

# STATUTORY DECLARATION

## Section 1. Details of person making declaration.

Full name (Print)

Full address including postcode

## Section 2. Details of Declaration Please see reverse for guidance

I do solemnly and sincerely declare that

purchased the Exclusive Rights of Burial at

Cemetery for

Grave section/number

and granted by deed number

I hereby declare that I will indemnify Windlesham Parish Council 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.

Signature

Date

## Section 3. Declaration in the presence of a Magistrate or Commissioner for Oaths

Declared at

Address of Magistrate or Commissioner of Oaths

Before me:

Date

Signature of Magistrate or Commissioner of Oaths

v.Aug15

## 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 a grave belonging to a deceased person. A declaration is needed if a grant of probate or letters of administration are not required for their estate and you want the grave ownership transferred to you. Only the registered grave owner may authorise burials or a memorial for a grave

- 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 (for which a fee may be charged).

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 of 1977.

There is a fee payable for the transfer of grave ownership, except when the transfer is completed as part of a funeral.

---

## 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 name of grave owner and persons claiming ownership where appropriate*

