



TONYREFAIL & DISTRICT COMMUNITY COUNCIL

EXPIRY OF EXCLUSIVE RIGHTS OF BURIAL (ERoB) POLICY

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1. Introduction

This policy sets out the Council's approach to the management of graves where the Exclusive Right of Burial (ERoB) has been granted for a fixed term and is approaching, or has reached, expiry.

The policy is intended to:

- Ensure a fair, lawful and consistent approach to ERoB expiry;
- Provide clarity to grave owners, families and the public;
- Act as a practical checklist for officers administering the process;
- Support the sustainable management of burial space.

This policy should be read alongside the Council's Cemetery Regulations and any relevant legislation or guidance.

2. Scope of the Policy

This policy applies to graves where an ERoB was granted for a fixed term (including 50-year grants).

This policy does not apply to:

- Graves where the ERoB was granted in perpetuity;
- Commonwealth War Graves or other graves protected by specific statutory designation;
- Public graves where no ERoB was ever granted.

3. Legal and Policy Framework

Key legislation and guidance include (but are not limited to):

- Local Authorities' Cemeteries Order 1977 (as amended);
- Ministry of Justice guidance on burial law and grave reuse;
- Relevant case law and best practice guidance.

Nothing in this policy overrides statutory requirements.

4. Definitions

For the purposes of this policy:

Exclusive Right of Burial (ERoB): The right to determine who may be buried in a grave, granted for a fixed period.

Registered Grave Owner: The person(s) recorded in the Council's burial register as holding the ERoB.

Expiry Date:	The date on which the fixed term ERoB comes to an end.
Renewal:	The extension of the ERoB for a further fixed term.
Reversion:	The return of the ERoB to Council ownership following expiry.

5. Policy Principles

The Council will:

- Act with sensitivity and respect for the deceased and their families;
- Take reasonable steps to identify and contact registered grave owners;
- Balance private burial rights with the long-term need to manage burial space;
- Keep accurate records at each stage of the process.

6. Identification of ERoBs Approaching Expiry

Officers will:

- Maintain a rolling review of ERoBs due to expire within twelve (12) months.
- Produce a list of affected graves, including:
 - Grave reference and location;
 - Date ERoB was granted and expiry date;
 - Registered owner(s) details;
 - Number of interments and available depth.
- Cross-check burial and ownership registers for accuracy.

7. Tracing and Contacting Grave Owners

7.1. Initial Contact

The Council will attempt to contact the registered grave owner using the last known address held on record.

Methods may include letter by post and/or Email (where available).

The initial contact will:

- Explain that the ERoB is approaching expiry;
- Outline renewal options and costs;
- Set out the consequences of non-renewal;
- Provide a clear response deadline.

7.2 Further Tracing Steps (if no response)

If no response is received, officers may:

- Send a second reminder letter;
- Check internal Council records;
- Use publicly available sources (e.g. electoral register) where appropriate.

In addition to attempting to make contact through the methods listed above, the Council will attach clear notification to the plot headstone or kerb set for a period of no fewer than twelve (12) months.

If the plot does not have a headstone upon which to place a notice, it will be attached to a temporary post at the plot site.

7.3 Untraceable Owners

The Council will make two (2) attempts to contact the registered grave owner using the last known address held on record. A notice will be placed on the grave plot for a minimum of twelve (12) months.

In addition, the Council will make all other reasonable efforts to locate an entitled grave owner.

Where the registered owner, or an entitled owner in cases where the registered owner is deceased, cannot be traced, the steps taken to attempt contact will be formally recorded.

8. Renewal of ERoB

8.1. Renewal Options

Where a registered owner comes forward, the Council may offer a renewal for a further fifty (50) years.

Renewal fees will be set in accordance with the Council's current scale of charges.

8.2. Conditions of Renewal

Renewal may be subject to:

- Compliance with current Cemetery Regulations;
- Resolution of any unauthorised memorials or items;
- Confirmation of up-to-date ownership details.

9. Non-Renewal and Reversion to Council Ownership

9.1. Expiry Without Renewal

Where:

- The registered owner declines to renew; or
- No response is received following reasonable attempts to contact;

the ERoB will expire and revert to Council ownership.

9.2. Record Keeping

Officers will:

- Update the burial register to record expiry and reversion;
- Note whether the grave is eligible for reuse.

10. Memorials on Graves with Expired ERoBs

10.1. Council Options

On graves where the ERoB has expired, the Council will leave memorials in place unless and until the grave is required for reuse.

Where removal is proposed, the Council may:

- Place a notice on or near the grave;
- Allow a defined period of six (6) months for families to come forward;
- Safely remove and store the memorial.

10.2. Storage and Disposal

Any memorial removed from a plot will be stored for a period of no fewer than three (3) months. At any time during this period, the family may collect the memorial.

A memorial removed from a plot will be photographed front and back, and the images retained on the burial records.

At the Council's discretion, memorials may be recycled, disposed of or reused after the storage period.

All actions will be recorded.

11. Reuse of Graves

11.1. Eligibility for Reuse

A grave may be considered for reuse where:

- The ERoB has expired and reverted to Council ownership;
- There is sufficient depth to allow a new interment without disturbing existing remains;
- Any required memorial action has been completed.

11.2. Reuse Approach

Where the ownership of a plot has reverted to the Council following expiry and non-renewal of the ERoB, any available space within the plot may be utilised as follows:

- Reuse for new ERoB grants,
- Reuse for public graves,

- Restricting reuse to amount of available space within the reclaimed plot.

Available space within a full burial plot will be used for further full burials only.

12. Appeals and Exceptional Circumstances

The Council may consider exceptional cases where:

- Late claims are made after expiry;
- There are compelling compassionate grounds.

Any discretion exercised will be documented and approved in accordance with the Council's scheme of delegation.

13. Monitoring and Review

This policy will be reviewed annually or sooner if required by legislative change.