

March 2006

Cemeteries Act

Cemetery Pre-Need Contract Business Licence

Definition:

A Cemetery Pre-Need Contract Business Licence authorizes a business or a person to solicit to enter or enter into pre-need contracts under which that business promises to provide, or to arrange for the provision of cemetery supplies or cemetery services or both before the death of the person for whose benefit the contract is entered into.

Licensing Requirements:

To get a licence for a cemetery pre-need contract business you must provide the following:

1. Completed [application](#) for a Cemetery Pre-Need Contract Sales Licence.
2. A licensing fee of \$200. Your cheque should be made payable to the Minister of Finance. If you are applying in person, you may also pay this fee using Visa, MasterCard or cash. This fee is for a one-year licence from April 1 to March 31 the following year. If you are applying after October 1, the licensing fee is \$100. Licences take effect the date they are issued. The department will send you a notice and the appropriate forms before your licence needs to be renewed. Licence holders must notify Alberta Government Services in writing if the address on their business licence changes.

General Information:

Pre-need money must be held in trust by an approved trust corporation. The licensee must submit an accountant's report 120 days after their fiscal year end. Alberta Government Services will send you the accountant's report form at your fiscal year end. You can complete the following forms on line and then print them, or you can print and complete off line.

- [Accountant's Report on Pre-Need Assurance Fund GS0035](#)
- [Statement of Pre-Need Assurance Fund GS0034](#)

Commercial Cemetery operators must establish a **perpetual care fund**, which must be held in trust by an authorized trustee. Alberta Government Services will send you the accountant's report forms at your fiscal year end. You can complete the following forms on line and then print them, or you can print and complete off line.

- [Accountant's Report on Perpetual Care Fund GS0033](#)
- [Statement of Perpetual Care Fund GS0032](#)

Trust fund accountant's reports for commercial cemetery businesses must be sent to:

Director of Cemeteries
Alberta Government Services
3C Commerce Place
10155-102 Street
Edmonton, AB T5J 4L4

Contracts with consumers must contain specific information. A contract to provide cemetery supplies and/or services shall:

- be written,
- signed by the purchaser and the seller,
- contain the name of the salesperson and the name of any owner for whom the sales person is selling,
- contain a detailed listing of the cemetery supplies or services or both to be provided by the seller,
- contain the cost to be charged for each supply and service.
- disclose what portion of the money paid is required for providing perpetual care,
- what portion of the money paid is for the cost of cemetery supplies or services or both,
- a cancellation schedule in the proper form.

The purchaser must receive a copy of the contract by mail or personal delivery within 7 days after the day the contract was signed by him.

See Cemeteries Act, General Regulation for Schedule of Cancellation Rights.

Telephone and door-to-door contacts selling pre-need cemetery goods are no longer allowed unless specifically requested by the consumer. All other forms of direct sale, including mailing or distribution of brochures or other sales material, and other types of advertising in the media and on the Internet can continue.

Legislation:

[Cemeteries Act](#)

[General Regulation](#)

[Commercial Cemeteries Regulation](#)

Copies of legislation can be obtained from the [Queen's Printer Bookstore](#) at:

Park Plaza
5 floor, 10611-98 Avenue
Edmonton, Alberta
T5K 2P7
Telephone: (780) 427-4952

To call a Government of Alberta office toll free (in Alberta), dial 310-0000 and follow the instructions.