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# GENERAL CEMETERY COMPANY

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Kensal Green Cemetery · West London Crematorium

Harrow Road · London · W10 4RA

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## Transfer of Exclusive Right of Burial

When a transfer of ownership of a grave is required, there is a legal process that must be followed. You will need to contact the General Cemetery Company to facilitate a transfer. Fees are payable and can be found on our website at [www.kensalgreencemetery.com/price-list](http://www.kensalgreencemetery.com/price-list).

### Transferring when a grave owner is deceased

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If the grave owner has died, the General Cemetery Company need to know how the estate is being handled:

#### Last Will and Testament and Grant of Probate

- If the deceased grave owner made a valid Will that requires a Grant of Probate, ownership of the grave can be transferred to the named Executor.
- A **sealed Grant of Probate must be produced**.
- It is then the responsibility of the Executor to identify the rightful owner / owners, if the Executor does not wish to take ownership themselves.

#### *Assent of Executor*

- If the Executor does not wish to take on ownership themselves, they will be required to complete an 'Assent of Executor' form, giving the details of the rightful owner(s).

#### Last Will and Testament and No Grant of Probate required

- If the deceased grave owner made a valid Will but the estate is of insufficient value for a Grant of Probate, ownership can be transferred to the Executor by a **Statutory Declaration**.
- The **original Will must be produced**.

#### *Assignment of Exclusive Right of Burial*

- If the Executor does not wish to take ownership, once the Statutory Declaration has been produced, the Executor will need to complete an 'Assignment of Exclusive Right of Burial' form.

#### No Last Will and Testament but Grant of Letters of administration

- If the deceased grave owner did not leave a valid Will, but the estate is of sufficient value, to need a Grant of Letters of Administration, ownership of the grave can be transferred to the Administrator(s).
- A **sealed Grant of Letters of Administration must be produced**.
- It is then the responsibility of the Administrator(s) to identify the rightful owner / owners if the Administrator(s) does not wish to take ownership themselves.

#### *Assent of Administrator*

- If the Administrator(s) does not wish to take on ownership themselves, they will be required to complete an 'Assent of Administrator' form, giving the details of the rightful owner(s).

## No Last Will and Testament, No Grant of Probate and No Grant of Letters of Administration

- If the deceased grave owner did not leave a Will and if the estate is of insufficient value to need Grant of Letters of Administration, the deceased is known to have died intestate, and there are specific rules when dealing with cases like this.
- The following are entitled to the estate in the order shown below:
  1. husband, wife or civil partner
  2. children, grandchildren, great grandchildren and so on
  3. mother or father
  4. brothers or sisters who share both the same mother and father, or their children (nieces and nephews)
  5. half brothers or sisters or their children (nieces and nephews of the half blood or their children). 'Half' means they share only one parent with the deceased
  6. grandparents
  7. uncles and aunts or their children (first cousins or their descendants)
  8. half uncles and aunts or their children (first cousins of the half blood or their children). 'Half' means they only share one grandparent with the deceased, not both
- The person applying for the transfer of ownership will need to supply further information in order that we can complete a **Statutory Declaration**. This is a legal document produced by us. It must be signed in the presence of a Magistrate or Commissioner for Oaths.
- The Statutory Declaration will set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner.

### *Form of Renunciation*

- If there is more than one rightful owner, but some of them do not wish to assume ownership of the grave, they will need to sign a 'Form of Renunciation'.
- If there are more than three rightful owners, some will be required to sign a 'Form of Renunciation' to facilitate the transfer as the General Cemetery Company do not allow more than three owners.

## Transferring when a grave owner is living

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If you are a grave owner, you can assign the Exclusive Right of Burial to somebody else at any time by completing an 'Assignment of Exclusive Right of Burial' form which can be obtained from the General Cemetery Company. You would, however, lose all rights to the grave.

If you would still like to be a registered grave owner, you can also nominate additional owners. The General Cemetery Company allow up to three registered grave owners. Again, you would need to complete an 'Assignment of Exclusive Right of Burial' form.

Please read the section 'Grave ownership' overleaf.

## Grave ownership

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When you are a registered grave owner, you:

- have an automatic right to be buried in the grave, or for your cremated remains to be buried in the grave (subject to space).
- are the only person who can authorise the burial of any other person, or the cremated remains of any other person (subject to space).
- are the only person who can authorise the erection of a permanent memorial on the grave, and the inscriptions on that memorial.
- are required to sign any forms in relation to the grave.
- are responsible for the maintenance of any memorial placed on the grave.

If there is more than one registered grave owner:

- the above would apply to all owners.
- all living owners would be required to sign the paperwork in relation to the grave.
- when an owner dies, the rights remain with any surviving owners, until a sole owner is left. Any transfer then would be based upon their estate.

The General Cemetery Company allow up to three registered owners.

**Please note:** If the grave is a child's grave, the General Cemetery Company will only allow the cremated remains of the parent(s), to be buried in the grave. No other cremated remains will be permitted, even that of the registered grave owner (if the registered grave owner(s) is not the parent(s)).

## Further Information

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You may need to provide certain documents to arrange a transfer of ownership. All documents provided must be originals, but these can be returned to you.

### Obtaining a Sealed Copy of the Grant of Probate

If you need to search for a Grant of Probate, please visit <https://www.gov.uk/search-will-probate>

**If you need to obtain a Sealed Grant of Probate, you must apply for this by post, by completing a Form PA1S. The form will have an address to send it to together with your cheque.**

If you apply online, the copy you download will not be sealed with the court seal. You will only be able to view the document for a period of 31 days, but the General Cemetery Company must have sight of a sealed copy so will not be able to accept this grant of probate.

### Searching for a Will

If you need to search for a Will, please visit <https://www.gov.uk/search-will-probate>

### Death Certificates

If you need to obtain a Death Certificate, you can either apply to the register office in the district in which the death occurred, or you can apply to The General Register Office at [www.gro.gov.uk](http://www.gro.gov.uk).

**Please note, transfer of ownership cases can take months to progress.  
All interested parties must agree, otherwise a transfer will not proceed.  
The General Cemetery Company will prioritise cases when a burial is required.**