Nuneaton & Bedworth
United to Achieve

Nuneaton and Bedworth Borough Council
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Grave Transfer Guidance Notes

The transfer of ownership is a legal process to determine who has the correct entitlement to a grave once the grave owner is deceased. This responsibility will usually fall to the Executors/Administrators of an estate. In the case that no certified will or probate is produced, this will be the next of kin. Please read the following guidance notes before completing grave transfer forms.

When considering transferring ownership of a grave, it is important to be aware that it is against the law to open a grave for burial including a burial of cremated remains or to place cremated remains upon the surface of a grave without the written permission of the registered owner, unless the burial is for the grave owner.

A transfer of ownership will be needed in the following circumstances:

- If the registered owner decides to assign the grave to someone else
- If an application is made for a burial in the grave but the registered owner is deceased
- If an application to place a memorial or additional inscription on the grave is made but the registered owner is deceased

If the registered owner has recently died. It makes future arrangements easier if there is a living owner. The Council must obey the law relating to ownership of graves and burials. Where the owner has previously been buried, then without exception a new owner must first be registered to re-open a grave for burial or place a memorial or additional inscription upon a memorial.

Rights and Responsibilities of a Grave Owner

You have the right to:

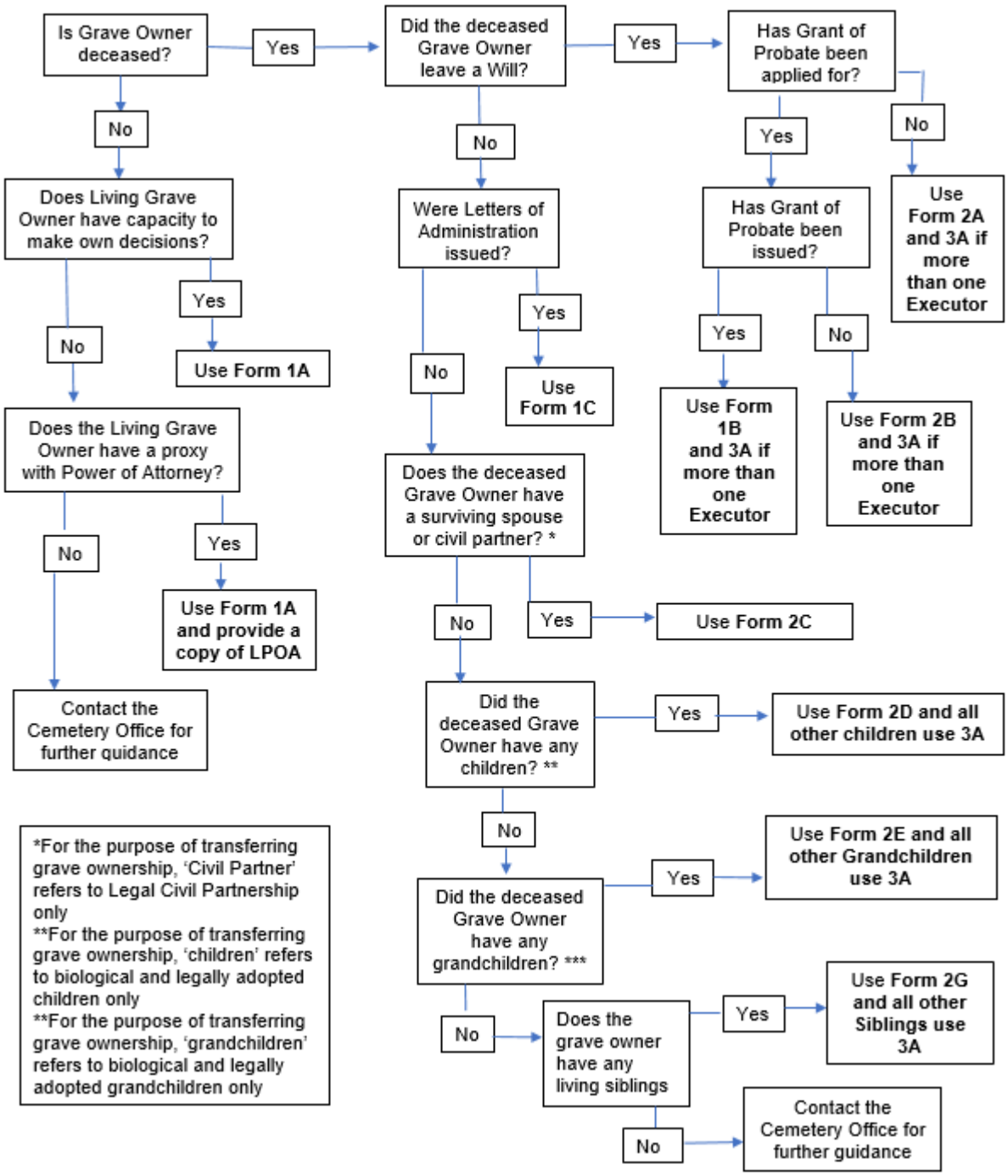
- Be buried in the grave if space is available - including cremated remains
- Authorise future burials in the grave where space is available or for the interment of cremated remains
- Place an inscribed memorial on the grave or give permission for an additional inscription to be added to an existing memorial

You are responsible for:

- Providing consent and signing paperwork for all future interments
- Ensuring the memorial is in a safe condition and pay for repairs required should the council deem the memorial as unsafe
- Notifying the council of any change of address so we may contact you at the end of a burial lease term, memorial lease term or other matters relating to your grave.
- Abiding and adhering to all Cemetery Regulations including Memorial Regulations as required by the council. A copy of Cemetery Rules and Regulations can be found on our website at www.nuneatonandbedworth.gov.uk for your information.

Nuneaton and Bedworth Council always retain ownership of the land. We will accept **ONE** grave owner. All other Executors/Next of Kin with equal rights will be required to renounce their rights. The person who is registered as the owner of the Exclusive Rights of Burial to a grave has the above rights and responsibilities for the **leased period**.

To find the correct form required:



Checklist of documents to include as attachment	Yes	No
1. Is the current Grave Owner deceased?		
2. Did the current Grave Owner leave a Will? If yes, Please provide a certified copy		
3. Has Probate or Letters of Administration been granted? If yes, Please provide a sealed copy of Probate/Letters of Administration		
4. Are you named as the Executor in the Will/Grant of Probate or Administrator in Letters of Administration? If yes, All Executors who are named in the Will or Grant of Probate or Administrators who are named in the Letters of Administration should complete a Form of Assent		
5. Are you the current Grave Owner's nearest Next of Kin? If yes, then If no Certified Will/Probate/Letters of Administration is available, please ensure that all family members with equal rights i.e children, grandchildren, parents, siblings etc complete either a Statutory Declaration or Renunciation Form		

Please note before completing any grave transfer forms:

Form 1A - Form of Assignment – Should be completed by living grave owner. This form should be signed in front of a witness, but this can be anyone outside of the transfer process.

Form 1B/1C - Form of Assent – Should be returned to the Cemetery Office, along with the sealed Grant of Probate or Letters of Administration, whichever is applicable. Form must be signed by an executor named on the Grant of Probate or administrators named on the Letters of Administration. If there are more than one then the others will all need to sign a **Form of Renunciation**.

Statutory Declaration:

- **Form 2A - Based on Will, No Probate** - should be completed by a named executor on the Will. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public. If there is more than one Executor, all other Executors must complete a **Form of Renunciation**. Forms must be returned to the Cemetery Office, along with a Copy of the Will.
- **Form 2B - Based on Will, Probate applied for but not yet issued** - should be completed by a named executor on the Will. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public. If there is more than one Executor, all other Executors must complete a **Form of Renunciation**. Forms must be returned to the Cemetery Office, along with a Copy of the Will.
- **Form 2C - Based on Transfer by Surviving Spouse** - should be completed by surviving spouse of deceased grave owner. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public.
- **Form 2D - Based on Rights of Children** - should be completed by one living child of the deceased grave owner. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public. All other children of deceased grave owner must complete a **Form of Renunciation** as all living children have an equal claim to the grave ownership.
- **Form 2E - Based on Rights of Grandchildren** - should be completed by one living grandchild of the deceased grave owner. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public. All other grandchildren of deceased grave owner must complete a **Form of Renunciation** as all living grandchildren have an equal claim to the grave ownership.
- **Form 2G - Based on Rights of Siblings** - should be completed by one living sibling of the deceased grave owner. This should be signed in front of solicitor, Commissioner of Oaths or Notary Public. All other siblings of deceased grave owner must complete a **Form of Renunciation** as all living siblings have an equal claim to the grave ownership.

- **Form 3A - Renunciation Form** - should be completed along with a **Form of Assent or Statutory Declaration if applicable** (see above). This form should be signed in front of a witness, but this can be anyone outside of the transfer process.

Please note - If there is a family dispute and any Executor, Administrator or equally entitled family member withholds consent, the Council cannot transfer ownership. No further burials or memorials will be allowed until those involved reach an agreement. Families are encouraged to resolve any issues before applying to avoid delays.

If you have any questions, please contact our office by telephone on (024) 7637 6357 or by email at: cemetery.office@nuneatonandbedworth.gov.uk