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## TRANSFER OF CEMETERY INTERMENT RIGHT DECLARATION

SF173
Responsible Officer: DS
Issue Date: 07/12/2015
Next Review Date: June 2017

Cemetery: \_\_\_\_\_

Interment right No \_\_\_\_\_ Site Number \_\_\_\_\_ Section/Row/Other \_\_\_\_\_

Currently in the name/s of \_\_\_\_\_

**Please select A or B below, complete all relevant details and sign in front of a Justice of Peace**

**A - Current Interment Right holder/s**

**I, the current registered interment right holder/s, do solemnly and sincerely declare that**

Title: Dr Mr Ms Mrs Miss Gender: M / F

Last Name \_\_\_\_\_ First Name/s \_\_\_\_\_

Last Known Address \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of Birth \_\_\_\_\_

and I,

Title: Dr Mr Ms Mrs Miss Gender: M / F

Last Name \_\_\_\_\_ First Name/s \_\_\_\_\_

Last Known Address \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of Birth \_\_\_\_\_

**do hereby authorise the transfer of my rights, title and interest in this interment right.**

**OR**

**B – Authorised Person**

**I, the Authorised Person, do solemnly and sincerely declare that:**

Title: Dr Mr Ms Mrs Miss Gender: M / F

Last Name \_\_\_\_\_ First Name/s \_\_\_\_\_

Last Known Address \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of Birth \_\_\_\_\_

Being a person having the right to exercise a Power of Attorney for the interment right holder. Please attach a copy of the Power of Attorney:

or

- Being a person entitled to exercise the rights granted to the interment right holder upon the interment right holders death, and being the **highest ranking person** of entitlement in relation to the deceased interment right holder, and having provided proof of my identity (Council has the right to determine the criteria to determine the relationship and entitlement of any person claiming a substituted right)

**do hereby request the interment right to be transferred to the new interment right holder as detailed below.**

I, the Current Interment Right Holder/s or Authorised Person, understand that the said interment right (Interment Right Number.....) is unencumbered and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*.

**This section must be signed in front of a Justice of the Peace or Commissioner of Affidavits.**

Signed \_\_\_\_\_  
*(Interment Right holder or Authorised Person)*

Signed \_\_\_\_\_  
*(Interment Right holder 2 if applicable)*

Declare and subscribed at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

Before me (*Full Name*

A Justice of the Peace or JP/Commissioner

Commissioner for Affidavits \_\_\_\_\_

*(Signed by JP/Commissioner)*

**NEW INTERMENT RIGHT HOLDER DETAILS**

Title: Dr Mr Ms Mrs Miss Gender: M / F

Last Name \_\_\_\_\_ First Name/s \_\_\_\_\_

Address \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Date of Birth \_\_\_\_\_

Telephone \_\_\_\_\_ Mobile \_\_\_\_\_

Email \_\_\_\_\_

Hereby accept the transfer of the above Interment Right to my name.

I \_\_\_\_\_  
*(Full name of new Interment Right holder)*

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

## Authority to exercise the Interment Right

- Where the interment right holder is deceased, the interment right may be exercised by the personal representative of the deceased (in accordance with Section 35 of the Burial and Cremation Act 2013) being a person aged 18 years or more who is –
  - The executor of the estate of the deceased person or, if there is more than 1 executor, 1 of the executors acting with the permission of all the other executors; or
  - The administrator of the deceased person's estate.
  
- If there is no personal representative the interment right may be exercised in accordance with Regulation 32 of the Burial and Cremation Regulations 2014 as follows:
  - By the spouse or domestic partner of the deceased interment right holder; or
  - If there is no surviving spouse or domestic partner, by the eldest living relative of the deceased interment right holder in the following descending order of priority:
    - A child;
    - A grandchild or great grandchild;
    - A brother or sister;
    - A parent;
    - A grandparent;
    - An aunt or uncle;
    - A nephew or niece;
    - A cousin;
    - Any other blood relative.