FAIR OAK & HORTON HEATH PARISH COUNCIL
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GUIDANCE ON HOW TO TRANSFER A BURIAL GRANT

The following guidance has been written to help those who wish to transfer a burial grant. If you have any further queries which are not answered by this guidance, please contact the Admin Officer, Mrs Linda Greenslade:

by telephone on 023 8069 2403
by email on linda.greenslade@fairoak-pc.gov.uk
by appointment at the Parish Office, 2 Knowle Park Lane, Fair Oak, SO50 7GL

What Is a Burial Grant?

A burial grant, also known as a Grant of Exclusive Right of burial, entitles the owner to determine who is buried in a particular grave and whether a memorial can be erected. It does not provide any ownership to the land itself, which is owned by Fair Oak & Horton Heath Parish Council.

Since the Cemetery has been in use there have been different periods of time covered by the burial grants that have been issued. Current periods for which a burial grant can be purchased is 30 years. At the end of the period covered by the burial grant the owner is responsible for contacting Fair Oak & Horton Heath Parish Council to apply for an extension to the burial grant period.

In order to authorise a burial or to authorise a memorial application, written consent is needed from the current legal owner(s) of a burial grant for the particular grave concerned. If the grant owner is the person being buried they have the automatic right to be buried in the particular grave for which they own the grant. Following the burial of the last surviving grant owner the grant must be transferred to the next legal owner(s) before any further burials can be authorised, before any new memorial can be added, or before any changes can be made to a memorial (including an additional inscription).

How to Transfer a Burial Grant

The procedure to transfer a burial grant will depend upon the exact circumstances of the estate of the person who last owned the burial grant.

If the person who last owned the burial grant has left a will the following documentation will be required:

- The Grant of Exclusive Right of Burial (if available)
- The Grant of Probate (an original form with the probate seal)
- A certified copy of the will (i.e., certified by a solicitor as a true copy of the will)

If letters of administration have been obtained, rather than probate, then an original letter of administration form, as supplied by the Probate Office, will be required.

Following the death of the person who last owned the burial grant, ownership will pass to the executors or administrators of the owner's estate upon production of a grant of probate or letters of administration from the Probate Office. The executors or administrators will then need to tell Fair Oak & Horton Heath Parish Council who the burial grant should be transferred to.

If neither the grant of probate or letters of administration have been obtained the grant will be transferred to the executors for the will of the last person to own the burial grant (if a will is available), or according to the laws of intestacy (if no will is available). In both these circumstances statutory declaration forms will be required to establish the circumstances under which the grant should be transferred. Statutory declaration forms will be drawn up by Fair Oak & Horton Heath Parish Council based upon information supplied, and those requesting the grant transfer will then need to visit a solicitor to complete the forms.

Frequently asked questions:

I am in possession of the burial grant - am I now the owner of the burial grant?

No, possession of the document itself does not mean that you are the owner. If the owner is now deceased, the current owners of the burial grant are the executors or administrators for the estate for the last registered surviving owner (if there is a will), or the heirs to the estate under the laws of intestacy for the last registered surviving owner (if there is no will).

I am the oldest child - am I now the owner of the burial grant?

No, if the owner is now deceased, the current owners of the burial grant are the executors or administrators for the estate for the last registered surviving owner (if there is a will), or the heirs to the estate under the laws of intestacy for the last registered surviving owner (if there is no will).

Do my children inherit the burial grant?

Ownership of a burial grant where there is only one named owner passes to the executors or administrators for their estate (if there is a will), or to the heirs to their estate under the laws of intestacy (if there is no will). Where the grant is in joint ownership, ownership passes between the joint owners until there is only one surviving grant owner. Upon the death of the last surviving grant owner ownership passes to the executors or administrators for their estate (if there is a will), or to the heirs to their estate under the laws of intestacy (if there is no will).

The burial grant is not mentioned in the will - how do you determine who owns the burial grant?

If the burial grant is not specifically mentioned in the will, ownership of the burial grant will pass to the executors or administrators of the estate upon production of a grant of probate or letters of administration. The executors or administrators will then determine who should own the burial grant - if ownership details then need to be further changed the executors or administrators will need to contact Fair Oak & Horton Heath Parish Council to prepare a Form of Assent to transfer the grant on to the new owners.

How do I obtain a copy of the will if probate was obtained many years ago and I no longer have documentation?

Copies of the will can be obtained from the following government website www.probatesearch.service.gov.uk and documentation can either be obtained by post or online.

How do I know if there was a will that went to probate?

A search can be made online from the following government website www.probatesearch.service.gov.uk and if documentation exists, it can then be obtained by post or online.

Can the grant be owned by a person under the age of 18?

No, Fair Oak & Horton Heath Parish Council will only transfer the grant to persons over the age of 18.

Can I decline the grant?

Yes, you do not have to do have ownership of the grant passed to you if you are an heir to the estate and have been named by the executor/administrator as one of the persons to whom the grant should be transferred. However, you will need to complete a Fair Oak & Horton Heath Parish Council form to confirm that you are declining the grant.

Can I give up ownership of the burial grant?

Yes, ownership of the burial grant rights can be handed back to Fair Oak & Horton Heath Parish Council following completion of certain documentation. However, you will need to bear in mind that you will then have no right to determine who can be buried in the particular grave concerned, and you will have no right to determine what happens to the memorial in the future. These rights will have passed to Fair Oak & Horton Heath Parish Council.

Can I change the ownership of the burial grant?

Yes, the current owner of a burial grant can assign the burial grant to another person following completion of certain documentation. However, you will need to bear in mind that you will then have no right to determine who can be buried in the particular grave concerned, and you will have no right to determine what happens to the memorial in the future. These rights will have passed to the new owner. It is also possible to change ownership of the burial grant into joint ownership following completion of certain documentation. If you are the current owner, and wish to change ownership of the burial grant, please contact Fair Oak & Horton Heath Parish Council to prepare the required documentation.

Is there a fee for transferring the grant?

Yes, the fee is stated on our list of current fees and charges, which is available on Fair Oak & Horton Heath Parish Council's website. There is only one fee whether the grant is being transferred into sole ownership or joint ownership.

Guidance agreed: March 2021