

Transfer of Ownership Statutory Declaration Form

This 'Statutory Declaration Form' must be delivered to the Worthing Crematorium, Cemetery Section, Horsham Road, Findon, Worthing, West Sussex BN14 0RG

This form must be completed in **BLOCK CAPITALS** in ink and be fully and accurately stated.

For assistance in completing this form or to request a hard copy please call 01903 872678 or email cemetery@adur-worthing.gov.uk

The fee for this service can be paid either over the telephone or via an online link. Receipts will be emailed following all forms of payment.

Guidance notes for completing a Statutory Declaration

A Statutory Declaration is a legal document and is required by the Council as evidence of the ownership of the Exclusive Right of Burial belonging to a deceased person. A declaration is needed if a Grant of Probate or Letter of Administration has not been obtained and you want the grave ownership transferred to you. Only the registered owner may authorise burials or install a memorial.

If there are other possible applicants who do not wish to be included in the ownership of the burial rights, you should include written statements from (where appropriate) any siblings, the partner of the deceased and/or any other person with an interest in the grave, consenting to the assignment of the rights to you. Any such documents relied upon will need to be attached to the Statutory Declaration.

The Statutory Declaration should be signed by the applicant in the presence of a Magistrate, an Authorised Court Official or a Commissioner for Oaths.

The requirement for a Statutory Declaration exists to ensure that burial rights are assigned only to the rightful owner(s) and serves to protect both the owners of those rights and the Council. It is a procedure used by most burial and crematoria authorities in England in accordance with the Local Authorities' Cemeteries Order 1977.

Please see overleaf for example scenarios and declarations for completing Section 2 of this form

Example scenarios and declarations for Section 2

A) Surviving husband/wife:

That said [John Smith*](#) died intestate, leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration and THAT I Mary Smith am his lawful surviving wife and lawful next of kin. I am therefore the present rightful owner of the said Right of Burial.

B) Surviving children:

The said [John Smith*](#) died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration and THAT [Colin John Smith](#), [Brian Alan Smith*](#) and myself the said [Mary Ann Smith*](#) are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial.

C) Surviving children, only one to take over the ownership:

The said [John Smith*](#) died a widower intestate leaving an estate of insufficient value for which it was required by law to apply for Grant of Letters of Administration THAT [Colin John Smith](#), [Brian Alan Smith*](#) and myself the said [Mary Ann Smith*](#) are his only lawful surviving children and next of kin and therefore the present rightful owners of the said Right of Burial BUT [Colin John Smith*](#) and [Brian Alan Smith*](#) desire that the exclusive Right of Burial be vested solely in my name as [Mary Ann Smith*](#) and have given their consent in the document attached hereto which I declare to be genuine.

Please note in this scenario a Form of Renunciation should be attached to the Statutory Declaration from those children who do not want to be registered as owners.

*Insert names of grave owner and persons claiming ownership where appropriate

Section 1: Details of person making declaration			
Title	Surname	First name	Other name(s)
Owner Address			
Tel		Email	

Section 2: Details of Declaration			
I do solemnly and sincerely declare that			
purchased the Exclusive Right of Burial at			Cemetery for
Grave section/number		and granted by deed number	
<p>I hereby declare that I will indemnify Adur & Worthing Councils and their officers against all actions, proceedings, losses, costs, damages, claims or expenses of any nature whatsoever (including the exhumation of any burial) should it subsequently be proved my claim is unfounded and that I have no title to exercise the Rights of Burial in this grave, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835.</p>			
Signature		Date	

Section 3: Declaration in the presence of a Magistrate or Commissioner for Oaths			
Declared At	<i>Address of Magistrate or Commissioner of Oaths</i>		
Upon sight of appropriate identification before me:			Date
<i>Signature of Magistrate or Commissioner of Oaths</i>			