

Exclusive Rights of Burial Transfer Guide and Information

From a living owner

- A living owner may transfer the grave to any person and can do so by completing the form of assignment.
- We will require proof of identity and address for both the current and proposed owners.
- We only allow up to 2 owners at any one time.

To executors named in the will and probate

- When the owner dies and they leave an estate of enough value together with a will then the ownership of the grave shall transfer to the executors of the estate named in that will.
- We will need to see the original court sealed 'grant of probate' and a completed application for the transfer of ownership - grant of probate.
- If the will specified beneficiaries then the executor is responsible for passing the ownership of the exclusive right of burial to the required people. To do so requires the completion of the form of assent.

Where there is no will but the estate is of sufficient value

- When someone dies and they leave an estate of enough value but there is no will then the next of kin can apply to the courts to become the administrator of the estate. In doing so the next of kin will receive a 'letter of administration' from the court.
- We will need to see the court sealed original and the application for the transfer of ownership - letters of administration must be completed.
- The administrator is responsible for passing the ownership of the exclusive right of burial to the required person(s). To do so requires the completion of the form of assent.

Where there is no will or the estate is of insufficient value

- When someone dies and they leave an estate of insufficient value for either grant of probate or letters of administration to be obtained then the transfer of ownership must be undertaken by making a statutory declaration.
- This will need to be signed in the presence of a magistrate or Commissioner of Oaths.
- Where a will is available then the ownership is transferred to the executor by completing a statutory declaration.
- The executor is then responsible for transferring the grave to the required person and is required to do so by using the form of assent.
- In these instances we will need to see the original or a certified copy of the will.

Glossary of Terms

Grant of Probate

Granted to the named Executor(s) of a Will which is approved in court.

Letters of Administration

If there is no will (intestate) the next of kin can apply to the courts to be made Administrator of the estate.

Form of Assignment

Legal document for a living owner to transfer/change deed ownership to another living owner.

Form of Assent

Legal document used by an executor, as proven by Probate, to transfer ownership to another person.

Form of Renunciation

Legal document used by someone who wishes to give up their rights to the grave.

Statutory Declaration

Legal document used to transfer ownership where no Probate or Letters of Administration have been issued.

Useful links

The Probate Service - website

To obtain a copy of a will, Grant of Probate or Letters of Administration.

The National Archives - website

To find out if a will was made before 1858, or need to obtain a Death Certificate from 1837 onwards.
Tel: 020 8876 3444

General Register Office - website

To obtain a copy of a death certificate if the death was within the last 18 months.

Find a Will - website

Search probate records for documents and wills.

Intestacy - website

Intestacy - who inherits if someone dies without a will?

Citizens Advice - website

Free, responsible, honest advice in West Sussex
Tel. 0808 278 7969

Contact Details

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