

Transfer or bequest of an interment right

An interment right is a contract with a cemetery operator that allows burial to take place in a particular location.

In NSW there are two types of interment rights; perpetual or renewable. This quick guide applies to both perpetual and renewable rights.

Transfer of an interment right

An interment right can be transferred to another person or to the cemetery operator.

Only the right holder can apply to transfer the right. If the interment right is held by joint holders, the application must be made by all right holders.

There might be a transfer fee, so it is important to check with the cemetery operator.

A transfer application must be made to the cemetery operator and comply with cemetery rules. The operator has the right to refuse the transfer if (in the operator's opinion) it would tend to create a monopoly or encourage dealing in interment rights.

When an interment right is transferred, the cemetery operator must update its register with the details of the new holder (or holders).

The cemetery operator must issue a new interment right certificate to the new holder (or holders).

Bequest of an interment right

An interment right can form part of a personal estate and be bequeathed.

If there are joint holders of an interment right, it passes to the remaining holder, without the need of a bequest.

The person receiving an interment right by bequest should contact the cemetery operator to ensure their details are recorded on the operator's register.

The cemetery operator must issue a new interment right certificate to the new holder.

Rules of intestacy

If the holder dies and has not used or bequeathed the interment right, the right forms part of the personal estate.

Under the rules of intestacy, the operator needs certain information before transferring a right:

- proof of identity
- proof of relationship to the deceased
- a copy of the Grant of Letters of Administration.

The cemetery operator's register will be amended to indicate the change in right holder once this information is received.

Updating the cemetery operator's register

The cemetery operator keeps a register with all contact details of interment right holders. It is the responsibility of the right holder to inform the cemetery operator of any change in contact details.

More information

Cemeteries & Crematoria NSW is a statutory body created under the *Cemeteries and Crematoria Act 2013*, providing a strategic and coordinated approach for operators providing interment services in NSW.

For general information visit the website at: www.industry.nsw.gov.au/ccnsw

Email: ccnsw.info@cemeteries.nsw.gov.au

For more detailed information please contact your preferred cemetery provider.