Clackmannanshire Council,
Development & Environment Services,
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www.clacksweb.org.uk

Updated Apr2015

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Part B - Indemnity for Missing Certificate of Right of Burial

The owner of the Exclusive Right of Burial, (or their Executor or Next-of-Kin) shall complete this part B if he/she cannot produce the Certificate of Exclusive Right of Burial.

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Footnote

The Burial Grounds (Scotland) Act 1855, as supplied by the Church of Scotland (Property and Endowments) Act 1925 Section 32 and amended by the Burial Grounds (Scotland) Amendment Act 1886 Section 1, give authority to Burial Authorities (in this case the Council) to sell the exclusive right of burial in perpetuity or for a limited period.

It should be noted that the only right of burial is sold to the purchaser. The ownership of the land itself still vests with the Burial Authority and not with the holder of the Exclusive Right of Burial.

The purchaser has no other rights but to state who will be buried in the lair.

The Exclusive Right of Burial can be deeded, willed or transferred to another party provided that an amendment is made to the original record kept by the Burial Authority.