



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **ANCIENT BURIAL GROUNDS ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## ANCIENT BURIAL GROUNDS ACT

### CHAPTER A-11

#### 1. Burial grounds vested in Minister of Justice and Public Safety and Attorney General

All burial grounds within the province in which the freehold is not vested in a corporation or one or more trustees for cemetery purposes and which are no longer actually used for burial purposes, are declared to be vested in the Minister of Justice and Public Safety and Attorney General of the province and his successors in office as a corporation sole. R.S.P.E.I. 1974, Cap.A-9,s.1; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

#### 2. Legal action by the Minister of Justice and Public Safety and Attorney General

The Minister of Justice and Public Safety and Attorney General, for the purpose of protecting the burial grounds, has the power at all times to take and bring in his name as Minister of Justice and Public Safety and Attorney General all proceedings, actions and suits as may be necessary to protect such burial grounds from being trespassed upon or defaced or damaged. R.S.P.E.I. 1974, Cap.A-9,s.2; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

#### 3. Rights of ordinary plaintiff

In any such suits or proceedings, the Minister of Justice and Public Safety and Attorney General has the same rights as an ordinary plaintiff. R.S.P.E.I. 1974, Cap.A-9,s.3; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

#### 4. Permit to visit

The Minister of Justice and Public Safety and Attorney General has the right to grant permits to persons, in good faith, desirous of visiting or entering any of such burial grounds surrounded by privately owned lands and the permit is sufficient answer to any claim or suit threatened or brought against any persons using such permit. R.S.P.E.I. 1974, Cap.A-9,s.4; 1993,c.29,s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

#### 5. *Idem*

A permit may be granted under section 4 whether or not the cemetery is vested in a corporation or in trustees. R.S.P.E.I. 1974, Cap. A-9, s.5.