



SIX IMPORTANT POINTS REGARDING GRAVE OWNERSHIP IN BARWELL CEMETERY



1. The Grave Owner owns the land - **False!**

When a grave is purchased, the actual land is NOT purchased, just the right to have a burial or burials in that grave. The land itself remains in the ownership of Barwell Parish Council

2. It's my Grave, I can do what I like - **False!**

Grave owners often think they can do what they like to the grave as they own it. This is not true — owning the rights to a grave means that the owner can say who can be buried in the grave, and within Barwell Parish Councils regulations, what memorial can be placed on the grave. The owner does not have the right to do any thing to the grave that doesn't comply with the burial authority's regulations

3. Grace rights last in perpetuity - **False!**

The Local Authorities Cemeteries Order 1977 allows grave rights to be issued for a maximum of 100 years at a time. Rights there were issued in perpetuity prior to 1974 remain in perpetuity, but any rights issued after this time must be for 100 years maximum. Barwell Parish Council issue rights for 70 years. Rights can be extended or renewed, but must not exceed 100 years in length

4. The person who has the deeds to the grave is the owner — **False!**

Possession of the deed does not imply ownership. The owner is the person who Barwell Parish Council has recorded in the Register of Purchased Graves. If they are deceased, a transfer of ownership would need to take place before a burial can be allowed in the grave.

5. The rights to the grave automatically transfer to the next of kin on the owner's death - **False!**

The Local authorities Cemeteries Order 1977 specifies that rights can be assigned by deed or bequeathed by will. If the grave owner is alive and wishes to transfer the ownership to somebody else, or add an owner, they must use a Form of Assignment. If the grave owner is deceased the ownership passes according to whether they left a will and probate was granted. If they didn't leave a will a statutory declaration based on the facts can be used to transfer to the entitled relative.

6. Graves can be reused after 100 years - **False!**

Although the rights can only be granted for 100 years, it doesn't mean that Barwell Parish Council can reuse the grave when the rights expire. If they are not renewed, the rights revert back to Barwell Parish Council who can remove any memorial from the grave if they wish to. They cannot however, disturb any previously buried remains for the purpose of reusing that grave for future burials.