

No. 62

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2nd Session, 14th Legislature, Alberta  
9 Elizabeth II

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## **BILL 62**

A Bill to amend The Prearranged Funeral Services Act

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HON. MR. PATRICK

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## **Explanatory Note**

**2.** (a) This new definition of "funeral services" extends the scope of the Act and now covers persons or companies who only supply the services or commodities with certain exceptions. Section 2 (a) presently reads:

"(a) "funeral services" means the services and commodities usual in the preparation for burial and the burial of the dead, or any such service and commodity, other than the supplying of lots, burial vaults, grave markers, vases and services rendered or to be rendered at the cemetery;"

(b) Clause (c) presently reads as follows:

"(c) "Minister" means that member of the Executive Council charged with the administration of this Act;"

(c) Self-explanatory.

**3.** This section is amended to transfer the authority to regulate prearranged funeral services and plans from a Minister to the Alberta Securities Commission.

**4.** See note to clause 3 of the Bill.

**5.** This amendment provides that once a person has entered into a contract the refundable portion of the contract is only 88%, the other 12% going to the licensor of the plan so provided.

# BILL

No. 62 of 1961

An Act to amend The Prearranged Funeral Services Act

(Assented to \_\_\_\_\_, 1961)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Prearranged Funeral Services Act*, being chapter 76 of the Statutes of Alberta, 1960, is hereby amended.

**2.** Section 2 is amended

(a) by striking out clause (a) and by substituting the following:

(a) "funeral services" means the services or commodities usual in the preparation for burial or the burial of the dead, including embalming and restoration, casket, outer wooded receiving case, or such service or commodity other than the supplying of lots, metal, cement and fibre glass burial vaults, grave markers, bases and services rendered or to be rendered at the cemetery;

(b) by striking out clause (c),

(c) by adding immediately after clause (e) the following:

(e1) "securities commission" means the Alberta Securities Commission;

**3.** Section 3 is amended

(a) by striking out the words "Unless he is licensed to do so under this Act, no" and by substituting the word "No",

(b) by adding after clause (b) the words:  
"unless he is licensed by the securities commission for that purpose."

**4.** Section 4 is amended by striking out the word "Minister" wherever it occurs and by substituting the words "securities commission".

**5.** Section 5, subsection (3) is amended by striking out the words "within three years of the date on which it was entered into".

**6.** This amendment is made to bring section 7 in line with section 5. See previous amendment.

**7.** See note to clause 3 (b) of the Bill.

**8.** Section 12, subsections (1) and (2) presently reads:

"12. (1) Upon sufficient cause being shown to the Minister, he may recommend to the Lieutenant Governor in Council that a licence should be revoked and the Lieutenant Governor in Council may revoke and cancel the licence issued by the Minister to the licensee.

(2) By the order revoking and cancelling a licence, the Lieutenant Governor in Council shall assign all prearranged funeral plans entered into by that person while a licensee to another licensee or other licensees with notice to the persons affected thereby, and the order is effective to assign the prearranged funeral plans therein specified and is binding on all persons affected by the order."

See note to clause 3 of this Bill.

**9.** This amendment is self-explanatory. Section 13 (4) (a) presently reads:

"(4) Where before the commencement of this Act a prearranged funeral plan was entered into

(a) seventy-five per cent of the moneys paid or payable under that plan shall be held in trust for the purposes of the plan and deposited, as required by the regulations, with the Public Trustee or a trust company until required to be used or expended in accordance with the terms of the prearranged funeral plan, and"

**10.** The power of investigation and enquiry is given to the securities commission. This is similar to the power given under The Cemeteries Act.

**6.** Section 7 is amended

- (a) as to subsection (1), clause (a) by striking out the word "Minister" and by substituting the words "securities commission",
- (b) as to subsection (2) by striking out the words "for at least three years".

**7.** Section 8 is amended by striking out the word "Minister" wherever it occurs and by substituting the words "securities commission".

**8.** Section 12 is amended

- (a) by striking out subsection (1) and by substituting the following:  

**12.** (1) The securities commission shall suspend or cancel any licence where in its opinion such action is in the public interest.
- (b) as to subsection (2) by striking out the words "Lieutenant Governor in Council" and by substituting the words "securities commission".

**9.** Section 13, subsection (4), clause (a) is amended by striking out the words "or payable".

**10.** The following sections are added immediately after section 15:

**15a.** (1) The securities commission, or any person authorized in writing by the securities commission, may upon complaint of any person interested or, when the commission deems it necessary, without complaint, investigate and inquire into any matter the investigation of which the securities commission deems expedient for the due administration of this Act.

(2) The person making the investigation may at all reasonable times demand the production of and inspect all or any of the books, documents, papers, correspondence and records relating to the operation of the licensee, and any person who has the custody, possession or control of any such books, documents, papers, correspondence or records shall produce them and permit the inspection thereof by the person making the investigation.

**15b.** (1) The person making the investigation may seize and take possession of any books, documents, papers, correspondence or records of the person in respect of whom the investigation is being made.

(2) If within thirty days after the date of a seizure under subsection (1) no prosecution is instituted against the person whose affairs are being investigated the thing seized shall forthwith be returned to him.



**15c.** In addition to the powers conferred by sections 15a and 15b the person making the investigation has, for the purpose of the investigation, all the powers of a commissioner under *The Public Inquiries Act*.

**15d.** (1) A person who is dissatisfied with a decision of the securities commission

(a) refusing to issue a licence, or

(b) suspending or cancelling a licence,

may request a hearing and review by the securities commission.

(2) After the hearing and review the securities commission may by order vary, revoke or confirm the decision.

**11.** This Act comes into force on the day upon which it is assented to.

No. 62

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SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

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## **BILL**

An Act to amend The Prearranged  
Funeral Services Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. PATRICK

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