



DORCHESTER TOWN COUNCIL

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TRANSFER DEED INFORMATION

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 of ownership to take place. Depending on circumstances the route of transfer differs - please see page 2 for more information.

Once we have received the necessary information, you will be sent the appropriate form to complete. This form will be required to be completed by you in front of a Magistrate – this can be arranged with Weymouth & Dorchester Magistrates' Court (also known as the Weymouth Combined Court) which is at The Law Courts, Westwey Road, Weymouth DT4 8BS.

The court is open from Monday to Friday and the opening times can be found online. You can contact the court by phone at 01305 783891. The Court will charge for this service and from 1st April 2023, I have been informed it will cost £27.00. Please note that this information may be subject to change so please do check the court's website for the most up-to-date information.

Alternatively, a local solicitor may be able to witness the declaration. Contact them for fees and further information.

Please do not hesitate to contact me if you have any questions.

Julie Hollings
Burial Administrator

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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 25 years.

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. We currently allow for up to four owners of a grave.

If you would like to purchase a grave within our cemeteries, please email j.hollings@dorchester-tc.gov.uk

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 Dorchester Town Council. You can do this by completing a deed of surrender. A refund will be based on how much was paid at the time of purchase.

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, as follows:

- **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 hologram original of Grant of Probate will need to be seen 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. However, this will only occur after signing a Statutory Declaration that we will provide.

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).

- **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).
- **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 so that a Statutory Declaration can be drawn up indicating who has the legal rights to ownership. This document would need to be signed in the presence of a Magistrate or 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.

Should you have any questions relating to the ownership of a grave or the transfer of ownership, please email j.hollings@dorchester-tc.gov.uk

Please note:

- we need to see original probate, letters of administration and will documents to make a transfer.
- we cannot transfer any graves where ownership is not clear.
- as we only allow four grave owners, other beneficiaries may need to renounce their rights to ownership.