

No. 43

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 43

A Bill to amend The Cemeteries Act

HON. DR. ROSS

Explanatory Note

1. This Bill amends chapter 12 of the Statutes of Alberta, 1960.

2. Section 10 presently reads:

10. (1) The owner of a cemetery shall provide and preserve
- (a) plots for the burial of destitute or indigent persons of all religious denominations,
 - (b) plots for the burial of unclaimed bodies of persons of all religious denominations, and
 - (c) contiguous plots in an area of the cemetery for the burial of former members of Her Majesty's armed forces.

(2) No charge shall be made by the owner of a cemetery for the reservation or provision by him of a plot for the burial of a destitute or indigent person or of an unclaimed body or of a former member of Her Majesty's armed forces.

(3) When reserving plots for the purpose of this section, separate provision shall be made by the owner for all the municipalities that the cemetery serves or is intended to serve.

Religious denominations and auxiliaries will now be required to provide plots under this section as to their own adherents. Subsections (3) and (4) regulate charges to be made by cemetery owners in cases under the section.

BILL

No. 43 of 1966

An Act to amend The Cemeteries Act

(Assented to _____, 1966)

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

1. *The Cemeteries Act* is hereby amended.
2. Section 10 is struck out and the following is substituted:
 10. (1) Any religious auxiliary or religious denomination which owns a cemetery shall provide and preserve
 - (a) plots for the burial of unclaimed bodies and bodies of destitute or indigent persons who were at the time of death adherents of the same religious denomination, and
 - (b) contiguous plots in an area of the cemetery for the burial of former members of Her Majesty's armed forces who were at the time of death adherents of the same religious denomination.
 - (2) The owner of a cemetery other than a religious auxiliary or religious denomination shall provide and preserve
 - (a) plots for the burial of unclaimed bodies and bodies of destitute or indigent persons, and
 - (b) contiguous plots in an area for the burial of former members of Her Majesty's armed forces.
 - (3) In the case of the burial of a person referred to in subsection (1) or (2), the owner of the cemetery may charge
 - (a) for the provision of a plot, not more than fifty per cent of the amount that would ordinarily be charged for the plot, and
 - (b) for digging and backfilling the grave, the amount ordinarily charged for those services.
 - (4) Where the owner of a cemetery differentiates in its charge for the provision of the same plot on the basis of the place of residence of the person to be buried, then for the purposes of clause (a) of subsection (3), the lowest charge made for the plot shall be deemed to be the amount ordinarily charged for the plot.

3. A new section is added to enable the recovery of unused grave sites which have apparently been abandoned by the purchasers thereof.

4. Sections 51 and 52 provide that when the owner of a cemetery enters into a contract for the sale of cemetery supplies or cemetery services to be supplied on the death of a person, part of the moneys form a pre-need assurance fund which is to be deposited with an authorized trustee and recorded in separate accounts for each purchaser. The proposed new section will provide an alternate procedure where the cemetery owner maintains adequate records.

5. Commencement of Act.

3. The following section is added after section 14:

14a. (1) Where a plot has been sold by the owner of a cemetery for a burial site, the securities commission, on the application of the owner of the cemetery, may by order cancel any conveyance of the plot and revest the plot in the owner of the cemetery when the commission is satisfied upon evidence verified by affidavit or otherwise that

- (a) the plot is not in use as a burial site,
- (b) the owner of the cemetery has not heard from the purchaser of the plot, or his personal representative, for a period of twenty years, and
- (c) reasonable efforts have been made to locate the purchaser of the plot, or his personal representative, and have failed,

but the revesting of the plot in the owner of the cemetery is subject to the condition that if that purchaser, or his personal representative, subsequently claims the plot the owner of the cemetery will provide to him another plot of equal value or will pay to him an amount equal to the value of the plot so revested.

(2) Subsection (1) applies with respect to lots containing more than one plot except when one or more of the plots in a lot is in use as a burial site.

4. The following section is added after section 52:

52a. Notwithstanding section 51 or 52, where the owner of a cemetery

- (a) maintains at his office in the Province,
 - (i) a copy of each contract entered into,
 - (ii) a record of every payment received under the contract showing the apportionment of each payment to or in respect of a plot, cemetery supplies, cemetery services, endowment care fund and pre-need assurance fund, and
 - (iii) a copy of each interment authorization to which any contract is related,and
- (b) files with the securities commission annually an audited statement of the total amount paid to an authorized trustee on account of the pre-need assurance fund,

the authorized trustee is not required to record the amounts paid to it in separate accounts for each purchaser.

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

No. 43

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Cemeteries Act

Received and read the

First time

Second time

Third time

HON. DR. ROSS
