

The Cemeteries Regulations, 2001

being

Chapter C-4.01 Reg 1 (effective November 1, 2001) as amended by Saskatchewan Regulations [15/2011](#) and [37/2015](#).

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 REG 1
The Cemeteries Act, 1999

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Cemeteries Regulations, 2001*.

Interpretation

2 In these regulations, “**Act**” means *The Cemeteries Act, 1999*.

13 Jly 2001 cC-4.01 Reg 1 s2.

PART II
Plans and Approvals

Cemetery plans

3(1) In this section:

(a) “**provincial highway**” means a provincial highway as defined in *The Highways and Transportation Act, 1997*;

(b) “**public highway**” means a public highway as defined in *The Highways and Transportation Act, 1997*.

(2) An application for an approval to establish a new cemetery, alter the boundaries of or relocate a cemetery must include a cemetery plan that complies with this section and sections 4 and 5.

(3) Except in the case of a columbarium or mausoleum, the cemetery plan must show that any new portions of the cemetery will:

(a) in the case of a cemetery located near a public highway other than a provincial highway, either:

(i) be located at least 55 metres from the centre line of the public highway; or

(ii) be located at a place that is approved by the municipality in which the new portions of the cemetery will be located;

(b) in the case of a cemetery located near a provincial highway, either:

(i) be located at least the distance from the surveyed limit of a provincial highway that is prescribed in the regulations pursuant to *The Highways and Transportation Act, 1997* for the purposes of section 32 of that Act; or

(ii) be located at a place that is approved by the minister responsible for the administration of *The Highways and Transportation Act, 1997* and by the municipality in which the new portions of the cemetery will be located;

- (c) be located at least:
 - (i) 100 metres from any watercourse or well; and
 - (ii) 500 metres from any waste disposal ground;
- (d) have roads that:
 - (i) are at least seven metres wide;
 - (ii) are arranged so that every lot in the new portion will be within 75 metres of a road; and
 - (iii) provide access to:
 - (A) a public road at two or more locations; or
 - (B) a suitable turning area at least 15 metres in diameter; and
- (e) have walkways that make every part of the new portions of the cemetery accessible to the public.

8 Apr 2011 SR 15/2011 s3.

Lots identifiable

- 4** A cemetery plan must provide sufficient detail to allow each lot to be located and identified.

13 Jly 2001 cC-4.01 Reg 1 s4.

Plan drawing

- 5** A cemetery plan must:
- (a) be signed by the owner of the cemetery and drawn to a scale of not less than 500:1; and
 - (b) show the location of the cemetery with respect to the boundaries of the quarter section or registered parcel containing the cemetery and the location and dimensions of every lot, drive, walk, road, watercourse and building.

13 Jly 2001 cC-4.01 Reg 1 s5.

Plan prepared by surveyor

- 6** The registrar may require that a cemetery plan be prepared and certified by a land surveyor licensed pursuant to *The Saskatchewan Land Surveyors and Professional Surveyors Act*.

13 Jly 2001 cC-4.01 Reg 1 s6.

Registrar may waive requirements

- 7** The registrar may waive the requirement to provide any information mentioned in this Part.

13 Jly 2001 cC-4.01 Reg 1 s7.

Plan to be endorsed

- 8** Where the registrar approves an application, he or she shall:
- (a) sign the plan and include the date of approval; and
 - (b) retain one copy of the plan and return one copy to the owner.

13 Jly 2001 cC-4.01 Reg 1 s8.

Inspection of plan

- 9** A cemetery owner shall make a copy of a cemetery plan mentioned in section 8 available for public inspection during reasonable office hours.

13 Jly 2001 cC-4.01 Reg 1 s9.

PART III
Prepaid Cemetery Contracts

Prepaid cemetery contracts

- 10** For the purposes of clause 32(f) of the Act, a prepaid cemetery contract must include:

- (a) the name, address and date of birth of the contract beneficiary;
- (b) a description of each of the cemetery supplies and cemetery services that are the subject of the contract and the price of each;
- (c) the full amount of the contract;
- (d) the terms of payment;
- (e) a statement specifying the cemetery supplies and cemetery services whose value will be deducted from the amount to be refunded pursuant to subsection 35(4) of the Act; and
- (f) a statement setting out the owner's obligations pursuant to section 37 of the Act.

13 Jly 2001 cC-4.01 Reg 1 s10.

Statement of cancellation rights

- 11(1)** For the purposes of clause 32(e) of the Act, a statement of cancellation rights in a prepaid cemetery contract must:

- (a) contain the words specified in the "Buyer's Right to Cancel" in the Appendix;
- (b) show the heading "Buyer's Right to Cancel" in not less than 12-point bold type;
- (c) show the statement of 10-day cancellation rights, or any longer period of cancellation rights that an owner may offer, in not less than 12-point type; and
- (d) show the remainder of the information in not less than 10-point type.

(2) Where a statement of cancellation rights mentioned in subsection (1) is not located on the first page of the contract, a notice is to be placed on the first page of the contract in not less than 12-point bold type, directing the buyer to the location of the statement of cancellation rights.

13 Jly 2001 cC-4.01 Reg 1 s11.

Administration fee

12 Subject to section 13, for the purposes of subsection 35(3) of the Act, the administration fee that an owner may retain is:

- (a) within the first year after a prepaid cemetery contract is entered into, the lesser of:
 - (i) 10% of the funds paid pursuant to the prepaid cemetery contract, including any income on those funds; and
 - (ii) \$250; and
- (b) after the first year from the date the prepaid cemetery contract was entered into, the lesser of:
 - (i) 10% of the funds paid pursuant to the prepaid cemetery contract, including any income on those funds; and
 - (ii) \$500.

13 Jly 2001 cC-4.01 Reg 1 s12.

Care and maintenance fund contribution

13 Where a prepaid cemetery contract that includes the sale of interment rights is cancelled pursuant to section 35 of the Act, the owner is not required to refund the amount paid into the care and maintenance fund respecting the sale of the interment rights as long as the prepaid cemetery contract clearly indicated that any money paid into the care and maintenance fund would not be refunded if the contract was cancelled after the cancellation rights period pursuant to section 34 of the Act expired.

13 Jly 2001 cC-4.01 Reg 1 s13.

When immediate delivery required

14 Where a contract is cancelled pursuant to section 35 of the Act and the cemetery supplies mentioned in clause 35(4)(a) of the Act exist, those cemetery supplies shall, where they are required due to the death of the person who was the contract beneficiary, be delivered immediately, at the buyer's or authorized decision-maker's expense, to the location requested by the buyer or authorized decision-maker.

13 Jly 2001 cC-4.01 Reg 1 s14.

Income on funds

15 For the purposes of Part VI of the Act, "**income accrued or earned on those moneys**" means income earned or accrued on funds held in trust.

13 Jly 2001 cC-4.01 Reg 1 s15.

Payment into assurance fund

16 The amount to be paid into the assurance fund pursuant to section 41 of the Act is 50% of the amount received pursuant to a prepaid cemetery contract, less any amount that may be deducted in accordance with subsection 41(2) of the Act.

13 Jly 2001 cC-4.01 Reg 1 s16.

Funds not placed in trust

17 For the purposes of subsection 42(2) of the Act, where an owner must make up a deficiency for failure to pay money into an assurance fund or to deposit money in trust, the interest rate is the highest Bank of Canada interest rate during the period that the money was not paid, deposited or invested in accordance with sections 41 and 42 of the Act plus 2% compounded annually.

13 Jly 2001 cC-4.01 Reg 1 s17.

Prepaid cemetery contract records

18 For the purposes of section 45 of the Act, records to be maintained by an owner with respect to prepaid cemetery contracts shall be in writing and shall include:

- (a) the names of the buyer and contract beneficiary for each prepaid cemetery contract:
 - (i) sold by the owner or salesperson;
 - (ii) fulfilled by the owner; or
 - (iii) cancelled in accordance with the Act;
- (b) the date of the prepaid cemetery contract;
- (c) the original amount deposited in the assurance fund and each additional amount deposited;
- (d) the method of payment on cancellation and to whom the payment was made;
- (e) the total amount not placed in the assurance fund as permitted pursuant to section 41 of the Act;
- (f) the location from which the prepaid cemetery contract was sold; and
- (g) the closing balance of the assurance fund on the prepaid cemetery contract being fulfilled or cancelled.

13 Jly 2001 cC-4.01 Reg 1 s18.

Record retention

19 Records respecting prepaid cemetery contracts and trust funds shall be retained by an owner for at least two years after a prepaid cemetery contract is fulfilled or cancelled.

13 Jly 2001 cC-4.01 Reg 1 s19.

Withdrawal from assurance fund

20 An owner may withdraw funds from the assurance fund only where:

- (a) the prepaid cemetery contract is fulfilled;
- (b) the prepaid cemetery contract has been cancelled; or
- (c) the money in the assurance fund is to be paid to the Minister of Finance pursuant to section 22.

13 Jly 2001 cC-4.01 Reg 1 s20.

Withdrawal from fund

21 For the purposes of section 44 of the Act, the registrar may authorize the withdrawal of funds from the assurance fund where an owner demonstrates that the amount in the assurance fund is sufficient to meet outstanding obligations and will not risk the security of persons entering into prepaid cemetery contracts with the owner.

13 Jly 2001 cC-4.01 Reg 1 s21.

Funds not claimed

22(1) Subject to subsection (2), an owner shall pay to the Minister of Finance the money held by the owner pursuant to a prepaid cemetery contract where:

- (a) the contract beneficiary would be 120 years old;
- (b) goods or services that are the subject of the contract have not been provided; and
- (c) the owner has been unable to locate the buyer and has not been able to determine whether the contract beneficiary is deceased.

(2) An owner may deduct an administration fee calculated in accordance with section 12 from the amount to be paid to the Minister of Finance.

(3) Where a person establishes that he or she is entitled to any money paid to the Minister of Finance, the Minister shall pay to that person out of the general revenue fund an amount equal to the amount paid to the Minister.

(4) A dispute with respect to a person's entitlement to money mentioned in this section may be determined on application to the Court of Queen's Bench.

13 Jly 2001 cC-4.01 Reg 1 s22.

PART IV Documents and Records

Contracts

23(1) Within 60 days of interment rights being paid in full, an owner shall deliver to the buyer of the interment rights a certificate, agreement or other document showing:

- (a) the name of the buyer;
- (b) the location and the area or dimensions of the lot in which interment rights have been purchased;

- (c) the date of the purchase;
 - (d) the purchase price and the terms of payment; and
 - (e) the amount to be deposited to the care and maintenance fund, if applicable.
- (2) Where a memorial that was purchased from someone other than the owner is to be installed in a lot, the owner shall set out in writing for the person having the memorial installed the cost of installation and the amount that must be paid into the care and maintenance fund with respect to that memorial.

13 Jly 2001 cC-4.01 Reg 1 s23.

Register respecting interment rights

- 24(1)** An owner shall keep a register in which the owner shall enter:
- (a) the name and address of every buyer of interment rights in the cemetery; and
 - (b) a record of every transfer of interment rights in a lot in the cemetery.
- (2) Information from the register is to be available to any person on request.

13 Jly 2001 cC-4.01 Reg 1 s24.

Register of interments

- 25(1)** An owner shall maintain a register, separate from the register described in section 24, and shall record in it:
- (a) with respect to every deceased person whose human remains are interred in the cemetery:
 - (i) the person's name;
 - (ii) the location of interment;
 - (iii) the date of interment;
 - (iv) the date of death and the gender of the deceased person; and
 - (v) the date of birth, if known;
 - (b) if the coverage over the outer burial container is less than the coverage required pursuant to section 32, the depth of that coverage together with a brief statement setting out the reasons; and
 - (c) the particulars of every disinterment or removal of any human remains interred in the cemetery.
- (2) An owner shall maintain a register of cremated human remains interred or scattered in the cemetery, if the owner has been paid for or has authorized interment or scattering, and shall record in it:
- (a) with respect to every deceased person whose cremated human remains are interred or scattered in the cemetery:
 - (i) the person's name;
 - (ii) the location of interment, if applicable;

- (iii) the date of interment or scattering;
 - (iv) the date of death and the gender of the deceased person; and
 - (v) the date of birth, if known; and
- (b) the particulars of every disinterment or removal of any cremated human remains interred in the cemetery.
- (3) The records required pursuant to this section must be available to any person during reasonable business hours on request.

13 Jly 2001 cC-4.01 Reg 1 s25.

Written notice of transfer

26(1) When the buyer of interment rights in a lot, or the buyer's legal representative, sells the interment rights pursuant to section 51 of the Act, the buyer or the buyer's legal representative shall give the owner a written notice containing:

- (a) a description of the lot;
 - (b) the date of the transfer; and
 - (c) the name and address of the person to whom the interment rights have been transferred.
- (2) On receipt of a notice mentioned in subsection (1) and subject to section 34, the owner shall immediately enter in the register mentioned in section 24:
- (a) the date of the transfer; and
 - (b) the name and address of the person to whom the interment rights have been transferred.

13 Jly 2001 cC-4.01 Reg 1 s26.

New owner

27 Where an owner ceases to operate a cemetery, the owner shall:

- (a) provide to the new owner the records required to be kept pursuant to the Act and these regulations; or
- (b) where the cemetery is closed, provide for the transfer of the records in a manner directed by the registrar.

13 Jly 2001 cC-4.01 Reg 1 s27.

Cemetery price list

28(1) This section and section 29 do not apply to an owner of a non-commercial cemetery where the average number of interments per year in that cemetery is less than 25.

- (2) A price list for interment rights and cemetery services must include itemized prices for each of the following that the owner offers for sale to the public:
- (a) interment rights;
 - (b) opening and closing a grave;

- (c) opening and closing and sealing a tomb, crypt, compartment or vault in a mausoleum or a niche or compartment in a columbarium;
 - (d) interring human remains or cremated human remains;
 - (e) disinterring human remains or cremated human remains;
 - (f) providing temporary storage in a receiving vault or crypt;
 - (g) constructing a foundation for a memorial;
 - (h) setting corner posts;
 - (i) providing a tent or canopy, carrying or lowering devices and ground cover for an interment service;
 - (j) preparing flower beds and planting flowers and shrubs;
 - (k) providing elevating devices;
 - (l) installing burial vaults or grave liners.
- (3) An owner shall make available for inspection by prospective buyers books, brochures or other publications showing the cemetery supplies the owner generally offers for sale, including interment vaults, memorials, liners, urns and other merchandise and the prices of the merchandise.
- (4) The books, brochures or other publications mentioned in subsection (3) must contain the model number and a brief description and the price of each interment vault, memorial and liner that the owner generally offers for sale, including the manufacturer's name, if available.
- (5) The price list mentioned in subsection (2) must clearly state:
- (a) the effective date of the price list; and
 - (b) the name, address and phone number of the cemetery.
- (6) Before a potential buyer selects cemetery supplies or services at the owner's premises, the owner or the owner's representative shall offer to that person without charge a copy of the list mentioned in subsection (2) and the books, brochures or other publications required pursuant to subsection (3).
- (7) Prices on the price lists shall be stated as a fixed charge, an hourly rate, a rate per kilometre or rate per other unit of compensation.

13 Jly 2001 cC-4.01 Reg 1 s28.

Telephone requests

29 An owner or the owner's representative shall, on receiving a telephone inquiry respecting the supply of interment rights, cemetery services or cemetery supplies, give accurate information respecting the nature and price of the rights, services and supplies offered and advise the caller of the availability of the price lists.

13 Jly 2001 cC-4.01 Reg 1 s29.

Telephone solicitation

30(1) An owner who engages in sales by telephone must maintain a “do not call” list and place on that list the name of any person who has asked not to be called.

(2) No owner or other person on behalf of the owner shall call a person whose name has been placed on the “do not call” list unless otherwise requested by that person.

13 Jly 2001 cC-4.01 Reg 1 s30.

**PART V
Interment****Interment of indigent persons**

31 For purposes of section 50 of the Act, a unit administrator pursuant to *The Saskatchewan Assistance Regulations* is prescribed as a person who may authorize interment of unclaimed human remains or a deceased indigent person.

13 Jly 2001 cC-4.01 Reg 1 s31.

Depth of interment

32(1) Unless the registrar determines that special circumstances exist, human remains are to be interred so that the top of the outer burial container is at least 76 centimetres below the surface of the ground.

(2) Where interment is made at less than the depth required pursuant to subsection (1), the owner shall make an entry in the register mentioned in section 25.

13 Jly 2001 cC-4.01 Reg 1 s32.

No interment under buildings

33 An owner shall not inter human remains, in a vault or otherwise, within three metres of the outer wall of any church or chapel or within two metres of any other building in the cemetery.

13 Jly 2001 cC-4.01 Reg 1 s33.

Administration fee

34 The administration fee an owner may charge pursuant to subsection 51(4) of the Act for the transfer of interment rights is not to exceed \$100.

13 Jly 2001 cC-4.01 Reg 1 s34.

Installation of memorial

35 Where, pursuant to section 57 of the Act, an owner does not permit the supplier of a memorial to install the memorial in the owner’s cemetery, the owner may not charge more than the owner charges for installation of a memorial purchased from the owner, as set out in the owner’s cemetery price list.

13 Jly 2001 cC-4.01 Reg 1 s35.

Disinterment

36 Disinterment of human remains shall occur only in accordance with *The Public Health Act, 1994* or *The Coroners Act, 1999* and regulations pursuant to those Acts.

13 Jly 2001 cC-4.01 Reg 1 s36.

Burial permit not required

37(1) A burial permit is not required to:

- (a) re-inter human remains that have been disinterred; and
- (b) inter foetal remains if, pursuant to *The Vital Statistics Act, 1995*, a burial permit is not issued.

(2) An owner must require proof of permission to disinter human remains pursuant to *The Public Health Act, 1994* or *The Coroners Act, 1999* in order to reinter disinterred human remains.

13 Jly 2001 cC-4.01 Reg 1 s37.

Interment of unidentified human remains

38 In the case of unidentified human remains where a burial permit is not issued pursuant to *The Vital Statistics Act, 1995*, the human remains may be interred when permission to bury the human remains has been given pursuant to *The Coroners Act, 1999*.

13 Jly 2001 cC-4.01 Reg 1 s38.

PART VI General Provisions

Salespersons

39 For the purposes of subsection 17(1) of the Act, the identification to be provided to a salesperson by an owner must include the following:

- (a) the name, address and telephone number of the cemetery;
- (b) the salesperson's name;
- (c) the date on which the identification was issued.

13 Jly 2001 cC-4.01 Reg 1 s39.

Acting for owner

40(1) An individual may act as a salesperson for the cemetery specified on the salesperson's identification card.

(2) A salesperson shall, on the request of any person being solicited, produce his or her identification for inspection by that person.

13 Jly 2001 cC-4.01 Reg 1 s40.

Fund not required

41 For the purposes of subsection 23(2) of the Act, a care and maintenance fund is not required where the number of lots in the cemetery is 12 or fewer.

13 Jly 2001 cC-4.01 Reg 1 s41.

Care and maintenance fund

42(1) Subject to subsection (2), for the purposes of section 23 of the Act the minimum amount of a care and maintenance fund is \$10,000 per hectare of land within the cemetery.

(2) In the case of a mausoleum or columbarium not situated on the grounds of another cemetery, the minimum amount in a care and maintenance fund is to be:

- (a) 10% of the total cost of the structure; or
 - (b) any lesser amount that the registrar may approve having regard to the size and construction of the mausoleum or columbarium.
- (3) An owner shall pay the following into a care and maintenance fund:
- (a) 15% of money received from the sale of interment rights in each lot in a cemetery; and
 - (b) in the case of a memorial:
 - (i) \$75 for a flat memorial that has an area of more than 439 square centimetres;
 - (ii) in the case of an upright memorial that has a height of 1.22 metres or less, \$150; and
 - (iii) in the case of an upright memorial that has a height of more than 1.22 metres, \$300.

(4) A care and maintenance fund is not required where a new columbarium or mausoleum is to be located within an existing cemetery that has a care and maintenance fund as long as the registrar is satisfied that the care and maintenance fund is sufficient to provide for the care and maintenance of the cemetery and the new columbarium or mausoleum.

13 Jly 2001 cC-4.01 Reg 1 s42.

Sewers and drains

43 An owner shall construct and maintain appropriate and necessary sewers and drains in and about the cemetery for the purpose of draining the cemetery and keeping it dry.

13 Jly 2001 cC-4.01 Reg 1 s43.

Offensive matter

44 An owner shall not cause or permit any offensive matter from the cemetery to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct or pond.

13 Jly 2001 cC-4.01 Reg 1 s44.

Abandoned cemeteries

45 For the purposes of section 55 of the Act, a cemetery is abandoned where:

- (a) the owner of the cemetery is not known or cannot be found; or
- (b) in the case of a cemetery owned by a religious organization, there have been no interments for 10 years.

13 Jly 2001 cC-4.01 Reg 1 s45.

Closure of a cemetery

46(1) This section applies to closure of a cemetery or part of a cemetery.

(2) An owner who wishes to close a cemetery shall apply to the registrar and provide to the registrar information satisfactory to the registrar of the owner's plan for closure including, if requested by the registrar, information respecting:

- (a) the removal of memorials and installation of them in another location within the cemetery;
- (b) if applicable, the manner in which the owner intends to provide for interment rights for human remains of any person holding interment rights previously sold;
- (c) the continuing care and maintenance of the cemetery; and
- (d) continued access to and preservation of records of interment.

(3) The registrar, if satisfied that it is in the public interest, may approve closure of a cemetery, subject to any terms the registrar may impose.

(4) Where a cemetery is closed, no further interments may take place except with the approval of the registrar.

13 Jly 2001 cC-4.01 Reg 1 s46.

Licence fees

47 The fee pursuant to clause 9(1)(b) of the Act for a licence to operate a commercial cemetery is:

- (a) \$300 for each cemetery;
- (b) effective January 1, 2016, \$400 for each cemetery;
- (c) effective January 1, 2017, \$500 for each cemetery;
- (d) effective January 1, 2018, \$600 for each cemetery.

8 May 2015 SR 37/2015 s2.

Service of documents

48(1) In addition to the methods of service set out in section 87 of the Act, a document required by the Act or the regulations to be served may be served in any manner that permits the person serving the document to produce proof of service, including fax or courier, to the last known address of the person to be served.

(2) Service of a document by fax may be established using the transmission record or journal generated by the fax machine that indicates the date of transmission and that the transmission was successful.

13 Jly 2001 cC-4.01 Reg 1 s48.

**PART VII
Transitional and Coming into Force**

Transitional

49 An owner shall, within 90 days of the coming into force of the Act, comply with requirements in the Act and these regulations respecting records, mandatory prepaid contract provisions that differ from those in use prior to the coming into force of the Act, and price lists.

13 Jly 2001 cC-4.01 Reg 1 s49.

R.R.S. c.C-4 Reg 1 repealed

50 *The Cemeteries Regulations* are repealed.

13 Jly 2001 cC-4.01 Reg 1 s50.

Coming into force

51(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Cemeteries Act, 1999* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Cemeteries Act, 1999* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

13 Jly 2001 cC-4.01 Reg 1 s51.

Schedule

BUYER'S RIGHT TO CANCEL

[Subsection 11(1)]

You may cancel this contract and receive a full refund if you cancel during the period beginning on the day you enter into the contract and ending 10 business days after the day you receive a copy of the contract.

You may also cancel this contract at any time after the period mentioned above.

If you cancel the contract after that period, you may not receive a refund for any goods that have been specially ordered or cannot be sold to anyone else (e.g., if the goods have been engraved), as long as the fact that those goods were not subject to refund is stated in the contract. The owner will, however, provide you with those goods on cancellation.

Also, if you cancel the contract after that period, you may be charged an administration fee of:

- within the first year of the contract, 10% of the contract or \$250, whichever is the lesser amount;
- after the first year of the contract, 10% of the contract or \$500, whichever is the lesser amount.

To cancel, you must give notice of cancellation in writing to the owner at the owner's address.

13 Jly 2001 cC-4.01 Reg 1 Schedule.