The Cemeteries Act, 1999

being

Chapter C-4.01* of the *Statutes of Saskatchewan, 1999* (effective November 1, 2001) as amended by the *Statutes of Saskatchewan*, 2000, c L-5.1; 2002, c R-8.2; 2009, c T-23.01; 2010, c E-9.22; 2013, c C-30.2; 2015, c 21; 2017, c P-30.3; 2019, c R-21.3; 2021, c 6 and c 19; and 2024, c 4.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-4.01

An Act respecting Cemeteries and making consequential amendments to other Acts

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Cemeteries Act, 1999*.

Interpretation

2 In this Act:

(a) **"assurance fund"** means a prepaid cemetery contract assurance fund required to be maintained pursuant to section 40;

(b) **"authorized decision-maker"** means an authorized decision-maker within the meaning of *The Funeral and Cremation Services Act*;

(c) **"buyer"** means a person who enters into one of the following contracts with an owner:

(i) a prepaid cemetery contract;

(ii) a contract for cemetery services or cemetery supplies that is not prepaid;

(iii) a contract for interment rights;

(d) **"care and maintenance fund"** means a fund that is required to be established pursuant to section 23 for the purpose of providing for the long-term care and maintenance of a cemetery;

(e) **"cemetery"** means any land or place that is set apart or used as a place of interment and that is approved as a cemetery pursuant to this Act, and includes any buildings that are incidental or ancillary to that land or place;

(f) **"cemetery services"** means services rendered or to be rendered at a cemetery and includes the following:

(i) opening and closing a grave;

(ii) opening and closing and sealing a tomb, crypt, compartment or vault in a mausoleum or a niche or compartment in a columbarium;

(iii) interring or disinterring human remains or cremated human remains;

(iv) providing temporary storage in a receiving vault or crypt;

(v) constructing a foundation for a memorial;

(vi) setting corner posts;

(vii) providing a tent or canopy, carrying or lowering devices and ground cover for an interment service;

(viii) preparing flower beds and planting flowers and shrubs;

(ix) providing elevating devices;

(x) any other service that may be prescribed in the regulations;

(g) **"cemetery supplies"** means interment vaults, memorials, flowers, liners, urns, shrubs and artificial wreaths and other articles intended to be placed in a cemetery;

(h) **"columbarium"** means a building designed for the purpose of storing or interring cremated human remains in sealed compartments or niches;

(i) **"commercial cemetery"** means a cemetery operated by an individual, corporation or partnership for the purpose of making a profit for the owner;

(j) **"contract beneficiary"** means the individual:

(i) who is named in a prepaid cemetery contract; and

(ii) on whose death cemetery services or cemetery supplies or both are to be provided pursuant to that contract;

(k) **"cremated human remains"** means human bone fragments that remain after cremation;

(l) **"cremation"** means the technical process of using heat to reduce human remains to bone fragments;

(m) **"human remains"** means a dead human body, but does not include cremated human remains;

(n) **"interment"** means:

(i) the burial of human remains or cremated human remains in a cemetery;

(ii) the entombment of human remains in a mausoleum; or

(iii) the inurnment of cremated human remains in a columbarium;

(o) **"interment rights"** means the right to use a lot for the purpose of the interment of human remains or cremated human remains;

(p) **"licensee"** means a person to whom a licence has been issued pursuant to this Act;

(q) **"lot"** means a space in a cemetery used or intended to be used for the interment of human remains or cremated human remains and includes a tomb, crypt, compartment or vault in a mausoleum and a niche or compartment in a columbarium;

(r) **"mausoleum"** means a building designed for the entombment of human remains in tombs, crypts, compartments or vaults;

(s) **"memorial"** means a marker, headstone, tombstone, monument, plaque, tablet, plate, inscription, lettering or ornamentation that is used to identify a lot or memorialize a deceased person;

(t) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(u) **"owner"** means the owner of a cemetery;

(v) **"prepaid cemetery contract"** means a contract under which, in consideration of full or partial payment made in advance, an owner undertakes to provide future cemetery services or cemetery supplies or both with respect to a contract beneficiary who is alive at the time the contract is made;

(w) **"registrar"** means the registrar of cemeteries appointed pursuant to section 82 and includes any deputy registrar appointed pursuant to that section;

(x) **"salesperson"** means an individual employed, appointed or authorized by an owner to sell prepaid cemetery contracts on the owner's behalf;

(y) **"trust company"** means:

(i) a trust corporation or loan corporation that holds a valid licence pursuant to *The Trust and Loan Corporations Act* and that is a member of or has effected insurance with the Canada Deposit Insurance Corporation; and

(ii) any other financial institution prescribed in the regulations.

1999, c C-4.01, s 2.

PART II
Approvals

Approval required

3 No person shall establish, operate, alter the boundaries of or relocate a cemetery without the prior written approval of the registrar.

1999, c C-4.01, s 3.

Application

4 Every application for approval of the registrar shall:

(a) be made in a form prescribed in the regulations;

(b) be accompanied by evidence that the municipality in which it is situated has approved the establishment, operation, boundary alteration or relocation of the cemetery; and

(c) be accompanied by any additional information that the registrar may require or that may be specified in this Act or the regulations.

1999, c C-4.01, s 4.

Approval or refusal of application

5(1) Subject to subsection (2), the registrar shall, in writing, either approve or refuse to approve the application to establish, operate, alter the boundaries of or relocate a cemetery.

(2) The registrar shall not refuse to approve the application without giving the applicant an opportunity to make written representations to the registrar.

1999, c C-4.01, s 5.

Approval and terms of approval

6(1) The registrar may approve an application to establish, operate, alter the boundaries of or relocate a cemetery, subject to any terms that the registrar considers appropriate.

(2) No owner shall fail to comply with the terms of the approval respecting that owner's cemetery.

(3) The registrar shall not approve an application to establish or operate a cemetery if the applicant is required to maintain a care and maintenance fund but has not done so in an amount prescribed in the regulations.

1999, c C-4.01, s 6.

Suspension or cancellation

7(1) Subject to subsection (2), where, in the opinion of the registrar, it is in the public interest, the registrar may, in writing, suspend or cancel any approval to establish, operate, alter the boundaries of or relocate a cemetery.

(2) The registrar shall not suspend or cancel an approval pursuant to subsection (1) without giving the owner an opportunity to make written representations to the registrar.

(3) Where the registrar has suspended or cancelled an approval, the owner shall not inter any human remains or cremated human remains or scatter any cremated human remains in that cemetery until the suspension has been lifted or a further approval has been granted.

1999, c C-4.01, s 7.

PART III
Licences

Licence required

8 Subject to the regulations, the following persons must hold a licence issued by the registrar:

(a) the owner of a commercial cemetery;

(b) any other person specified in the regulations.

1999, c C-4.01, s 8.

Application for licence

9(1) A person who wishes to obtain or renew a licence, or have a licence reinstated, shall:

(a) apply to the registrar in the form provided by the registrar;

(b) pay the fee prescribed in the regulations;

(c) provide the registrar with an address for service in Saskatchewan; and

(d) comply with any requirements that may be prescribed in the regulations.

(2) The registrar shall not issue a licence to an owner if the owner is required to establish a care and maintenance fund but has not done so in an amount prescribed in the regulations.

1999, c C-4.01, s 9.

Registrar may require further information

10 The registrar may, at any time:

(a) require that further information or material be submitted by a licensee or an applicant for a licence, within a specified time; and

(b) require verification by affidavit or otherwise of any information or material submitted.

1999, c C-4.01, s 10.

Issuance of licence

11(1) After receiving and reviewing an application and any other information required to be submitted, the registrar may:

(a) issue, renew or reinstate a licence; or

(b) refuse to issue, renew or reinstate a licence if, in the opinion of the registrar:

(i) the applicant or, in the case of a corporate applicant, the applicant's officers or directors cannot reasonably be expected to be financially responsible in the matter for which the licence is sought;

(ii) the past conduct of the applicant or, in the case of a corporate applicant, the applicant's officers or directors affords reasonable grounds for believing that the applicant will not carry on business in accordance with this Act or the regulations and with integrity and honesty;

(iii) the applicant has made a material misstatement in the application for the licence or in any of the information or material submitted to the registrar with the application for the licence;

(iv) the applicant has been convicted of misrepresentation or fraud or is dishonest or, in the case of a corporate applicant, the applicant's officers or directors have been convicted of misrepresentation or fraud or are dishonest; or

(v) it is not in the public interest to issue, renew or reinstate the licence.

(2) The registrar shall not refuse to issue, renew or reinstate a licence without giving the applicant an opportunity to make written representations to the registrar.

1999, c C-4.01, s 11.

Expiration of licence

12 Unless otherwise provided in the regulations, every licence expires one year from the date on which it was issued unless it has been previously suspended or cancelled.

1999, c C-4.01, s 12.

Terms of licence

13(1) When issuing, renewing or reinstating a licence, the registrar may impose any terms on the licence that the registrar considers appropriate.

(2) At any time after a licence is issued, the registrar may, after giving the licensee an opportunity to make written representations, do all or any of the following:

(a) amend, modify or vary terms imposed on a licence;

(b) impose new terms on a licence;

(c) repeal terms imposed on a licence and impose new terms in their place.

1999, c C-4.01, s 13.

Licensee to comply

14 No licensee shall fail to comply with this Act, the regulations or any term attached to the licensee's licence.

1999, c C-4.01, s 14.

Production of licence for inspection

15 A licensee shall produce the licensee's licence for inspection when requested to do so by any person whom the licensee has solicited.

1999, c C-4.01, s 15.

Suspension or cancellation of licence

16(1) The registrar may suspend or cancel a licence on any ground on which the registrar may refuse to issue the licence or where the registrar is satisfied that the licensee:

(a) has failed to comply with any provision of this Act, the regulations or any term attached to the licence; or

(b) has demonstrated incompetency or untrustworthiness to carry on the business with respect to which the licence was issued.

(2) The registrar shall not suspend or cancel a licence without giving the licensee an opportunity to make written representations to the registrar.

1999, c C-4.01, s 16.

Salespersons

17(1) An owner shall provide every salesperson representing the owner with identification that complies with the regulations.

(2) An owner shall comply with the requirements set out in the regulations respecting the appointment, governance and activities of all salespersons representing the owner.

(3) Where a salesperson ceases to represent the owner, the salesperson shall return to the owner the identification issued by the owner.

(4) No salesperson shall fail to comply with any requirements respecting salespersons that may be prescribed in the regulations.

1999, c C-4.01, s 17.

PART IV
Owners of Commercial Cemeteries

Application of Part

18 This Part applies only to owners of commercial cemeteries.

1999, c C-4.01, s 18.

Notice of changes

19(1) Every owner shall notify the registrar in writing of any of the following not later than 10 business days after its occurrence:

(a) a change in the ownership of the cemetery;

(b) a change in the business name of the owner;

(c) a change in the owner's address for service;

(d) any other change that may be prescribed in the regulations.

(2) If an owner discontinues the operation of a cemetery or merges with another owner, the owner shall notify the registrar in writing not later than 10 business days after the discontinuance or merger.

1999, c C-4.01, s 19.

Owner to submit financial statement

20(1) Unless the time is extended in writing by the registrar, every owner shall deliver a financial statement to the registrar within 60 days after the end of the owner's fiscal year.

(2) The financial statement shall:

(a) be in a form prescribed by the registrar;

(b) state the assets, liabilities, receipts and expenditures of the owner for that fiscal year respecting each cemetery owned by that owner;

(c) show particulars of the business done during that fiscal year respecting each cemetery owned by that owner; and

(d) include any other information that the registrar may request.

1999, c C-4.01, s 20.

Information to be provided to registrar

21 An owner shall, if required to do so by the registrar:

(a) provide the registrar with full and complete information on any matter pertaining to the ownership, financial affairs or operation of the cemetery; and

(b) keep and maintain at the owner's principal place of business in Saskatchewan the books and records relating to the cemetery that the registrar may require.

1999, c C-4.01, s 21.

Bylaws to be filed

22(1) In this section, **"bylaw"** means a bylaw made by an owner respecting the operation, maintenance or care of the owner's cemetery, and includes any amendment to a bylaw.

(2) An owner shall file with the registrar a copy of every bylaw.

(3) Subject to subsection (4), a bylaw comes into effect 30 days after it is filed with the registrar.

(4) The registrar may, in writing, refuse to accept for filing any bylaw proposed by the owner or may revoke a bylaw where the registrar is of the opinion that the bylaw is not in the public interest.

(5) An owner shall include in the bylaws a schedule of rates for interment rights, cemetery services and cemetery supplies, whether sold under a prepaid cemetery contract or otherwise.

(6) A prepaid cemetery contract with a buyer made pursuant to this Act is not invalidated by the failure of an owner to comply with this section.

1999, c C-4.01, s 22.

PART V
Care and Maintenance Funds

Care and maintenance fund required

23(1) Subject to subsection (2), every owner shall establish, in an amount prescribed in the regulations, a care and maintenance fund for each cemetery that the owner owns.

(2) A care and maintenance fund is not required for:

(a) a cemetery owned and operated by a municipality;

(b) a non-commercial cemetery in existence on the day this Act comes into force; or

(c) a cemetery approved after the coming into force of this Act:

(i) that has fewer than the number of lots prescribed in the regulations; and

(ii) the establishment or operation of which has been approved by the municipality in which it is situated.

1999, c C-4.01, s 23.

Option to establish care and maintenance fund

24(1) Any owner may establish a care and maintenance fund whether or not the owner is required to establish one.

(2) Where an owner establishes a care and maintenance fund, that owner shall comply with the provisions of this Act and the regulations respecting care and maintenance funds.

1999, c C-4.01, s 24.

Contributions to the care and maintenance fund

25 Every owner required to establish a care and maintenance fund shall pay into the care and maintenance fund:

(a) a portion prescribed in the regulations of the funds received by the owner from the sale of a memorial or interment rights; and

(b) an amount prescribed in the regulations for a memorial installed in the cemetery and purchased from a person other than the owner.

1999, c C-4.01, s 25.

Fund to be held in trust

26 All moneys paid into a care and maintenance fund form a trust for the long-term care and maintenance of the cemetery.

1999, c C-4.01, s 26.

Investment of money in fund

27(1) An owner of a commercial cemetery shall, in accordance with the regulations, pay the moneys in the care and maintenance fund to a trust company, and the trust company shall invest the moneys in the same manner as a trustee is authorized to invest trust funds pursuant to *The Trustee Act, 2009*.

(2) An owner other than an owner of a commercial cemetery shall, subject to the regulations, invest the moneys in a care and maintenance fund in the same manner as a trustee is authorized to invest trust funds pursuant to *The Trustee Act, 2009*.

(3) Where a commercial owner fails to pay the required moneys into a care and maintenance fund or fails to pay those moneys to a trust company pursuant to subsection (1) or a non-commercial owner fails to invest those moneys pursuant to subsection (2), the owner is liable to make up any deficiency together with interest at a rate set out in the regulations for the period that the moneys were not paid or invested pursuant to subsection (1) or (2).

(4) For the purposes of subsection (3), if the owner is a corporation, the corporation and every director of the corporation are jointly and severally liable.

1999, c C-4.01, s 27; 2009, c T-23.01, s 64.

Income from care and maintenance fund

28(1) Subject to the regulations, the income from the investment of a care and maintenance fund is to be used for the purposes of the care and maintenance of the cemetery.

(2) On application by an owner, the registrar may authorize the owner to use a portion of the capital of the care and maintenance fund for the purposes of the care and maintenance of the cemetery.

1999, c C-4.01, s 28.

Payment required prior to installation

29 No person shall install a memorial in a cemetery for which a care and maintenance fund is required unless the owner has been paid the amount mentioned in clause 25(b).

1999, c C-4.01, s 29.

PART VI
Prepaid Cemetery Contracts

Application of Part

30 This Part applies to the owner of a commercial cemetery and to any other person or category of persons prescribed in the regulations.

1999, c C-4.01, s 30.

Sale and form of prepaid cemetery contracts

31(1) No person other than an owner, salesperson or person or category of persons prescribed in the regulations shall offer for sale in Saskatchewan a prepaid cemetery contract.

(2) No prepaid cemetery contract shall be offered for sale in Saskatchewan unless:

(a) it complies with this Act and the regulations; and

(b) a copy of the form of the contract has been filed with the registrar.

1999, c C-4.01, s 31.

Mandatory contract provisions

32 Every prepaid cemetery contract must contain:

(a) the name and address of the buyer;

(b) the name, business address, telephone number and, where applicable, fax number of the owner;

(c) the name of the salesperson;

(d) the date on which the contract is signed;

(e) a statement of cancellation rights that complies with any requirements set out in this Act and the regulations; and

(f) any other information that may be prescribed in the regulations.

1999, c C-4.01, s 32; 2015, c 21, s 8.

Buyer to receive copy of contract

33(1) An owner shall provide a copy of the prepaid cemetery contract to the buyer:

(a) at the time the prepaid cemetery contract is signed by the buyer; or

(b) by registered mail or personal delivery to the buyer within seven business days after the buyer signs the contract.

(2) Subject to subsection (3), where an owner does not comply with subsection (1), the buyer or an authorized decision-maker may cancel the prepaid cemetery contract without penalty and with a full refund as calculated in accordance with the regulations.

(3) A buyer or authorized decision-maker may exercise the right to cancel pursuant to this section only during the period commencing on the date the prepaid cemetery contract is signed by the buyer and ending on the day that is 30 days after the date on which the buyer receives a copy of the prepaid cemetery contract.

1999, c C-4.01, s 33.

Cancellation within specified time

34(1) A buyer or authorized decision-maker may cancel a prepaid cemetery contract:

(a) where the buyer or authorized decision-maker serves a written notice of cancellation on the owner within 10 business days after the day on which the buyer receives a copy of the prepaid cemetery contract;

(b) where the owner, unless exempted from licensing pursuant to this Act or the regulations, was not licensed pursuant to this Act at the time that the buyer entered into the prepaid cemetery contract and the buyer or authorized decision-maker serves written notice of cancellation on the owner within one year of the day the buyer receives a copy of the prepaid cemetery contract; or

(c) where the owner fails to comply with section 32 and the buyer or authorized decision-maker serves a written notice of cancellation on the owner within one year after the day on which the buyer receives a copy of the prepaid cemetery contract.

(2) Where an owner receives a written notice of cancellation pursuant to subsection (1), the owner shall, within 15 business days after the day on which the owner receives the notice, pay to the buyer all of the moneys, including income accrued or earned on those moneys as calculated in accordance with the regulations, that were paid in relation to the prepaid cemetery contract.

(3) For the purposes of this section, where a method of serving the cancellation notice other than personal delivery is used, a notice of cancellation is deemed to be served when sent.

1999, c C-4.01, s 34.

Cancellation at any time

35(1) A buyer or authorized decision-maker may cancel a prepaid cemetery contract by giving written notice to the owner from whom it was purchased at any time.

(2) Subject to subsections (3) and (4), where an owner receives a written notice pursuant to subsection (1), the owner shall, within 15 business days after the day on which he or she receives the notice, pay to the buyer all of the moneys, including income accrued or earned on those moneys as calculated in accordance with the regulations, that were paid in relation to the prepaid cemetery contract.

(3) Where a prepaid cemetery contract is cancelled pursuant to this section, the owner may retain from the moneys an administration fee in an amount prescribed in the regulations.

(4) Subject to subsection (5), the owner may deduct the itemized cost of cemetery services and cemetery supplies from the amount to be refunded pursuant to subsection (2) where:

(a) the cemetery supplies have been specially ordered under a prepaid cemetery contract and because of some unique characteristic, personalization or extraordinary cost the cemetery supplies cannot be used in the owner's ordinary course of business; or

(b) a vault or liner provided under a prepaid cemetery contract has been installed in a lot.

(5) An owner may only deduct the amount mentioned in subsection (4) where the prepaid cemetery contract specifies that the things mentioned in clauses (4)(a) and (b) will be done and that there will be no refund once they are done.

(6) The owner shall deliver any supplies described in clause (4)(a) to the buyer within 15 business days after receiving written notice of cancellation or within the time prescribed in the regulations.

1999, c C-4.01, s 35.

Cancellation by owner

36(1) An owner who has sold a prepaid cemetery contract may cancel the contract:

(a) with the written consent of the buyer; or

(b) by providing 15 business days' written notice to the buyer of the owner's intention to cancel the contract.

(2) Where a prepaid cemetery contract is cancelled pursuant to subsection (1), the owner shall, within 15 business days after cancellation, at the option of the buyer:

(a) pay to the buyer an amount equal to the amount required to provide, at the time of the cancellation, cemetery services or cemetery supplies of a value equal to or greater than those contracted for; or

(b) return to the buyer all of the moneys, including all income accrued or earned on those moneys as calculated in accordance with the regulations, that were paid in relation to the prepaid cemetery contract.

1999, c C-4.01, s 36.

Owner to provide goods and services

37 Where, after the death of a contract beneficiary, the cemetery services or cemetery supplies to be provided pursuant to the prepaid cemetery contract are not provided because they are not available, the owner shall, at the option of the authorized decision-maker:

(a) provide cemetery services or cemetery supplies of a value equal to or greater than those contracted for, at no additional charge; or

(b) return all of the moneys, including all income accrued or earned on those moneys as calculated in accordance with the regulations, that were paid in relation to the prepaid cemetery contract, within 15 business days after receiving the instructions to return those moneys from the authorized decision-maker.

1999, c C-4.01, s 37.

Prohibition respecting representation

38 No person shall make any representation, written or oral, that the registrar has in any way considered the financial standing or solvency of an owner licensed pursuant to this Act or the merit of any prepaid cemetery contract.

1999, c C-4.01, s 38.

PART VII
Prepaid Cemetery Contract Assurance Fund

Application of Part

39 This Part applies to the owner of a commercial cemetery and to any other person or category of persons prescribed in the regulations.

1999, c C-4.01, s 39.

Assurance fund required

40(1) Every owner who sells prepaid cemetery contracts shall maintain a prepaid cemetery contract assurance fund.

(2) All money paid into an assurance fund forms a trust for the purposes set out in this Part.

1999, c C-4.01, s 40.

Contributions to assurance fund

41(1) Subject to subsection (2), every owner who is required to maintain an assurance fund shall pay into the assurance fund an amount prescribed in the regulations from the money received from each prepaid cemetery contract.

(2) Subject to the regulations, the owner may deduct the itemized cost of cemetery services and cemetery supplies from the amount received for the prepaid cemetery contract where:

(a) the cemetery supplies have been specially ordered under a prepaid cemetery contract and because of some unique characteristic, personalization or extraordinary cost the cemetery supplies cannot be used in the owner's ordinary course of business; or

(b) a vault or liner provided under a prepaid cemetery contract has been installed in a lot.

1999, c C-4.01, s 41.

Investment of moneys in fund

42(1) An owner shall, in accordance with the regulations, deposit the moneys in an assurance fund with a trust company, and the trust company shall invest the money in the same manner as a trustee is authorized to invest trust funds pursuant to *The Trustee Act, 2009*.

(2) Where an owner fails to pay the required moneys into an assurance fund or fails to deposit those moneys with a trust company pursuant to subsection (1), the owner is liable to make up any deficiency together with interest at a rate set out in the regulations for the period that the moneys were not paid, deposited or invested pursuant to subsection (1).

(3) For the purposes of subsection (2), if the owner is a corporation, the corporation and every director of the corporation are jointly and severally liable.

1999, c C-4.01, s 42; 2009, c T-23.01, s 64.

Payment and transfer of funds

43(1) The trust company holding moneys paid respecting a prepaid cemetery contract shall, in accordance with the regulations, pay to the owner from the assurance fund those moneys, including any income from those moneys, when the prepaid cemetery contract has been:

(a) fully performed by the owner; or

(b) cancelled in accordance with this Act.

(2) The trust company holding moneys paid respecting a prepaid cemetery contract shall, in accordance with the regulations, transfer those moneys, including any income from those moneys, to the assurance fund of another owner at the request of a buyer.

1999, c C-4.01, s 43.

Registrar may authorize payment

44(1) On application by an owner, the registrar may authorize the withdrawal of an amount from the assurance fund where the registrar is satisfied that the amount remaining in the assurance fund after the payment is equal to or greater than an amount determined in accordance with the regulations.

(2) The registrar may refuse to authorize the withdrawal of moneys from the assurance fund where the registrar considers the amount of the fund to be inadequate for the security of persons entering into prepaid cemetery contracts with the owner.

(3) Where the registrar authorizes the withdrawal of moneys from the assurance fund, the registrar shall give notice of the registrar's authorization to the trust company, and the trust company shall permit the payment.

1999, c C-4.01, s 44.

Records

45(1) An owner shall maintain the records prescribed in the regulations respecting each prepaid cemetery contract pursuant to which moneys have been paid into an assurance fund pursuant to section 41.

(2) The financial statement required pursuant to section 20 must include a report, in the form and containing the information prescribed in the regulations, respecting the assurance fund.

1999, c C-4.01, s 45.

PART VIII
General Provisions

Notification by registrar

46 The registrar shall:

(a) notify an applicant or licensee, in writing, of the registrar's decision respecting any matter mentioned in section 5, 7, 11, 13, 16, 22 or 48;

(b) provide written reasons for that decision; and

(c) provide the applicant or licensee with information respecting the right of appeal pursuant to section 68.

1999, c C-4.01, s 46.

Subdivision of cemetery

47(1) An owner may, in accordance with maps or plans filed with the registrar, subdivide a cemetery into lots.

(2) *The Land Titles Act, 2000* and *The Land Surveys Act, 2000* do not apply to a subdivision pursuant to subsection (1).

1999, c C-4.01, s 47; 2000, c L-5.1, s 226.

Restriction on certain dealings with cemetery, etc.

48(1) Unless the registrar consents in writing, a cemetery or land used for a columbarium or mausoleum shall not be transferred, sold, mortgaged, pledged, charged or encumbered by the owner or any person having an interest in that cemetery or land.

(2) On receipt of an application for consent pursuant to subsection (1) and on receipt of any additional information that the registrar may require, the registrar may:

(a) give written consent;

(b) give written consent subject to any terms the registrar considers appropriate; or

(c) refuse the application if the registrar is, for any reason, of the opinion that the application should be refused.

1999, c C-4.01, s 48.

Seizure under a writ of execution

49 No cemetery may be seized pursuant to *The Enforcement of Money Judgments Act*.

1999, c C-4.01, s 49; 2010, c E-9.22, s 145.

Graves for indigent persons

50 Subject to the regulations, a municipality or an owner of a commercial cemetery shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the municipality or owner is instructed to provide interment rights free of charge by a person prescribed in the regulations.

1999, c C-4.01, s 50.

Interment rights cancellation and refund

51(1) An owner shall, in the contract of sale of interment rights purchased in conjunction with a prepaid cemetery contract or purchased for a person who is alive at the time the contract is made, disclose whether the buyer has a right to cancel the contract and receive a refund respecting those interment rights before they are exercised.

(2) If the buyer has a right to cancel a contract of sale of interment rights, the contract must specify:

(a) the terms under which the contract may be cancelled;

(b) the amount of refund or the percentage of the purchase price that is refundable; and

(c) any other information that may be prescribed in the regulations.

(3) Whether or not the buyer has a right to cancel the contract of sale of interment rights and receive a refund, the buyer may sell his or her interment rights to any person.

(4) Where a buyer sells his or her interment rights, he or she shall advise the owner of the name and address of the new buyer, and the owner shall provide for transfer of the interment rights to the new buyer and may charge an administrative fee prescribed in the regulations.

(5) Notwithstanding subsections (1) and (2), subsections 33(2) and (3) and clause 34(1)(a) apply, with any necessary modification, to a contract of sale of interment rights purchased in conjunction with a prepaid cemetery contract or purchased for a person who is alive at the time the contract is made.

(6) If a vault or liner is provided under a prepaid cemetery contract purchased in conjunction with a contract of sale of interment rights and that vault or liner has been installed in a lot, the owner is not required to provide a refund pursuant to this section with respect to interment rights in that lot.

1999, c C-4.01, s 51.

Recovery of unused burial lots

52(1) An owner may apply to the registrar for a declaration that interment rights in a lot are abandoned.

(2) On receiving an application for a declaration, the registrar may declare the interment rights to be abandoned if the registrar is satisfied that:

(a) the lot has not been used for interment purposes;

(b) the owner of the cemetery has not heard from the buyer, or the buyer's personal representative, for 20 years; and

(c) reasonable efforts have been made to locate the buyer or the buyer's personal representative and have failed.

(3) Where a declaration is issued and the buyer or the buyer's personal representative subsequently claims the interment rights, the owner shall:

(a) revest the interment rights in the buyer or his or her personal representative; or

(b) if the interment rights have been sold, at the option of the buyer or the buyer's personal representative:

(i) provide the buyer or his or her personal representative with interment rights of an equal or greater value in another lot at no additional charge; or

(ii) pay to the buyer or his or her personal representative the proceeds from the sale of the interment rights.

1999, c C-4.01, s 52.

Duties of owner

53(1) An owner shall maintain the cemetery, including all lots, structures and memorials, in a manner that:

(a) ensures the safety of the public; and

(b) is compatible with community standards.

(2) An owner shall provide reasonable access to the public for visitation to any lot in the cemetery.

1999, c C-4.01, s 53.

Bylaws re non-commercial cemetery

54(1) An owner of a cemetery that is not a commercial cemetery may make bylaws for the operation of the cemetery.

(2) Where an owner makes bylaws for the operation of the cemetery, the owner shall ensure that those bylaws are available to the public.

(3) The bylaws mentioned in subsection (1) are not required to be filed with the registrar, but the owner shall forward the bylaws to the registrar on the registrar's request.

1999, c C-4.01, s 54.

Abandoned or neglected cemeteries

55(1) Where a cemetery is not being properly maintained and has been abandoned within the meaning of the regulations, the municipality in which the cemetery is located may, by bylaw and with the prior written approval of the registrar:

(a) provide for the maintenance of the cemetery, and in that case the municipality is, for the purposes of this Act, deemed to be the owner of the cemetery; or

(b) expropriate the cemetery in accordance with *The Municipal Expropriation Act*.

(2) Where a municipality has expropriated a cemetery pursuant to subsection (1), the municipality may, with the prior written approval of the registrar, convey the cemetery to any person on any terms the municipality considers appropriate.

(3) Where a municipality expropriates a cemetery pursuant to subsection (1), any care and maintenance fund or assurance fund associated with that cemetery is to be transferred to the municipality.

(4) Where a cemetery is not being properly maintained and the cemetery is not abandoned within the meaning of the regulations, the municipality may:

(a) order the owner to maintain the cemetery; and

(b) if the owner does not begin work to maintain the cemetery within 15 business days after receiving the order, undertake basic maintenance of the cemetery and recover the cost from the owner.

(5) The cost to the municipality incurred pursuant to clause (4)(b) is a debt due and owing to the municipality and, if it remains unpaid at the end of the year in which the work is performed, may be added to and form part of any taxes on the cemetery.

1999, c C-4.01, s 55.

Price lists and other information

56 Every owner and licensee shall:

(a) keep a current itemized price list of all charges for interment rights, cemetery services and cemetery supplies, in accordance with the regulations;

(b) subject to the regulations, have the current itemized price list readily available on the licensee's business premises and accessible to members of the public and provide a copy of it to any person on request; and

(c) provide to members of the public any other information that may be prescribed in the regulations and in any manner and form that may be prescribed in the regulations.

1999, c C-4.01, s 56.

Restrictions on memorial rights

57(1) An owner shall not refuse to allow the installation of a memorial that was purchased from someone other than the owner if the memorial complies with the bylaws of the owner.

(2) The installation of a memorial mentioned in subsection (1), including any setting and foundation work, may be:

(a) performed by the supplier of the memorial with the consent of the owner; or

(b) performed by the owner in the circumstances prescribed in the regulations.

1999, c C-4.01, s 57.

War graves

58(1) Without the prior written agreement of the Commonwealth War Graves Commission, an owner shall not alter or move:

(a) the remains or memorial of a war grave burial; or

(b) any memorial erected by the Commission.

(2) An owner who seeks agreement pursuant to subsection (1) shall pay to the Commonwealth War Graves Commission any reasonable cost associated with altering or moving the remains or memorial in accordance with the agreement.

(3) No owner shall alter or move the remains or memorial of a Canadian or allied veteran without the agreement of the Minister of Veterans Affairs.

(4) Subsection (3) applies with respect to altering or moving of remains or a memorial of a Canadian or allied veteran only if the Department of Veterans Affairs or the Last Post Fund contributed to the cost of the interment or memorial.

1999, c C-4.01, s 58.

Solicitations

59(1) No person shall:

(a) solicit, offer for sale or sell cemetery services or cemetery supplies by telephone between 9:00 p.m. and 9:00 a.m.;

(b) represent that specified goods or services are required by law or by the bylaws of a cemetery when they are not;

(c) solicit in any manner a resident of a facility designated as a hospital or health centre pursuant to *The Provincial Health Authority Act*, a care facility as defined in *The Residential Services Act, 2019*, a facility designated as a special-care home pursuant to *The Provincial Health Authority Act*, a personal care home as defined in *The Personal Care Homes Act* or similar institution, without having received a specific request from that resident to do so;

(d) solicit in a manner that may harass or appear to harass an individual; or

(e) engage in any other form of solicitation prohibited in the regulations.

(2) No person shall pay or offer to pay to any other person, directly or indirectly, a commission, bonus, rebate or other valuable consideration for recommending that human remains or cremated human remains be, or for causing human remains or cremated human remains to be, interred at a particular cemetery.

(3) Subsection (2) does not prohibit or restrict ordinary business relationships or the use of sales literature or other advertising media.

(4) No person shall pay or offer to pay to any other person, directly or indirectly, a commission, bonus, rebate or other valuable consideration to provide information respecting residents of a facility designated as a hospital or health centre pursuant to *The Provincial Health Authority Act*, a care facility as defined in *The Residential Services Act, 2019*, a facility designated as a special-care home pursuant to *The Provincial Health Authority Act* , a personal care home as defined in *The Personal Care Homes Act* or similar institution.

1999, c C-4.01, s 59; 2002, c R-8.2, s 101 and 116; 2017, c P-30.3, s 11-1; 2019, c R-21.3, s 36.

Application of *The Consumer Protection Act*

60 Part II of *The Consumer Protection and Business Practices Act* applies to the sale of interment rights.

1999, c C-4.01, s 60; 2013, c C-30.2, s 121.

Disposing of human remains

61(1) No person shall dispose of human remains at any place in Saskatchewan other than:

(a) in a cemetery;

(b) by cremation in accordance with *The Funeral and Cremation Services Act*; or

(c) in accordance with the regulations.

(2) No person shall disinter cremated human remains interred in a cemetery except:

(a) with the permission of the owner; and

(b) either:

(i) with the approval of the authorized decision-maker; or

(ii) in accordance with the regulations.

(3) No person shall disinter human remains except in accordance with the regulations.

1999, c C-4.01, s 61.

Prohibitions

62(1) No person shall disturb or interfere with:

(a) a person transporting human remains to a cemetery; or

(b) a service of interment.

(2) No person shall:

(a) create a nuisance in a cemetery; or

(b) destroy, mutilate, deface, injure or, without the authority of the owner, remove any building, structure, memorial, plant, road, walk or other enhancement from a cemetery.

(3) No person shall make a false or misleading statement in any application or in any proceeding or in response to any audit, examination, inspection or investigation.

(4) No person shall:

(a) represent that any goods or services offered by the person are required by law or the bylaws of a cemetery when they are not; or

(b) charge a fee for providing goods or services not authorized by the buyer unless they are required by law.

1999, c C-4.01, s 62.

PART IX
Enforcement and Appeals

Warrants

63(1) Where a justice of the peace or provincial court judge is satisfied by information on the oath of the registrar or a person authorized in writing by the registrar that there are reasonable grounds to believe that an offence against this Act or the regulations has occurred and that evidence of that offence is likely to be found or that a person required to produce or provide any record or document refuses or neglects to produce or provide that record or document, the justice of the peace or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) seize and remove anything that may be evidence of an offence against this Act or the regulations;

(c) remove, for the purpose of making copies, any records or documents examined pursuant to this section.

(2) With a warrant issued pursuant to subsection (1), the registrar or a person authorized in writing by the registrar may:

(a) enter at any time and search any place or premises named in the warrant;

(b) open and examine any box, parcel or other receptacle that the registrar or the person authorized in writing by the registrar finds in the place or premises;

(c) require the production of and examine any records, documents or property that the registrar or person authorized in writing by the registrar believes, on reasonable grounds, may contain information related to an offence against this Act or the regulations;

(d) remove, for the purpose of making copies, any records or documents examined pursuant to this section; and

(e) seize and remove from any place or premises searched anything that may be evidence of an offence against this Act or the regulations.

1999, c C-4.01, s 63.

Offences

64 Every person who contravenes any provision of this Act or the regulations is guilty of an offence.

1999, c C-4.01, s 64.

Penalties

65(1) Every person who is guilty of an offence is liable on summary conviction to:

(a) in the case of an individual, a fine not exceeding $5,000, to imprisonment for a term not exceeding 12 months or to both;

(b) in the case of a corporation, a fine not exceeding $10,000.

(2) If a corporation commits an offence pursuant to this Act or the regulations, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

1999, c C-4.01, s 65.

Compliance orders and restitution

66 Where a person is convicted of an offence, the convicting court may, in addition to any penalty it may impose, do all or any of the following:

(a) order that person to comply with the provision of this Act or the regulations with respect to which that person was convicted;

(b) if the court is satisfied that monetary benefits have accrued to the convicted person or another person associated with or related to the convicted person:

(i) order the convicted person to pay an additional fine in an amount equal to the amount of the monetary benefits; and

(ii) order the convicted person to pay compensation or make restitution to any person to whom the monetary benefits should be paid.

1999, c C-4.01, s 66.

Limitation on prosecution

67 No prosecution for a contravention of this Act or the regulations shall be commenced more than three years after the date the facts on which the alleged contravention is based first came to the knowledge of the registrar.

1999, c C-4.01, s 67.

Appeal to Court of King's Bench

68 Within 30 days after a decision or order of the registrar, a person who is the subject of the decision or order may appeal the decision or order to a judge of the Court of King's Bench by serving the registrar with a notice of appeal and filing the notice of appeal with a local registrar of the court.

1999, c C-4.01, s 68; 2024, c4, s 32.

Documents to be filed with court

69 On receipt of a notice of appeal, the registrar shall file with a local registrar of the Court of King's Bench true copies of:

(a) all documents and materials that were before the registrar in the making of the decision or order;

(b) the registrar's decision or order; and

(c) the registrar's reasons for the decision or order.

1999, c C-4.01, s 69; 2024, c4, s 32.

Decision by court

70(1) On hearing an appeal, the judge of the Court of King's Bench may:

(a) dismiss the appeal;

(b) allow the appeal;

(c) allow the appeal subject to terms;

(d) vary the decision or order of the registrar;

(e) refer the matter back to the registrar for further consideration and decision; or

(f) make any other order that the judge considers appropriate.

(2) The judge of the Court of King's Bench may make any order as to costs that the judge considers appropriate.

1999, c C-4.01, s 70; 2024, c4, s 32.

Court of Appeal

71 With leave of a judge of the Court of Appeal, the registrar or a person mentioned in section 68 may appeal a decision or order of the Court of King's Bench to the Court of Appeal on a question of law only.

2021, c 19, s 4; 2024, c4, s 32.

Application for stay

72 The commencement of an appeal pursuant to section 68 or 71 does not stay the effect of the decision or order appealed from, but on five days' notice, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

1999, c C-4.01, s 72.

PART X
Managing Administrator

Interpretation and application of Part

73(1) In this Part, **"managing administrator"** means a person appointed pursuant to section 74.

(2) This Part applies only to owners of commercial cemeteries.

1999, c C-4.01, s 73.

Appointment of managing administrator

74 The minister may appoint a managing administrator to act in the place of the owner where the owner:

(a) has failed to set aside moneys in a care and maintenance fund and to deposit those moneys with a trust company as required by section 27;

(b) has failed to set aside moneys in an assurance fund and to deposit those moneys with a trust company as required by section 42; or

(c) is unable to fulfil or carry out any of the obligations of the owner relating to care and maintenance, prepaid cemetery contracts, interment rights, cemetery services or cemetery supplies.

1999, c C-4.01, s 74.

Duties of managing administrator

75 A managing administrator shall fulfil and carry out all of the obligations of the owner relating to care and maintenance, prepaid cemetery contracts, interment rights, cemetery services and cemetery supplies.

1999, c C-4.01, s 75.

Expenses of administration, etc.

76 Any costs incurred by the managing administrator in carrying out his or her duties may be paid out of moneys:

(a) appropriated by the Legislature for that purpose; or

(b) derived by the managing administrator from the operation of the cemetery business of the owner.

1999, c C-4.01, s 76.

Moneys held in trust company

77(1) A managing administrator may, for the purpose of fulfilling or carrying out any of the obligations of the owner relating to care and maintenance, prepaid cemetery contracts, interment rights, cemetery services or cemetery supplies, withdraw all or a portion of any moneys set aside and paid over to a trust company by the owner pursuant to section 27 or 42.

(2) A trust company that is in possession of moneys constituting a trust fund set aside and paid over to it by an owner pursuant to this Act shall, on the request of the managing administrator for that owner, pay to the managing administrator an amount of the trust fund that is specified in the request.

1999, c C-4.01, s 77.

Management of corporation, vesting of certain powers, shares, etc.

78 Where a managing administrator is appointed for an owner that is a corporation:

(a) the directors and all other officers of the corporation are deemed to have been removed from office and all the powers and duties of the directors and officers shall devolve on and vest in the managing administrator who may, subject to any directions of the minister, exercise those powers and shall perform those duties in the name of the corporation;

(b) the issued shares and the assets of the corporation, subject to any rights and interests of any other person respecting those shares and assets, vest in the name of the managing administrator; and

(c) no action or proceeding lies or may be commenced or continued against the corporation respecting any obligation or liability of the corporation other than an obligation relating to care and maintenance, prepaid cemetery contracts, interment rights, cemetery services or cemetery supplies.

1999, c C-4.01, s 78.

Transfer of shares by managing administrator

79(1) Subject to subsection (2) and any conditions set by the minister, a managing administrator may transfer to any person the shares of a corporation that vest in him or her by virtue of his or her appointment as managing administrator of that corporation.

(2) Where shares of a corporation have been transferred to a person pursuant to subsection (1), the transferee is responsible for that proportion of the obligations and liabilities of the corporation that have not been fulfilled or discharged by the managing administrator that the transferred shares bear to the number of issued shares of the corporation.

1999, c C-4.01, s 79.

Minister may order corporation struck off register

80(1) The minister may, at any time after a managing administrator has been appointed for an owner that is a corporation, by order require the Registrar of Corporations to strike the name of the corporation off the Corporate Registry, and the Registrar shall immediately comply with the order.

(2) A corporation whose name has been struck off the register pursuant to subsection (1) is deemed to have been dissolved on the day that it was struck off the register.

(3) Notwithstanding subsection (2) but subject to section 79, a managing administrator shall remain liable to fulfil or carry out all the obligations of the corporation for which the managing administrator was appointed relating to care and maintenance, prepaid cemetery contracts, interment rights, cemetery services and cemetery supplies.

1999, c C-4.01, s 80; 2021, c 6, s 23-7.

Exemption from statutory requirements

81(1) Subject to subsection (2), a managing administrator is not required to comply with the provisions of any Act, other than this Act, that require a corporation or any director or other officer of the corporation to do any act or thing.

(2) A managing administrator shall comply with the requirements of any statutory provisions designated by the minister.

1999, c C-4.01, s 81.

PART XI
Administration of Act

Registrar to be appointed

82 The minister shall appoint a registrar of cemeteries and may appoint any deputy registrar of cemeteries that the minister considers necessary.

1999, c C-4.01, s 82.

Inspection of records

83(1) On the complaint of any person or on the registrar's own initiative, the registrar may:

(a) inquire into or investigate any matter the registrar considers necessary respecting the administration of this Act or the regulations; or

(b) by order, authorize a person in writing to inquire into or investigate any matter the registrar considers necessary respecting the administration of this Act or the regulations.

(2) The registrar or a person authorized in writing by the registrar may inspect the records of an owner at any reasonable time to determine whether:

(a) the amount of funds held in trust is the amount for which the owner is accountable;

(b) the owner maintains the records required by this Act and the regulations; and

(c) the owner and any persons employed, appointed or authorized by the owner are complying with this Act and the regulations.

(3) For the purposes of subsections (1) and (2), the registrar or a person authorized in writing by the registrar may inquire into:

(a) any negotiations, transactions, loans or borrowing done or made by or on behalf of or in relation to an owner that may be relevant to the inspection; and

(b) any assets, property or things owned, acquired or disposed of in whole or in part by the owner, or by any other person acting on the owner's behalf, that may be relevant to the inspection.

(4) In an inspection, the registrar or a person authorized in writing by the registrar, with the consent of the owner, may:

(a) at any reasonable time, enter the business premises of an owner and examine any book, paper, document or thing found in the premises that may be relevant to a contravention of this Act or the regulations;

(b) make copies of any book, paper, document or thing examined; and

(c) retain any book, paper, document or thing examined that may be required for use as evidence.

1999, c C-4.01, s 83.

Written request to produce records

84(1) The registrar or a person authorized in writing by the registrar may serve a written request on any person, including a director, officer or employee of an owner, requiring that person to produce any records, books, papers, documents or things required to be kept pursuant to this Act or the regulations or related to the business of a person governed by this Act.

(2) A person on whom a written request is served pursuant to this section shall provide the records, books, papers, documents or things mentioned in the written request within the time specified in the written request.

(3) For the purposes of producing a readable record from a computer system used by a person to whom a written request is made pursuant to subsection (1), the registrar or person authorized in writing by the registrar may use any computer hardware or software belonging to or used by that person.

1999, c C-4.01, s 84.

Copies of records

85(1) Where a record, book, paper, document or thing has been examined, removed, produced or provided pursuant to this Act, the registrar, or a person authorized in writing by the registrar, may make copies of that record, book, paper, document or thing.

(2) A record, book, paper, document or thing certified by the registrar, or a person authorized in writing by the registrar, to be a copy made pursuant to this section:

(a) is admissible in evidence without proof of the office or signature of the person making the certificate; and

(b) has the same probative force as the original record, book, paper, document or thing.

(3) The registrar, or a person authorized in writing by the registrar, shall ensure that after copies of any records, books, papers, documents or things examined, removed, produced or provided pursuant to this Part are made, the originals are promptly returned to:

(a) the place they were removed from; or

(b) any other place that may be agreed to by the registrar, or a person authorized in writing by the registrar, and the person who produced or provided the records, books, papers, documents or things or from whom they were removed.

(4) If the originals of any record, book, paper, document or thing are to be removed from any premises, the registrar or a person authorized in writing by the registrar shall take all reasonable steps to ensure that a copy of the record, book, paper, document or thing is left at the premises to allow business to be carried on.

(5) The person from whom any record, book, paper, document or thing is seized pursuant to this Part is entitled, at all reasonable times and subject to any reasonable conditions that may be imposed by the registrar, to inspect the record, book, paper, document or thing and to obtain one copy of the record, book, paper, document or thing.

1999, c C-4.01, s 85.

Immunity

86 No action or other proceeding lies or shall be instituted against the Crown in right of Saskatchewan, the minister, a managing administrator, the registrar or any person authorized in writing by the registrar for any loss or damage suffered by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by that person or by any of the other persons mentioned in this section, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.

1999, c C-4.01, s 86.

Service

87(1) Any notice or other document that is required to be served pursuant to this Act or the regulations must be served:

(a) by personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director of the corporation;

(b) by registered or certified mail addressed to the last known address of the person to be served or, in the case of a corporation, addressed to the registered office of the corporation;

(c) in the case of a notice to the public, or to persons who are too numerous to be served individually, by publishing the notice in any manner that the registrar may direct;

(d) by any other means prescribed by the regulations; or

(e) in any case where the registrar is satisfied that it is not practicable to effect service by any of the means mentioned in clauses (a) to (d), by any method that the registrar may direct.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of his or her own, the person did not receive the notice or document or received it at a later date.

(3) A notice or document sent by certified mail is deemed to have been served on the date on which it reached the premises to which it is addressed.

(4) Service of a notice or document to be sent by any other means prescribed in the regulations is to be proved in the manner prescribed in the regulations.

(5) A notice or other document required to be served on the registrar may be served:

(a) by leaving it at the office of the registrar with any person appearing to have authority to accept the notice or document;

(b) by registered or certified mail addressed to the address of the office of the registrar; or

(c) by any other means prescribed by the regulations.

(6) Any person entitled to be served a notice or a document may at any time waive, in writing, service of the notice or document.

(7) For the purposes of this Act, service of any notice or document may be proved by affidavit or oral evidence under oath or solemn affirmation given by the person claiming to have served it.

1999, c C-4.01, s 87.

Regulations

88 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the use of any word or expression used in this Act but not defined in this Act;

(b) prescribing forms;

(c) respecting information to be included in an application for approval to establish, operate, alter the boundaries of or relocate a cemetery;

(d) respecting prepaid cemetery contracts, including cancellation rights;

(e) respecting the licensing of owners and other persons;

(f) respecting care and maintenance funds, including contributions to care and maintenance funds and the use of income from a care and maintenance fund;

(g) respecting the investment of moneys in a care and maintenance fund;

(h) prescribing the amounts to be paid to an owner for the long-term care and maintenance of a memorial and respecting the installation of memorials purchased from someone other than an owner;

(i) prescribing financial institutions for the purposes of subclause 2(y)(ii);

(j) respecting the investment of moneys in an assurance fund;

(k) respecting payment or transfer of moneys from an assurance fund;

(l) respecting interest rates on moneys to be contributed to a care and maintenance fund or an assurance fund by an owner;

(m) exempting any person or class of persons from the application of all or any part of this Act, including exempting any persons or classes of persons from the requirement to be licensed pursuant to this Act on any terms that may be prescribed in the regulations;

(n) respecting the information to be provided to the registrar by owners respecting trust funds;

(o) respecting persons or categories of persons who may sell prepaid cemetery contracts;

(p) respecting information to be included in a contract of sale of interment rights, including refund policies;

(q) respecting the publication of bylaws;

(r) respecting the provision of notices required to be given by this Act;

(s) respecting the disposition and disinterment of human remains and cremated human remains;

(t) respecting persons who may give instructions for the purposes of section 50;

(u) respecting the service of documents;

(v) governing the location, construction, maintenance and operation of cemeteries;

(w) respecting the plan, arrangement, condition and care and maintenance of, and the sale and transfer of interment rights in, lots, compartments, crypts or other spaces in a cemetery;

(x) respecting the erection, arrangement and removal of buildings, memorials, fences, hedges, shrubs, plants and trees in cemeteries;

(y) respecting sewers and drains in cemeteries;

(z) respecting the administration fee payable on cancellation of interment rights, cemetery services and cemetery supplies;

(aa) requiring the filing of plans of cemeteries and prescribing the contents and details of the plans, and requiring that burials be made in accordance with the plans;

(bb) requiring and prescribing records to be kept by owners in connection with the establishment, maintenance and operation of cemeteries;

(cc) prescribing the fees payable for licences and any other fees for services in connection with the administration of this Act and the regulations;

(dd) classifying cemeteries;

(ee) prescribing when a cemetery is abandoned;

(ff) respecting the closure of cemeteries and the care and maintenance of closed or abandoned cemeteries;

(gg) respecting sales practices of owners;

(hh) respecting salespersons who represent owners, including respecting the duties of owners with respect to those salespersons;

(ii) respecting the use of lots;

(jj) respecting memorial dealers;

(kk) respecting, including prescribing limits respecting, how a licensee or owner may conduct business electronically;

(ll) respecting advertising by licensees;

(mm) prescribing any other matter or thing that is required or authorized by this Act to be prescribed by regulation;

(nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the intent of this Act.

1999, c C-4.01, s 88.

PART XII
Repeal, Transitional, Consequential Amendments and Coming into Force

89 **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

Transitional

90(1) A licence issued pursuant to *The Cemeteries Act*, as that Act existed on the day before the coming into force of section 1 of this Act, that has not been cancelled or suspended before the day on which section 1 of this Act comes into force continues in force until it expires or is cancelled or suspended pursuant to this Act.

(2) A prearranged cemetery contract that was entered into pursuant to *The Cemeteries Act*, as that Act existed on the day before the coming into force of section 1 of this Act, and that is in force on the day on which section 1 of this Act comes into force, is continued as a prepaid cemetery contract pursuant to this Act and may be dealt with as if it were entered into pursuant to this Act.

(3) A person operating a cemetery on the day on which section 1 of this Act comes into force is deemed to have received the prior written approval of the registrar to establish and operate that cemetery and may be dealt with pursuant to this Act as if a written approval were issued pursuant to this Act.

(4) Where an owner has established a fund for perpetual care pursuant to section 19 or Part II of *The Cemeteries Act*, as that Act existed on the day before the coming into force of section 1 of this Act, that fund is deemed to be a care and maintenance fund and is subject to the provisions of this Act as if it had been established pursuant to this Act.

(5) Where a person was required to set aside moneys in a fund for prearranged cemetery contracts pursuant to Part II of *The Cemeteries Act*, as that Act existed on the day before the coming into force of section 1 of this Act:

(a) that fund is deemed to be an assurance fund for the purposes of this Act and may be dealt with pursuant to this Act as if it were established as an assurance fund pursuant to this Act; and

(b) that person shall:

(i) if the amount of moneys in the fund is less than the minimum amount that is required for an assurance fund by subsection 41(1) of this Act, deposit moneys in the fund to ensure that the amount of moneys in the fund meets the requirements of that subsection;

(ii) if the amount of moneys in the fund is more than the minimum amount that is required for an assurance fund by subsection 41(1) of this Act, retain the moneys in the fund and shall not reduce the amount of moneys in the fund.

(6) Any person appointed as a managing administrator pursuant to Part II of *The Cemeteries Act*, as that Act existed on the day before the coming into force of section 1 of this Act, continues in office as a managing administrator and may exercise the powers of and shall perform the duties of a managing administrator appointed pursuant to Part X of this Act as if that person were appointed pursuant to Part X of this Act.

1999, c C-4.01, s 90.

91 to 92 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Coming into force

93 This Act comes into force on proclamation.

1999, c C-4.01, s 93.

REGINA, SASKATCHEWAN
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