



Institute of Cemetery and
Crematorium Management

Granting, Exercising and Transferring Exclusive Rights of Burial

In response to demand from managers and authorities the ICCM has constructed this course in order to equip cemetery staff with the knowledge to complete this statutory process.

It is evident that many authorities rely on indemnity forms to complete this process however the use of an indemnity is little more than a guessing game that the person signing the indemnity is telling the truth and provides no legal protection. The possibility exists that legal action *might* be taken against authorities that have used an indemnity form thus allowing transfers of ownership to persons who may not be entitled. The only way of achieving a transfer of ownership which has no implications for an authority is to know what legal documents are required and how they must be used for each particular set of circumstances.

Whilst this process might appear complicated it is in fact a simple matter if you are equipped with detailed knowledge of this legal process, the legal documents that can be used and the back-up support of ICCM officers. David McCarthy, has constructed this course and has based the content on the detailed thesis that he produced during his diploma studies. The course has also been updated after a meeting David had with a Solicitor expert in grave ownership.

David has produced simple 'family tree' type charts that will lead you through the process for a wide range of circumstances thus ensuring that only the correct person(s) entitled to take up ownership are identified. All of the forms and information that is required to properly and legally complete the process are included in a candidate pack for future reference.

The learning outcome for this course is that candidates will be able to identify the documentation that is available or required for a range of circumstances and in the absence of certain legal documents how to properly draft the main element of Statutory Declarations covering a range of circumstances.

The course will also discuss alternative ways of granting Rights to Erect & Maintain Memorials in light of developments regarding the memorial safety issue.

By encouraging transfers of ownership at every opportunity you will have an improved chance of keeping in contact with grave owners in the future and produce additional income for your service by way of a transfer fee.

Remember – an indemnity form offers no protection for your authority.

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I wish to send delegate(s) to the Exclusive Rights of Burial Course at **Falmouth Town Council, Municipal Buildings, The Moor, Falmouth, TR11 2RT** on **Wednesday, 6th March 2019**. **Cost per delegate: £135 for Professional and Corporate members and £170 for non-members +VAT per delegate and will include lunch / refreshments.**

| | |
|------------------------------|------------|
| Name of Authority / Company: | Address: |
| Contact Name: | Post Code: |
| Email address: | Phone No: |
| | Fax. No: |
| Delegate(s) Name(s) | |
| 1) | 2) |
| 3) | 4) |
| 5) | 6) |

Completed forms should be sent to: Julie Callender, Administration Officer, ICCM National Office, City of London Cemetery, Aldersbrook Road, Manor Park, London E12 5DQ or faxed to: 020 8989 6112 or email iccmjulie@gmail.com

Granting, Exercising and Transferring Rights of Burial

10.30 Introduction to the course

- Getting it in context
- Benefits from having a proper system
- Does the Funeral Director need to be involved?

Questions so far

11.00 Getting your system going

- Background and research findings
- Setting up a legally compliant system that protects your authority
- Legal documents – Will, Grant of Probate and Letters of Administration Forms – Which one to use?
- Granting of Memorial Rights – considerations in light of memorial management issues

12.00 Statutory Declarations

- Content
- How to gain the information required
- Drafting the Declaration
- Obtaining the signatures required
- Examples

12.30 – 1.30 Lunch

1.30 Workshop

- Team working – From the various scenarios given the teams will identify the form or forms to be used. Where a Statutory Declaration is required the teams will draft the appropriate wording.

3.30 Discussion, Questions and Answers

4.00 Close