

chapter I-11

BURIAL ACT

Repealed, 2016, c. 1, s. 118.

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REPEAL SCHEDULE

DIVISION I

INTERMENT

§ 1. — General Provisions

1. (Repealed).

R. S. 1964, c. 310, s. 1; 1972, c. 42, s. 59; 1992, c. 57, s. 591.

2. (Repealed).

R. S. 1964, c. 310, s. 2; 1992, c. 57, s. 591.

3. No interment shall be made elsewhere than in a cemetery lawfully established, except in cases otherwise provided for by law.

Incinerations and cremations shall be carried out in accordance with the regulations made for that purpose by the Government under section 69 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2).

R. S. 1964, c. 310, s. 3; 1972, c. 42, s. 60; 1983, c. 41, s. 199; 1985, c. 29, s. 16; 2001, c. 60, s. 166; 2009, c. 30, s. 58.

4. (Repealed).

R. S. 1964, c. 310, s. 4; 1972, c. 42, s. 61; 1992, c. 57, s. 592.

5. The Roman Catholic ecclesiastical authority shall alone have the right to appoint the place in the cemetery in which persons of such faith shall be buried, and, if the deceased, according to the canon rules and laws, in the judgment of the ordinary, may not be interred in ground consecrated by the liturgical prayers of such religion, he shall receive civil burial in ground reserved for that purpose and adjacent to the cemetery.

R. S. 1964, c. 310, s. 6.

§ 2. — Regulations for Interment

6. In cases not otherwise provided for, the coffin shall be deposited in a grave and covered with at least 1 m of earth, but the Minister of Health and Social Services may, in special cases, dispense with the application of this section.

R. S. 1964, c. 310, s. 7; 1970, c. 42, s. 17; 1985, c. 23, s. 24; 1984, c. 47, s. 213.

7. (1) No interment shall take place in a church or chapel in use for religious purposes, without a special authorization granted by the superior ecclesiastical or diocesan authority.

(2) When such permission is granted, the body must be placed in a coffin containing at least 2,50 kg of chloride of lime, or quick-lime, and such coffin must be placed in a grave and covered with at least 1,25 m of earth or enclosed in masonry at least 45 cm thick if in stone and at least 50 cm thick if in brick, both brick and stone being well covered with cement.

(3) This section shall not affect the powers granted to any local municipality by its charter.

R. S. 1964, c. 310, s. 8; 1984, c. 47, s. 213; 1996, c. 2, s. 694.

8. In addition to what is or may be prescribed by the regulations of the Government, respecting the bodies of persons dying of contagious diseases, the body of no person who has died of asiatic cholera, typhus, small-pox, diphtheria, scarlet fever, scarlatina or glanders shall be interred in a church or chapel or deposited in a public vault.

The body of any person dying of any of the diseases enumerated in this section must be transferred directly from the place of death to the cemetery.

R. S. 1964, c. 310, s. 9.

9. *The local ecclesiastical or diocesan authority may, at any time, prohibit the bringing of bodies into churches under their control, whenever it deems that the bringing of bodies into the church may be prejudicial to the public health.*

R. S. 1964, c. 310, s. 10.

10. *No public vault shall be built elsewhere than in a cemetery.*

R. S. 1964, c. 310, s. 11.

11. *No body shall be deposited in a public vault before 1 November, and all bodies deposited therein must be interred before 1 May.*

R. S. 1964, c. 310, s. 12.

12. *Interments in special or private vaults may be made in the following manner only:*

(1) *by depositing the coffin in a grave and covering it with 1 m of earth; or*

(2) *by enclosing the coffin in masonry at least 30 cm thick if in stone, and at least 45 cm thick if in brick, both brick and stone being well covered with cement; or*

(3) *by surrounding the coffin on all sides with a layer of cement 10 cm thick. For that purpose a casing must be built, so that the inside measurements of the case will be 20 cm greater in length, width and height than the coffin to be enclosed therein, the walls of the case to be of burnt brick, cemented, and to be 10 cm thick. The bottom of the cases in the lower range shall be made of cemented brick or concrete. The lower cases shall serve as the bottom for the upper cases. The coffin shall be deposited in the case so built on four stone blocks 10 cm high, so as to have a free space of 10 cm on all faces, and such space shall be filled in with cement up to the height of the walls in brick.*

R. S. 1964, c. 310, s. 13; 1984, c. 47, s. 213.

13. *No coffin shall be opened from the time of the registration of the death until the interment, except for the purposes of justice, or unless permission has been given by the local ecclesiastical authorities or by the mayor; or, in his absence, by a justice of the peace of the place, upon an affidavit showing the necessity for so doing.*

If it is the body of a person who has died of any of the diseases mentioned in section 8, the opening of the coffin shall be allowed only for the purposes of justice and on taking the precautions prescribed by the Minister of Health and Social Services.

R. S. 1964, c. 310, s. 14; 1970, c. 42, s. 17; 1985, c. 23, s. 24.

14. *The superior ecclesiastical or diocesan authority may, whenever deemed desirable in the interests of decency or of public health, prohibit interments in the cemeteries, churches or chapels under its control.*

The infringement of such prohibition shall render any person taking part in such interment liable to the fine imposed by section 21.

R. S. 1964, c. 310, s. 15.

DIVISION II

DISINTERMENT

§ 1. — Interpretation

15. *In this division the word: “churchwardens” comprises every officer of a church or congregation having the management of any cemetery, by whatever name he may be known.*

R. S. 1964, c. 310, s. 16.

§ 2. — Proceedings for Disinterment

16. *(1) On an application, accompanied by affidavits attesting the truth thereof, being presented to any judge of the Superior Court, in term or in vacation, by any person praying for leave to disinter one or more bodies interred in any church, chapel or cemetery, with a view to the erection, repair or sale of a church, chapel or cemetery, or with a view to the reinterment of such body or bodies in another part of the same church, chapel or cemetery, or in another cemetery, or with a view to the reconstruction or repair of the tomb or coffin in which a body has already been interred, and indicating, in the case of a proposed removal of any body or bodies, the part of the same church, chapel or cemetery in which it is proposed to deposit such body or bodies, the judge may order or permit that the body or bodies be disinterred as prayed for.*

(2) The order granting the application, sealed with the seal of the Superior Court and signed by the clerk, shall be sufficient authority to the person in possession or having the charge or custody of such church, chapel or cemetery to allow the proposed disinterment.

(3) Before obtaining the order or permission of the judge to effect any such disinterment in any Roman Catholic church, chapel or cemetery under this section, the petitioner must show that he has obtained permission from the superior ecclesiastical authority of the diocese in which it is situated.

(4) In the case of the disinterment of the body of any person who has died of any disease mentioned in section 8, the petitioner must show that permission has been granted by the Minister of Health and Social Services and the judge shall allow the disinterment only subject to the precautions prescribed by the said Minister for the protection of public health.

(5) No disinterment shall take place in any church, chapel or cemetery without the permission of a judge obtained as aforesaid.

(6) Every order or permission of a judge authorizing the exhumation of a body must be notified to the Chief Coroner.

R. S. 1964, c. 310, s. 17; 1970, c. 42, s. 17; 1983, c. 41, s. 200; 1985, c. 23, s. 24; I.N. 2016-01-01 (NCCP).

17. *Whenever in any parish or mission the competent religious authority decides to remove an old cemetery and to open a new one, any judge of the Superior Court, in term or in vacation, on an application presented to him by the parish priest or missionary and by the majority of the churchwardens of the church or congregation to which such old cemetery belongs or to whose use it is applied, may grant permission to cause all or any of the bodies buried in such old cemetery to be removed to such new cemetery.*

R. S. 1964, c. 310, s. 18; I.N. 2016-01-01 (NCCP).

18. *The parish priest, minister, missionary or churchwardens of such parish or mission, as the case may be, shall cause a register to be kept of all bodies removed from such old cemetery, showing, as far as may be, the names of the persons whose bodies have been so removed, as well as the names of those who applied for such removal, or showing that they were removed by order of such priest, minister or missionary, and of the churchwardens of such church or congregation.*

R. S. 1964, c. 310, s. 19.

19. *The register shall be certified by the priest, minister or missionary of the church or congregation to which such old cemetery belongs.*

R. S. 1964, c. 310, s. 20.

20. *No disinterment of more than one body at a time shall be allowed between 1 June and 1 September of any year.*

R. S. 1964, c. 310, s. 21.

DIVISION III

GENERAL AND PENAL PROVISIONS

1992, c. 61, s. 349.

21. (1) *Every person who contravenes, or aids in the commission of an offence under any of sections 3 to 14 and 16 to 20 is liable to a fine of not more than \$300.*

(2) *Every offence under any of sections 6, 10, 11, 12 and 14 shall further entail an additional fine of not more than \$25 for every day that such infringement shall last.*

R. S. 1964, c. 310, s. 22; 1974, c. 11, s. 2; 1990, c. 4, s. 496.

22. *Penal proceedings may be instituted by the local municipality in whose territory the offence has been committed.*

R. S. 1964, c. 310, s. 23; 1992, c. 61, s. 350; 1996, c. 2, s. 695.

23. *In the case of churches or cemeteries not belonging to Roman Catholics, the expressions: “superior ecclesiastical or diocesan authority” or “the local ecclesiastical authority” or “the competent religious authority” in sections 7, 9, 14, 16 and 17, mean the authorities, officers, trustees, administrators, managers or cemetery companies having, by law or custom, the administration of such churches or cemeteries; and the said sections shall be interpreted as if they had been made for the case of such churches and cemeteries.*

R. S. 1964, c. 310, s. 24.

24. *This Act shall not apply to the measures prescribed by judicial authority or officers of justice, either as regards interments or disinterments, when it is necessary to secure or promote the ends of justice.*

R. S. 1964, c. 310, s. 25.

25. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 310 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter I-11 of the Revised Statutes.