

**“Cemetery”** means Hollesley New Cemetery, Hollesley.

**“Cemetery Office”** Hollesley Parish Clerk. Manor Farm, Hollesley, Woodbridge, Suffolk, IP12 3NB. Telephone 01394 411405.

**“Exclusive Right of Burial”** means a right that may be purchased from the Burial Authority which grants the purchaser, and his or her successors the exclusive right of burial in a designated burial plot for a specified number of years.

**“Exclusive Right to Erect a Memorial”** means a right that may be purchased from the Burial Authority which grants the purchaser, and his or her successors the exclusive right to erect and maintain a memorial in a designated burial plot for a specified number of years.

**“Grant Holder(s)”** means the owner of an Exclusive Right of Burial.

**“Deed Holder(s)”** means the owner of an Exclusive Right to Erect a Memorial

### 3 Purchase the Exclusive Rights of Burial

- 3.1 The purchase of the Exclusive Right of Burial does not give the Grant Holder the right to erect a memorial on the plot. To erect a memorial the Exclusive Right to Erect and Memorial is required and defined in section 7 of this document.
- 3.2 The Exclusive Right of Burial is granted for a specified period of time and a specified type of burial plot i.e. single or double. Refer to the **Table of Fees and Charges**.
- 3.3 Upon receiving a request for burial in the cemetery. The Cemetery Office will validate the person meets the criteria for a resident of Hollesley eligible for burial in the cemetery. The criteria is stated in **Regulations of Hollesley New Cemetery and Memorial Wall**, Section 4. Verification of eligibility must be supported by two forms of documentation e.g. recent utility bill, drivers licence etc. The Cemetery Office will discuss with the purchaser their wishes relating to type of grave plot e.g. single or double plot. The interment specification of the type of plot will be stated in the Deed when authorised. The purchaser is entitled to select a grave plot subject to the Burial Authority approval. The Burial Authority shall meet the wishes of the applicant as far as it is practicable.
- 3.4 There must be a minimum of two owners stated on the deed, but no more than four will be permitted.
- 3.5 The ownership of the ground does not, at any time, pass from the control of the Burial Authority.
- 3.6 The request to grant Exclusive Right of Burial for the proposed grave plot will be submitted to the Burial Authority for approval. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority.
- 3.7 On granting the approval the Cemetery Office will issue the **Deed of Grant of Exclusive Rights of Burial** to the Grant Holder(s).
- 3.8 The Cemetery Office will:-
  - Keep a physical and electronic copy of the authorised Deed of Grant of the Exclusive Right of Burial
  - Update the Cemetery Plan to show the plot as reserved
  - Update the Grant Holder contact list
  - Update the records of the Deed of Grant of Exclusive Right of Burial to manage the Grant Holders contact details, Deed of Grant No. and the expiry date of the Exclusive Right of Burial.
  - Schedule the review of the renewal date.

## 4 Transfer the Exclusive Right of Burial

- 4.1 The Grant Holder(s) can transfer the Exclusive Right of Burial to a close relative(s) by completing the **Assignment of The Right of Burial Form**.
- 4.2 The request to reassign the Grant Holder(s) of Exclusive Right of Burial for a defined grave plot will be submitted to the Burial Authority for approval. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority.
- 4.3 On granting the approval, the Cemetery Office will endorse and issue the **Deed of Grant of Exclusive Rights of Burial** to the Grant Holder(s). A copy of the approved assignment form confirming the transfer will be sent to the transferor(s) and transferee(s).
- 4.4 The records will be updated.

## 5 Expiry of the Exclusive Right of Burial

- 5.1 The Exclusive Right of Burial is granted for a defined period of time as stated on the Deed of Grant of Exclusive Right of Burial. If a burial has not taken place 12 months prior to the defined expiry date, the Cemetery Office will serve notice to the Grant Holder(s) that the Deed of Grant of Exclusive Right of Burial will expire. The notice will request the Grant Holder(s) to confirm his/her requirement to retain or relinquish his/her right to the burial plot.
- 5.2 It is the responsibility of the Grant Holder(s) to notify the Cemetery Office in writing, within 6 months of the notice, his intention to retain it.
- 5.3 If the Grant Holder(s) wishes to retain the Deed of Grant of Exclusive Right of Burial it can be extended up to but not exceed 75 years from the original date of the deed. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority. The approval of the extension will be at the discretion of the Burial Authority. An amended Deed of Grant of Exclusive Right of Burial will be issued and all records updated.
- 5.4 If the Grant Holder no longer wishes to retain the right, then it is the responsibility of the Grant Holder to notify the Cemetery Office in writing, within 6 months of the notice, that the Deed of Grant of Exclusive Right of Burial will not be retained and complete the **Renunciation Form** accordingly.
- 5.5 If the Grant Holder no longer wishes to retain the right, but wants to transfer the right, then follow the process stated in Section 4 of this document.
- 5.6 If the Grant Holder fails to contact the Cemetery Office within 6 months of the date of the served notice then Cemetery Office will:-
  - Display the notice in a conspicuous place in the cemetery. The Cemetery Office will take photographic evidence of the posting of the notice including date and time stamp.
  - The Cemetery Office will publish the notice for 2 consecutive weeks in local publication/newspapers which would best cover the area served by the cemetery
  - Publish the notice in the Hollesley Grapevine

- 5.7 If after one month of the notice being displayed in the cemetery and published in the publications/newspapers and the Hollesley Grapevine, no communication from the Grant Holder or close relative has been received; then the Cemetery Office should seek approval from the Burial Authority to release the reserved grave plot.
- 5.8 Upon approval by the Burial Authority the cemetery plan will be updated to show the plot is available.
- 5.9 The Cemetery Office will archive all information relating to the expiry of the Deed of Grant of Exclusive Rights of Burial.
- 5.10 If the Exclusive Right of Burial has been exercised, but not fully utilised i.e. only one person occupies a double plot. The Grant Holders can extend the rights up to but not exceeding 100 years from the original date of the deed. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority. The approval of the extension will be at the discretion of the Burial Authority. An amended Deed of Grant of Exclusive Right of Burial will be issued and all records updated.
- 5.11 In the circumstances where the Exclusive Right of Burial has expired, with the right having been exercised but not fully utilised. If Grant Holder subsequently wants to fully utilise the Exclusive Right of Burial then the original deed date must be extended to the present date, and any associated fees as stated in the **Table of Fees and Charges** paid and the approval of the Burial Authority obtained prior to the interment proceeding.

## 6 Grant Holder of the Deed of Grant of Exclusive Right of Burial is Deceased

- 6.1 If the Grant Holder of the Deed of Grant of Exclusive Right of Burial is deceased then the Executor of the Will of the Grant Holder(s) can transfer the rights to a close relative. That relative must be a resident of Hollesley Parish as defined in the **Regulations of Hollesley New Cemetery and Memorial Wall**.
- 6.2 The Executor of the Will must complete the **Assent of the Executor or Administrator Form**. The Form should be sent to the Cemetery Office. The Cemetery Office will seek approval of the Burial Authority to transfer the rights to the designated person, subject to the fees stated in the **Table of Fees and Charges** being paid.
- 6.3 If the Grant Holder dies intestate the next of kin can apply to have the rights transferred. They must submit Letters of Administration, Grant of Probate or complete a **Statutory Declaration Form**. The Cemetery Office will seek approval of the Burial Authority, subject to the fees stated in the **Table of Fees and Charges** being paid.
- 6.4 Upon approval of the transfer of the burial rights the Cemetery Office will update all records accordingly and issue an updated Deed of Grant of Exclusive Right of Burial.

## 7 Exclusive Right to Erect a Memorial

- 7.1 The Exclusive Right of Burial does not give the Grant Holder the right to erect a memorial on the plot.
- 7.2 To apply for the right to erect a memorial will only be given to the Grant Holder of the current (i.e. not expired) Exclusive Right of Burial of the plot.

- 7.3 If Grant Owner of the expired Exclusive Right of Burial wishes to apply for the Exclusive Right to Erect a Memorial then the original Exclusive Right of Burial deed date must be extended to the present date at least, and any associated fees as stated in the **Table of Fees and Charges** paid and the approval of the Burial Authority obtained. The required steps in section 5 must be followed and then the Grant Holder can apply to erect a memorial by following the steps below.
- 7.4 The Grant Holder can request the right to erect a memorial on the plot they own the Exclusive Right of Burial by completing the **Exclusive Right to Erect a Memorial Form**. The form will be submitted to the Burial Authority for approval. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority.
- 7.5 Upon approval the Cemetery Office will validate the form, send the validated form to the Deed Holder, keep a paper and electronic copy of the form and update the records.
- 7.6 When the Deed Holder wants to erect the memorial on the grave then the request to erect a memorial must be submitted on the **Application to Erect/Carry Out work on a Memorial Form** to grant permission for a memorial to be erected (subject to the relevant fee being paid and permission from the Burial Authority).
- 7.7 If the Deed Holder wishes to change an existing memorial i.e. add an inscription or replace the memorial then an **Application to Erect/ Carry Out work on a Memorial Form** must be completed, and related fees paid prior to being submitted to the Burial Authority for approval.

## 8 Maintain and Removal of a Memorial

- 8.1 The Exclusive Right to erect a memorial is granted for a specified defined period of time as stated on the Deed of Grant of Exclusive Right to Erect a Memorial. At the end of that time period the Grant Holder can renew the right to maintain the memorial on the specified plot or it must be removed.
- 8.2 The Cemetery Office will serve notice to the Grant Holder 12 months prior to the defined expiry date, that the Deed of Grant of Exclusive Right to erect a Memorial will expire. The notice will request the Grant Holder to confirm his/her requirement to retain or relinquish his/her right to maintain the memorial.
- 8.3 It is the responsibility of the Grant Holder to notify the Cemetery Office in writing, within 6 months of the notice, his/her intention to retain it.
- 8.4 If the Grant Holder wishes to retain the Deed of Grant of Exclusive Right to Erect a Memorial it can be extended up to but not exceed 100 years from the original date of the deed. The appropriate fee must be paid to the Cemetery Office in accordance with the **Table of Fees and Charges** prior to the request being submitted to the Burial Authority. The approval of the extension will be at the discretion of the Burial Authority. An amended Deed of Grant of Exclusive Right to Erect a Memorial will be issued and all records updated.
- 8.5 If the Grant Holder no longer wishes to retain the right, then it is the responsibility of the Grant Holder to notify the Cemetery Office in writing, within 6 months of the notice, that the Deed of Grant of Exclusive Right to Erect a memorial will not be retained and state the date when the memorial will be removed from the Cemetery.
- 8.6 If the Grant Holder fails to provide a date of removal or does not remove the memorial by the stated date then the Cemetery Office will serve notice on the Grant Holder that the memorial will be removed and disposed of in 12 weeks from the expiry date of the Deed of Grant.

- 8.7 If the Grant Holder fails to contact the Cemetery Office within 2 weeks of the date of the served notice then Cemetery Office will:-
- Display the notice in a conspicuous place in the cemetery. The Cemetery Office will take photographic evidence of the posting of the notice including date and time stamp.
  - The Cemetery Office will publish the notice for 2 consecutive weeks in local publication/newspapers which would best cover the area served by the cemetery
  - Publish the notice in the Hollesley Grapevine
- 8.8 If after one month of the notice being displayed in the cemetery and published in the publications/newspapers and the Hollesley Grapevine, no communication from the Grant Holder or close relative has been received; then the Cemetery Office should seek approval from the Burial Authority to remove and dispose of the memorial.
- 8.9 Upon approval by the Burial Authority the Cemetery Office will ensure that an up-to-date image of the memorial is held in the Cemetery Plan.
- 8.10 The Cemetery Office will arrange for the removal and disposal of the memorial
- 8.11 The Cemetery Office will archive all information relating to the expiry of the Deed of Grant of Exclusive Rights to Erect a Memorial.
- 8.12 If the Grant Holder no longer wishes to retain the right, but close relatives want to maintain the memorial. They can apply for the Exclusive Right to Erect and Maintain a Memorial by following the steps in Section 7 of this document. This will not give the Grant Holder the right to the Exclusive Right of Burial of this plot.
- 8.13 If the Grant Holder fails to contact the Cemetery Office within 6 months of the date of the served notice then Cemetery Office will:-
- Display the notice in a conspicuous place in the cemetery. The Cemetery Office will take photographic evidence of the posting of the notice including date and time stamp.
  - The Cemetery Office will publish the notice for 2 consecutive weeks in local publication/newspapers which would best cover the area served by the cemetery
  - Publish the notice in the Hollesley Grapevine.
- 8.14 If after one month of the notice being displayed in the cemetery and published in the publications/newspapers and the Hollesley Grapevine, no communication from the Grant Holder or close relative has been received; then the Cemetery Office should seek approval from the Burial Authority to remove and dispose of the memorial.
- 8.15 Upon approval by the Burial Authority the Cemetery Office will ensure that an up-to-date image of the memorial is held in the Cemetery Plan.
- 8.16 The Cemetery Office will arrange for the removal and disposal of the memorial
- 8.17 The Cemetery Office will archive all information relating to the expiry of the Deed of Grant of Exclusive Rights to Erect a Memorial.

## 9 Administration

- 9.1 The Cemetery Office will use the **Exclusive Right of Burial Flowchart** to ensure all the relevant documents are issued and the records are maintained for the burial rights.
- 9.2 The Cemetery Office will use the **Exclusive Right to Erect a Memorial Flowchart** to ensure all the relevant documents are issued and the records are maintained for the memorial rights.
- 9.3 The checklists will form part of the documented process and will be as an electronic record of the cemetery process.

## 10 Administration

- 10.1 The Cemetery Office will use the **Exclusive Right of Burial Flowchart** to ensure all the relevant documents are issued and the records are maintained for the burial rights.
- 10.2 The Cemetery Office will use the **Exclusive Right to Erect a Memorial Flowchart** to ensure all the relevant documents are issued and the records are maintained for the memorial rights.
- 10.3 The checklists will form part of the documented process and will be as an electronic record of the cemetery process.

## 11 Complaints

- 11.1 Any complaints should be made in writing to the Cemetery Office.
  - 11.2 The complaint should be logged with the
    - Date received
    - Complainants details
    - Details of the complaint.
  - 11.3 The Cemetery Office will inform the complainant that the issue will be raise at the next Parish Council meeting and invite them to attend.
  - 11.4 The complaint will be discussed at the Parish Council meeting and the action agreed.
  - 11.5 The decision of the council is final.
  - 11.6 Inform the complainant of the decision of the Parish Council.
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Adopted by the Parish Council at a meeting on: *18<sup>th</sup> February 2021*

Signed:

*J Hallett*

Mrs Judi Hallett  
Clerk

*H Hughes*

Mrs Hazel Hughes  
Chair