

# Guidance for Transfer of Right of Burial

## Meanings

- **Applicant** - The person requesting to become the lair holder
- **Lair** - Burial plot
- **Present lair holder** – Name of person who currently owns the lair (this person may be deceased)
- **Authorised person** - A member of Notary Public, Justice of the Peace or Commissioner for Oaths
- **Declared at** – Place/address of authorised person signature
- **Signature witness** – Witness to verify the authorised person's signature

## Authorised Person

- [Justice of the Peace](#)
- [Find a Solicitor](#)
- [Notary Public](#)
- [East Lothian Councillors](#) (local councillors can provide this service for free)\*\*

\*\*If you live outside of East Lothian, any elected member of local authority can provide this service.

## Further Information

- Burial and Cremation (Scotland) Act 2016 [Legislation](#)

## Cost of Transfer

- £82.69

## Declaration for Transfer of Right of Burial

**THIS DOCUMENT MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC, JUSTICE OF THE PEACE OR PERSON OTHERWISE AUTHORISED TO COMMISSION OATHS**

Please complete this form in blue or black ink and (except for signatures) entirely in CAPITAL LETTERS

I (full name of applicant).....**INFORMATION REQUIRED BY APPLICANT**.....

of (address of applicant).....**INFORMATION REQUIRED BY APPLICANT**.....

Email address.....**INFORMATION REQUIRED BY APPLICANT**.....Contact number.....**INFORMATION REQUIRED BY APPLICANT**.....

Relation to present lair holder.....**INFORMATION REQUIRED BY APPLICANT**.....

solemnly and sincerely declare being the legal successor to the Right of Burial for the following grave:

Lair.....**INFORMATION REQUIRED BY APPLICANT**.....Cemetery.....**INFORMATION REQUIRED BY APPLICANT**.....  
(including section)

at present in the name of.....**INFORMATION REQUIRED BY APPLICANT**.....

of (address of former rightful owner).....**INFORMATION REQUIRED BY APPLICANT**.....

.....

do hereby request the transfer of the said Right of Burial to myself, on payment of the appropriate fee, and I undertake to fully and promptly indemnify East Lothian Council against any expense, loss, injury or damage claims for action which may arise out of the transfer.

If any other persons are equally entitled, I have obtained their consent that I should be

named so ..... **INFORMATION REQUIRED BY APPLICANT** ..... (present lair holder) had never assigned the benefit of the grave rights to any other person or specified any reservation for any particular person.

Signature of applicant..... **INFORMATION REQUIRED BY APPLICANT** ..... Date:..... **INFORMATION REQUIRED BY APPLICANT**

**Declaration in the presence of a Notary Public, Justice of the peace or Commissioner for Oaths (authorised person)**

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

Declared at..... **INFORMATION REQUIRED BY AUTHORISED PERSON** .....  
This..... **INFORMATION REQUIRED BY AUTHORISED PERSON** ..... day of..... **INFORMATION REQUIRED BY AUTHORISED PERSON** ..... 20..... **INFORMATION REQUIRED BY AUTHORISED PERSON**

Full name of authorised person..... **INFORMATION REQUIRED BY AUTHORISED PERSON** .....

Signature of authorised person..... **INFORMATION REQUIRED BY AUTHORISED PERSON** .....

Job title of authorised person..... **INFORMATION REQUIRED BY AUTHORISED PERSON** .....

Office Address..... **INFORMATION REQUIRED BY AUTHORISED PERSON** .....

Signature of Witness..... **INFORMATION REQUIRED BY WITNESS** .....

This..... **INFORMATION REQUIRED BY WITNESS** ..... day of..... **INFORMATION REQUIRED BY WITNESS** ..... 20..... **INFORMATION REQUIRED BY WITNESS**

Full Name..... **INFORMATION REQUIRED BY WITNESS** .....

Address..... **INFORMATION REQUIRED BY WITNESS** .....