



# Sherborne Town Council

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## **Sherborne Cemetery**

### **Interments and Grave Ownership**

The legal terminology for grave ownership is also referred to as the Exclusive Right of Burial.

When someone dies, it is usually the appointed funeral director who will be the first point of contact when making the arrangements for the funeral unless the arrangements are being made directly by the family. Whilst the majority of funeral directors have a good understanding of grave ownership and should therefore guide you towards making the right decision, others may not have such an in-depth knowledge of this legal aspect of the cemetery service. You are therefore welcome to contact the Facilities Officer at Sherborne Town Council to discuss your circumstances before making a final decision.

Identifying the right person to take up grave ownership is extremely important and so the decision regarding who wants or needs to be a grave owner should be considered very carefully before a final decision is made. No one other than the grave owner(s) will have any say over who is buried in the grave or what memorial is to be placed on the grave. A wrong decision can have adverse repercussions which can result in family disputes.

Sherborne Town Council allows up to three people to own a grave space. However, it is worth contacting the Facilities Officer at Sherborne Town Council to discuss the implications of multiple ownership prior to proceeding along these lines.

Before any burial can take place, the funeral director needs to complete and submit to Sherborne Town Council a standard burial application form. This is known as the "Notice of Interment" and it contains all the relevant details regarding the deceased, the date and time of the funeral and the name and address of the grave owner(s). A burial can only take place once

grave ownership has been agreed and the Notice of Interment form is submitted and approved by Sherborne Town Council.

Sherborne Town Council will issue a certificate as legal proof of ownership of the Burial Rights. This is called a Deed of Grant and it will be issued in the name of the grave owner approximately one month after the burial has taken place. Only one Deed of Grant is issued for each grave space.

The grave owner(s) have the Right to:

- Be buried in that grave subject to sufficient space
- Arrange further burials in that grave subject to sufficient space
- Apply to Sherborne Town Council to place or replace a memorial
- Apply to Sherborne Town Council to have an additional inscription on an existing memorial

The signature(s) of the living grave owner(s) is/are always required before permission for any of the above is granted by Sherborne Town Council. The exception to this is when the grave owner has died. In this circumstance, a transfer of burial rights will subsequently be required. (See separate information sheet – Transfer of Burial Rights.)

The granting of the Exclusive Right of Burial period varies between Local Authorities. It is illegal for any Local Authority to issue the Exclusive Right of Burial for more than 100 years. Currently, the period granted by Sherborne Town Council is 75 years. The legal position is that after the Exclusive Right of Burial period has elapsed, the Burial Rights fall back into the ownership of the Council unless they are renewed.

A common misconception regarding grave ownership is the belief that the actual ground belongs to the grave owner. This is not the case. The grave owner has the Rights listed above but the actual ground remains in the ownership of Sherborne Town Council.

For further information or to discuss any of the above matters, please contact:

Judith Simpson, Facilities Officer, Sherborne Town Council: 01935 812807 or [j.simpson@sherborne-tc.gov.uk](mailto:j.simpson@sherborne-tc.gov.uk)