

# LITTLE MARLOW PARISH COUNCIL

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**Exclusive Rights of Burial can be transferred at any point throughout the grant period. Transfers can be carried out whilst the current deed holder is alive, or after they have died.**

**Transferring the ownership once the owner has died is slightly more complicated and may take several months to complete.**

## **In-life Transfers**

The deed holder can arrange for a transfer at any time. This is a relatively simple process. We ask that the deed holder contacts us to notify us of their intention to transfer and provides us with the name and address of the individual to whom they wish to assign the Exclusive Right of Burial. We will then prepare an 'Assignment of Exclusive Rights of Burial' for the deed holder to sign. Once this form has been signed and returned to us, we will finalise the transfer.

## **Transfers After Death of Deed Holder**

Exclusive Rights of Burial are not automatically passed down following the death of the original deed holder. This is because the Rights are treated in the same way as any sort of property in a person's estate. There are a number of different ways that the Rights can be transferred, dependent upon the circumstances of the deceased.

We have simplified the transfer process into a **1 How to transfer the Exclusive Rights of Burial - Process Map** (attached)

### **If there is a will:**

If the deceased deed holder had left a will, the executor of that will has the first claim to the Exclusive Right of Burial.

We require:

- The **original** grant of probate (we will create a copy for our records and return the original accordingly)
- An original copy of the death certificate

### **If there is a will without probate:**

If the deceased deed holder had left a will but probate has not been obtained owing to estate being of insufficient value, the executor still holds the first claim to the Exclusive Right of Burial. However, as the probate document is not available, the deed will instead be transferred via a statutory declaration.

We require:

- The **original** will (we will create a copy for our records and return the original accordingly)
- An original copy of the death certificate

If the individual listed as executor wishes for the deed to be transferred into a different name, we can prepare an 'Assent of Executor' form for them to sign. We require the name and address of the individual who will be taking ownership. Once this form has been signed by the executor and returned to us we can finalise the transfer.

**If there is no will:**

If the deceased deed holder had not left a will, Letters of Administration may have been applied for. If this is the case, the individual listed on the Letters of Administration has the first claim to the Exclusive Right of Burial. The process is similar to that which is followed in circumstances wherein a will has been left.

We require:

- The **original** grant of Letters of Administration (we will create a copy for our records and return the original accordingly)
- An original copy of the death certificate

If the individual listed on the Letters of Administration wishes for the deed to be transferred into a different name, we can prepare an 'Assent of Administrator' form for them to sign. We require the name and address of the individual who will be taking ownership. Once this form has been signed by the administrator and returned to us, we can finalise the transfer.

**If there is no will and no Letters of Administration:**

If the deceased deed holder left an estate of insufficient value for which it is required by law to apply for Letters of Administration, we will prepare a Statutory Declaration for the Next of Kin to sign. The Next of Kin has the first claim to the Exclusive Right of Burial.

Please note that in circumstances wherein the deceased's children are Next of Kin, all children have an equal claim to the Exclusive Right of Burial. They can choose to either share the deed or it may be agreed that one (or more) sibling/s renounce their rights.

We require:

- An original copy of the death certificate
- The name and address of the Next of Kin
- The name and address of the individual taking ownership of the Exclusive Rights of Burial (if this isn't the Next of Kin)

The statutory declaration will need to be signed in the presence of a solicitor and then returned to us. Once in receipt of the signed declaration we can finalise the transfer.

**Useful Links**

Please find useful links to external websites below:

Information on wills, inheritance and applying for probate – [www.gov.uk/applying-for-probate](http://www.gov.uk/applying-for-probate)

Search records for wills and Grant of Probate Letter of Administration – [www.gov.uk/search-will-probate](http://www.gov.uk/search-will-probate)

Visit The National Archives for wills made before 1858 or death certificates issued before 1837 – [nationalarchives.gov.uk](http://nationalarchives.gov.uk)

Order a copy of a death certificate - [www.gov.uk/order-copy-birth-death-marriage-certificate](http://www.gov.uk/order-copy-birth-death-marriage-certificate)

Legislation regarding Exclusive Rights of Burial - [www.legislation.gov.uk/ukpga/Vict/1011/65/crossheading/exclusive-rights-of-burial](http://www.legislation.gov.uk/ukpga/Vict/1011/65/crossheading/exclusive-rights-of-burial)