



# TRANSFER OF INTERMENT RIGHT HOLDER

Email: [council@cleve.sa.gov.au](mailto:council@cleve.sa.gov.au)

Cemetery:	Lease No:	Burial No/s:
Section:	Row:	
Name of person/s interred in this site:		

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

I, (title) ..... (full name) ..... (date of birth) .....

Of (address) .....

(phone) .....(email) ..... **the current registered interment right holder, do solemnly and sincerely declare that I do hereby authorise the transfer of my rights, title and interest in this interment right to:**

(title) ..... (full name) ..... (date of birth) .....

(address) .....

(phone) .....(email) .....

I (full name) ....., **the current interment right holder understand that the above said interment right 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.**

**Signed:**..... (interment right holder)

### To be completed by a Justice of the Peace:

Declared and subscribed at .....in the state/territory .....

This ..... day of ..... year ..... Before me .....

(full name)

A Justice of the Peace or Commissioner for Affidavits .....

(signed JP/Commissioner)

**This section does NOT need to be signed in front of a Justice of the Peace or Commissioner of Affidavits:**

I ..... (full name of new interment right holder) **Hereby accept the transfer of the above interment right to my name**

**Signed:** ..... **Date:** .....

**Please return the fully completed Original form (no copies) to District Council of Cleve.**

OFFICE USE ONLY:

Approved:  Yes  No

Approved by ..... Signature .....

Date of Approval/Denial .....

## Information for completing this form:

### Order of Entitlement

(a) The registered interment right holder – the name which appears on the existing, current interment right has exclusive rights to exercise a transfer. If held in joint names, the transfer must be approved by all interment right holders. In the case where a joint interment right holder passes away, the entitlements to the interment right pass to the remaining interment right holder(s).

(b) Upon the death or legal incapacity of the interment right holder(s), one of the following persons, as defined as the personal representative in the S.A. Burial and Cremation Act 2013, is entitled to exercise the rights granted to the interment right holder.

- The Executor of the interment right holder – one person solely responsible for conducting the affairs of the deceased or legally incapacitated registered interment right holder.
- A joint Executor, with written permission from all other executors, of the interment right holder.
- The administrator of the estate of the deceased interment right holder.

**District Council of Cleve will require certified copy of relevant authorising documents to be provided i.e., Will & Testament or Power of Attorney;**

If there is no personal representative, one of the following persons entitled to exercise the rights granted to the interment right holder upon their death or legal incapacity, as defined in the Burial and Cremation Regulations 2014, then the surviving spouse or surviving domestic partner (as defined in the Family Relationships Act 1975).

If there is no surviving spouse or domestic partner, the eldest living and legally capable relative of the deceased interment right holder in the following descending order of priority;

- A child of the interment right holder;
- 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.

### Instructions for Completion of the Transfer of Interment Right

The section of the form commencing 'I (full name) of (address) the current registered interment right holder,:' is to be completed by the registered interment right holder.

The section of the form commencing '(I (full name) the current interment right holder understand that' is to show the full name and mailing address of the person accepting the transfer. The registered interment right holder may transfer the interment right to any other person, eg, family member, trustee, friend, who has an interest in and is willing to accept all rights and responsibilities for the burial/memorial position noted on the reverse of this document.

As this is a legal document, the signature of the currently registered interment right holder is to be witnessed by a Justice of the Peace or a Prescribed Police Officer.

The bottom section of the first page is to contain the full name and signature of the person accepting the responsibilities associated with being the new registered interment right holder of the burial/memorial position as noted on the reverse of this document.