

# **A Guide to Exclusive Rights of Burial**

Right 3: You have the right to purchase the 'Exclusive Right of Burial' in a grave, for a period not exceeding 100 years.

Right 4: You have the right to be buried in an unpurchased grave.  
(The Charter for the Bereaved)

## **What is an unpurchased grave?**

An unpurchased grave represents the least expensive burial option; all you pay for is the funeral. The grave itself remains the property of Mid Devon District Council and we will use it to bury other people who want an unpurchased grave. When the grave is full we will place a small stone on the grave with the names of those interred below. You may not place any memorial upon the grave and should not expect to be able to bury another relative in the same grave.

## **What are 'Exclusive Rights of Burial'?**

Purchasing the 'Exclusive Rights of Burial' means that the grave may not be reopened and no one may be buried there without your permission. You may initially purchase this right for 30 or 75 years. At the end of this time you may extend the right in ten and five year intervals up to a maximum of 100 years. After the rights have lapsed the grave ownership reverts to Mid Devon and we may reuse or resell any space remaining. Normally rights will be sold for 30 years, if you wish to purchase a 75 year period you must make sure that you and your family can maintain the grave for this period of time.

## **What happens if the owner of these rights dies?**

If the owner of the Exclusive Rights dies, it is assumed that they give permission to have themselves interred in their grave. After this time the Rights become part of their estate and may be left in a will 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 our office and arrange a transfer of ownership before the grave can be opened again. As paperwork can go missing it is best to do this as soon as possible after inheriting the Rights.

## **Can I transfer ownership to someone else?**

Yes, simply contact us and we will send you a form.

## **The owner of the rights died years ago and the family want to reuse the grave.**

Not a problem, contact us and we will work out how we may transfer ownership to you. You may need to show us copies of Wills and/or Grants of Probate. This process may take some time so don't wait until you need to arrange a funeral. You may need to make a formal declaration in front of a Magistrate; we can advise you of the process and supply the paperwork for you. Ownership is the family's responsibility; we cannot accept a booking unless ownership has been sorted out.

### **Can two people own these rights?**

Ordinarily we will only grant Exclusive Rights to an individual, the only exception being that we will grant Rights to a couple who both wish to be buried in the grave. Occasionally Rights may be left to two or more people in a will, in this case, one person will have to be chosen as the owner and the others must renounce their ownership (we have a form for this).

### **What are Monumental Rights?**

As at April 2003 the right to erect a memorial will automatically be granted when Exclusive Rights of Burial are purchased. You will still need to apply for permission to erect the monument, but will not have to pay anything more.

If you had purchased Exclusive Rights of Burial prior to April 2003 but had not yet purchased the Right to erect a memorial you may do so at a reduced cost.

### **Can I reserve a grave ahead of time?**

No – Exclusive Rights of Burial are only available on all graves at the time of the first interment only, or subsequently if any new interments need to take place in a previously unpurchased plot.

### **What if the Deed to the Rights goes missing?**

If you are the registered owner of the Rights we will send you an official letter to confirm this. If you are entitled to be the owner through inheritance, we will guide you through the correct transfer procedure and then issue a letter stating your position.

### **What if I inherit the Rights to a grave that I do not wish to maintain?**

You may surrender the Rights to the Council at any time. Simply put this in writing and return the deed(s) to us if you have them.

#### ***Please Note:***

*As owner of the Rights to a grave you are responsible for informing the Council of any change of address. If a problem occurs with the grave or the monument and we cannot contact you, we have the right to take whatever action is necessary to rectify the problem. If this involves a cost to the Council, this may be levied against the grave, and must be paid before any more interments can take place.*