

Trafford Bereavement Services

Grave Ownership and Transferring Ownership

Exclusive Rights of Burial

When you purchase a grave at one of our cemeteries, you will also purchase the Exclusive Rights of Burial. This will be on a leasehold basis, for an initial period of 50 years.

This can be renewed by a further five or ten years at a time for up to but not exceeding a 50 year lease period.

The grant gives the owner the right to be buried, and to give permission for any burial within that grave during that period (provided there is space to do so).

The owner must also provide permission for any memorial to be placed onto that grave. They are responsible for the upkeep of the plot as per our rules and regulations.

Transfer of grave ownership

Owner(s) can transfer ownership jointly or solely to another person(s) whilst they are alive. The current owner(s) need to sign a Deed of Assignment form that would allow these rights to be transferred.

If the grave is no longer required and is unused, it can be surrendered to Trafford Council. In the first instance, please contact the Crematorium office to discuss this.

Transfer of grave ownership when the owner is deceased

Without a living grave owner, we are unable to conduct further burials in the grave space or make any changes to memorials. If the grave owner is deceased, we will have to organise for a transfer to take place. Depending on circumstances the route of transfer differs.

1. Grant of probate with will

If the deceased grave owner made a valid will that requires a Grant of Probate, ownership will be transferred to the executor(s). The executor(s) are then responsible for identifying who should be the rightful owner of the grave and can complete a Deed of Assent. This will transfer ownership to another person(s).

A copy of the Grant of Probate or a copy of the will is required to be seen in order to proceed.

If the deceased grave owner made a valid will that was not of sufficient value for a Grant of Probate, ownership will be transferred to the executor(s) of the will or nominated person on their instruction.

If the descendants of the original grave owner are also deceased, then a Statutory Declaration is required to detail the steps taken to bring the ownership to the claimant.

2. Letters of administration with no will

If there is no valid will, ownership of the grave can be transferred to a personal representative of the deceased detailed on the letters of administration. The representative of the deceased will need to identify the rightful owner and can then complete a Deed of Assent. This will transfer ownership to another person(s).

3. No will

If there is no will and no letters of administration, the transfer of ownership then falls to the next of kin of the deceased.

We will need to establish who the direct next of kin is/are tracing back down the family line from the original owner so that a Statutory Declaration can be drawn up indicating who has the legal rights to ownership. Please be aware that this can take ownership outside of the expected line of descent. This document would need to be signed in the presence of a Commissioner of Oaths. Some next of kin (for example, when there are many siblings) may not wish to become owners of the grave and can renounce their rights at this stage.

Please note:

- we need to see original copies of probate, letters of administration and will documents wherever possible to make a transfer
- a transfer administration fee is required
- we cannot transfer any graves where ownership is not clear

Further information

Should you have any questions relating to the ownership of a grave or the transfer of ownership, please contact the office on 0161 912 1515 or email; altrincham.crematorium@trafford.gov.uk