



MOLD CEMETERY - NOTICE OF INTERMENT

This completed notice is to be returned to The Cemetery Superintendent and Town Clerk via email 7 working days prior to interment.

cemetery@moldtowncouncil.org.uk
townclerk@moldtowncouncil.org.uk

Please complete all sections of the form. If uncompleted, form will be returned and this may delay confirmation of interment.

Serial No of Burial
(office use only)

.....

Fee Paid
Cash/Chq/ BACS

.....

1. Full Name of Deceased

2. Age of Deceased

3. Date of Death

4. Place of Death

5. Home address of deceased, at time of death:

Time at address:

If less than 5 years, previous address

6. Day and date of Burial

7. Time of Burial

8. Officiating Minister:

9. Location of Grave
(office use only)

10. Type of Grave
(Tick all that apply)

New
Re-Opening
Cremation
Bricked

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

11. Coffin/ Casket Size

12. Applicant Details:

Full Name:
Address:
Telephone:
Email:
Relationship to Deceased:

If a new grave is being purchased please go to section 15.

13. Burial Rights Information:	Exclusive Rights of Burial Holder Name: Deed of Grant Number: Previous Internment Information.
14. Legal Entitlement to Authorise Burial:	Please tick one: <input type="checkbox"/> I hold the Exclusive Rights of Burial for this grave <input type="checkbox"/> I have been authorised by the holder of the Exclusive Rights <input type="checkbox"/> I am the personal representative (executor/administrator) of the holder <input type="checkbox"/> Other (please specify):
15. Deeds Required	Yes <input type="checkbox"/> No <input type="checkbox"/>
16. Funeral Director:	
Additional Information:	
<p>Declaration</p> <p>I hereby apply for permission to intern the deceased named above in the grave specified.</p> <p>I confirm that the information given is correct and I have the legal authority to make this application.</p> <p>I confirm that I have received and agree to abide by Mold Town Council's Cemetery Regulations.</p> <p>Signature of applicant:.....</p> <p>Date:.....</p>	
<p>Office Use Only</p> <p>Application Received By: _____ Date: _____</p> <p>Documents Verified By: _____ Date: _____</p> <p>Permission Granted By: _____ Date: _____</p> <p>Notes: _____</p>	

Mold Town Council

Policy on Transfer of Exclusive Rights of Burial

Effective from:

Review Date:

1. Purpose

This policy sets out the procedures and requirements for the lawful transfer of Exclusive Rights of Burial within Mold Town Council's Cemetery, ensuring compliance with legal obligations and maintaining accurate records.

2. Scope

This policy applies to all individuals, families and families seeking to transfer burial rights of any grave plot within Mold Cemetery.

3. Definitions

- Exclusive Rights of Burial (EROB): The legal right to decide who may be buried in a particular grave.
- Deed of Grant: The document evidencing the ownership of EROB.
- Transfer: The legal process by which EROB is passed from the current owner to another party.

4. Responsibilities

- Mold Town Council – Responsible for maintaining accurate records of burial rights and ensuring transfers are properly documented and lawful.
- Applicant – Must provide valid proof of entitlement to the burial rights and complete all required documentation.
- Council Staff – Responsible for verifying documents, processing applications and updating cemetery records.

5. Transfer Procedure

1. Applicant Submission:

- The applicant must complete a Transfer of Exclusive Rights of Burial Application Form provided by Mold Town Council.
- The applicant must include the original Deed of Grant and any supporting legal documentation (e.g. Grant of Probate, Letters of Administration, Statutory Declaration).

2. Verification:

- Council staff will verify the authenticity of the submitted documents and confirm the applicant's legal entitlement to request the transfer.
- If there are any disputes or uncertainties, the transfer process may be delayed pending resolution.



3. Fees:

- The applicant is responsible for payment of any administrative fees associated with the transfer.

4. Approval and Registration:

- Once verified, the transfer will be approved by the appropriate Council authority.
- Cemetery records and the burial register will be updated to reflect the new owner's details.
- A new Deed of Grant will be issued to the transferee.

5. Notification:

- The applicant will be notified in writing once the transfer has been completed.

6. Restrictions and Conditions

- Transfers cannot be completed without appropriate legal documentation.
- Transfers involving deceased owners may require probate or administration documents.
- Mold Town Council reserves the right to refuse transfers where there is evidence of fraud or dispute.

7. Record Keeping

All transfer applications, support documents and correspondence will be securely stored by Mold Town Council for future reference.

8. Review

This policy will be reviewed every 3 years or as necessary to ensure compliance with current laws and regulations.

Approved by Mold Town Council

Date:

Minute Reference:

Resources used in drafting the Transfer of Exclusive Rights of Burial

1. Local Authorities' Cemeteries Order 1977 (LACO) – Statutory instrument governing cemetery management and the legal framework for burial rights in England and Wales.
2. Institute of Cemetery and Crematorium Management (ICCM) Guidance – Best practice recommendations for the administration and transfer of Exclusive Rights of Burial.
3. Ministry of Justice Guidance – Relevant advice on cemetery record keeping and legal responsibilities of burial authorities.
4. National Association of Local Councils (NALC) Legal Topic Notes – Reference for local council powers and duties relating to cemeteries.

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Mold Town Council

Transfer of Exclusive Right of Burial – Application Form

To be completed by the person lawfully entitled to the grave. Please complete all relevant sections and attached supporting documents.

1. Deceased Grave Owner (if applicable)	
Full Name:	
Date of Death:	
Deed of Grant Number:	
Grave Number & Location:	
2. Applicant's Details	
Full Name:	
Address:	
Phone Number:	
Email Address:	
Relationship to original owner:	
Legal Authority (please tick one):	<input type="checkbox"/> Grant of Probate <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Statutory Declaration <input type="checkbox"/> Current Owner (if living)
3. Proposed New Grave Owner –	
<input type="checkbox"/> Same as above OR	
Full Name:	
Address:	
Phone Number:	
Email:	

4. Declaration:

I declare that I am lawfully entitled to the Exclusive Right of Burial for the grave specified above, I request that this right be transferred to the person named in Section 3.

Signed: _____

Date: _____

5. Enclosures Checklist

- ☐ Deed of Grant (if available)
- ☐ Probate / Letters of Administration / Statutory Declaration
- ☐ Death Certificate of grave owner (if applicable)
- ☐ ID of applicant
- ☐ Admin fee (if applicable)

Office Use Only

Date received:

Documents Checked by:

Date of Register Update:

New Deed Issued:

☐ Yes ☐ No

Notes:

Mold Town Council

Policy on Transfer of Exclusive Rights of Burial by Statutory Declaration

Effective from:

Review Date:

1. Purpose

This policy sets out the process of transferring the Exclusive Right of Burial (EROB) in situations where the legal owner is deceased and no Grant of Probate or Letters of Administration have been issued. It ensures compliance with the relevant laws, protects the Council from unauthorised transfers and maintains accurate cemetery records.

2. Scope

This policy applies to all requests to transfer burial rights in Mold Cemetery where ownership must be established through a Statutory Declaration under the Statutory Declarations Act 1835.

3. Definitions

- Exclusive Rights of Burial (EROB): The legal right to decide who may be buried in a particular grave.
- Deed of Grant: The document evidencing the ownership of EROB.
- Statutory Declaration: A formal written statement of fact, declared before a solicitor, commissioner for oaths or magistrate, confirming entitlement to the EROB when probate is not available.
- Transferee: The person to whom the burial rights will be transferred.

4. Responsibilities

- Applicant: Must provide a valid Statutory Declaration and supporting evidence to prove entitlement.
- Council Staff: Responsible for verifying documents, processing the application and updating cemetery records.
- Town Clerk: Authorises the transfer once all documentation is confirmed.

5. When a Statutory Declaration is Required

A Statutory Declaration will be needed if:

- The registered owner of the EROB is deceased;
- No probate or letters of administration have been issued; and
- The applicant is the rightful next of kin or otherwise entitled to ownership.

6. Transfer Procedure

1. Applicant Submission:

The applicant must complete a Transfer of Exclusive Rights of Burial Application Form and provide:

- The original Deed of Grant (if available)



- The original Statutory Declaration, signed and witnessed by a solicitor or commissioner for oaths.
- Proof of identity
- Any other relevant supporting documents.

2. Verification:

Council staff will:

- Check that the declaration meets legal requirements;
- Confirm that the applicant is entitled to ownership;
- Resolve any disputes before processing.

3. Fees:

The applicant must pay any applicable administrative fees before the transfer is processed.

4. Registration:

Once approved:

- The transfer will be recorded in the Council's cemetery records and burial register;
- A new Deed of Grant will be issued to the transferee.

6. Restrictions and Conditions

- Statutory Declarations must comply with the Statutory Declarations Act 1835.
- The Council reserves the right to refuse transfers where documentation is incomplete, unclear or disputed.
- The Council will not accept liability for any false statements made within a Statutory Declaration.

7. Record Keeping

All transfer applications, support documents and correspondence will be securely stored by Mold Town Council for future reference.

8. Review

This policy will be reviewed every 3 years or as necessary to ensure compliance with current laws and regulations.

Approved by Mold Town Council

Date:

Minute Reference:

Resources used in drafting the Transfer of Exclusive Rights of Burial by Statutory Declaration Policy

1. Statutory Declarations Act 1835 – Legal framework governing the preparation, witnessing, and validity of statutory declarations.



2. Local Authorities' Cemeteries Order 1977 (as amended) – Sets out the legal basis for cemetery management and transfer of Exclusive Rights of Burial.
3. Institute of Cemetery and Crematorium Management (ICCM) Guidance – Best practice guidance on transfer of burial rights, including use of statutory declarations.
4. Mold Town Council Cemetery Regulations – Local requirements for administration of burial rights and record keeping.
5. Example statutory declaration wording from UK legal practice – Reviewed to ensure compliance and consistency with legislative requirements.

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Mold Town Council

Statutory Declaration

(For Transfer of Exclusive Rights of Burial)

To be completed before a solicitor or Commissioner for Oaths

I,

Full Name: _____

Address: _____

Occupation: _____

Do solemnly and sincerely declare as follows:

1. I am the (relationship to deceased) _____ of:
Name of the Deceased Grave Owner: _____
Date of Death: _____
Address at Time of Death: _____
2. The said deceased was the registered owner of the **Exclusive Rights of Burial** for the grave situated at:
Cemetery Name: _____
Section and Grave Number (if known): _____
3. To the best of my knowledge and belief:
 - The deceased **did not leave a valid Will/ did not obtain a Grant of Probate** (please delete as appropriate), and
 - **No Letters of Administration have been obtained** in respect of their estate.
 -
4. The grave deed **has/ has not** (delete as appropriate) been located.
- 5.
6. I am entitled to apply for the transfer of the Exclusive Rights of Burial based on the following grounds (Explain entitlement e.g. next of kin, only surviving child, etc.)
7. I understand to indemnify Mold Town Council against any future claims arising from this declaration or the transfer of burial rights.
8. I confirm that to the best of my knowledge, **no other person has a better or equal legal claim** to the Exclusive Rights of Burial.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared at: _____

On this date: _____

Signature of Declarant: _____

Before me:

Name of Solicitor/ Commissioner for Oaths: _____

Firm Address: _____

Signature: _____

Date: _____

Stamp/ Seal:

Notes for the Declarant:

- This form **must be signed in front of** a solicitor or Commissioner for Oaths.
- Return the completed form to **Mold Town Council** with any supporting documents (e.g. ID, death certificate.)

Mold Town Council

Procedure for Handling Disputes Related to Burial Rights or Grave Ownership

Effective from:

Review Date:

1. Purpose

To provide a clear and consistent process for addressing and resolving disputes concerning burial rights or ownership of graves within Mold Town Council Cemetery, ensuring fairness, transparency and legal compliance.

2. Scope

This procedure applies to all disputes raised by individuals or parties claiming rights or interests in burial plots managed by Mold Town Council.

3. Definitions

- Dispute: Any disagreement or conflict regarding the ownership, transfer or use of burial rights or grave plots.
- Exclusive Rights of Burial (EROB): The legal right to decide who may be buried in a grave.

4. Responsibilities

- Mold Town Council – To manage and investigate disputes promptly, maintain records and ensure compliance with relevant laws and policies.
- Council Staff – To act as the first point of contact, conduct investigations and facilitate resolution.
- Parties in dispute – To provide all relevant evidence and cooperate with the Council's investigation.

5. Procedure

5.1 Receipt of Dispute

- The dispute must be submitted in writing to Mold Town Council, clearly outlining the nature of the dispute and the parties involved.
- Acknowledge receipt of the dispute within 5 working days.

5.2 Preliminary Assessment

- Review all documentation relating to the burial rights or grave ownership, including deeds, transfer forms and cemetery records.
- Identify if there is an immediate health and safety risk that requires urgent action.

5.3 Information Gathering

- Contact all parties involved to request additional information or evidence supporting their claims.
- Consider any legal documents such as Grant of Probate, Letters of Administration or statutory declarations.



- Where appropriate seek legal advice.

5.4 Mediation Attempt

- Encourage the parties to resolve the dispute amicably through mediation or facilitated discussion.

5.5 Decision Making

- If mediation fails or is not appropriate, Mold Town Council will review all evidence and make a decision based on the facts and applicable laws.
- The decision will be documented clearly with reasons provided.

5.6 Communications of Outcome

- Inform all parties of the decision in writing within 20 working days of dispute receipt or as soon as possible.
- Advise parties of their right to pursue further legal action if dissatisfied.

5.7 Record Keeping

- Maintain a secure file of all correspondence, evidence, decisions and actions taken relating to the dispute.

6. Escalation

If the dispute cannot be resolved internally, parties may be advised to seek resolution through the courts or other legal mechanisms.

7. Review

This procedure will be reviewed every 3 years or as necessary in response to legislative or policy changes.

Approved by Mold Town Council

Date:

Minute Reference:

Resources used in drafting the Procedure for Handling Disputes Related to Burial Rights or Grave Ownership.

1. Local Authorities' Cemeteries Order 1977 (as amended) – Statutory framework for the management of cemeteries, including rights of burial and transfer processes.
2. Institute of Cemetery and Crematorium Management (ICCM) Guidance – Best practice on dispute handling, record keeping, and mediation in cemetery operations.
3. Statutory Declarations Act 1835 – Legal reference for using statutory declarations in establishing ownership rights.
4. Mold Town Council Cemetery Regulations – Local regulations governing burial rights, ownership, and procedural requirements.
5. ACAS Guidance on Dispute Resolution – Principles for fair and impartial conflict resolution, adapted for cemetery-related disputes.



6. Example statutory declaration wording from UK legal practice – Reviewed to ensure compliance and consistency with legislative requirements.

