PADSTOW TOWN COUNCIL

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Exclusive Rights of Burial

The Deed of Grant of Exclusive Right of Burial is an official document which confirms with the purchaser their right to burial within a defined grave space within the cemetery. There is a popular belief that the grave itself is purchased. In fact, only the rights of burial are purchased and not the land itself, which remains the property of the burial authority.

Padstow Town Council issues new Deeds of Grant of Exclusive Right for a term of 99 years. After the rights have lapsed, grave ownership reverts to the Council and the Council is at liberty to reuse or resell any space remaining. Alternatively an extension of your EROB can be considered by the Council. These Exclusive Rights of Burial would be for up to two normal interments within the grave plot. However, when the grave plot is full with respect to normal burials, it may still be utilised for the interment of cremated remains.

It is important to retain the Deed in a secure place, as it is the only legal document held by the owner confirming their entitlement to the burial and memorial rights.

Transfer of Deed of Grant of Exclusive Rights of Burial

If the owner of the Exclusive Rights dies, it is reasonably assumed that they gave permission to have themselves interred in the grave. After this, the Rights become part of their estate and may be left in a Will or assigned by their executors to someone else. If the Rights are not specifically mentioned in the Will, they will form part of the 'residue' of the Will, usually willed as 'and all my other worldly goods' at the end of the Will.

Whoever inherits the Rights will need to contact the Council and arrange for a transfer of ownership before the grave can be opened again. It is not possible to place a new monument or alter an existing one without the express permission of the owner (Exclusive Rightholder). If probate was obtained we will need to be supplied with a sealed copy of probate for registration, if probate wasn't obtained a Statutory Declaration will need to be completed and witnessed before a Magistrate or a Commissioner for Oaths.

In cases where the owner of the Rights died years ago and the family wish to reuse the grave, there is a need to legally transfer ownership. This may involve seeing copies of Will(s) and / or Grants of Probate. Otherwise there may be a need to make a Statutory Declaration in front of a Commissioner for Oaths, Solicitor or Magistrate. Although the Council can advise of the process and provide specimen paperwork, ownership is the family's responsibility and the Council is unable to accept a booking for an interment unless ownership has been clearly established.

When there is no will

If the owner of the rights dies without leaving a will, we would need to receive a sealed copy of the letters of administration or if these were not issued a statutory declaration by the next of kin will have to be completed and witnessed before a Magistrate or a Commissioner for Oaths.

Exclusive Rights that are no longer required by the Right holder may be surrendered to the council at any time, by writing to the council and returning any deed(s) held.

Change of Address for an Exclusive Right of Burial

Please write to Padstow Town Council to change your address on your Deed of Grant, giving your old and new addresses.