

Cremation, Interment and Funeral Services Act

Control of disposition of human remains or cremated remains

- 5 (1) Subject to this section and section 8 (3)(b)(i) [*requirement for authorization before funeral services or disposition*], the right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:
- (a) the personal representative named in the will of the deceased;
 - (b) the spouse of the deceased;
 - (c) an adult child of the deceased;
 - (d) an adult grandchild of the deceased;
 - (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
 - (f) a parent of the deceased;
 - (g) an adult sibling of the deceased;
 - (h) an adult nephew or niece of the deceased;
 - (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the [Estate Administration Act](#);
 - (j) the minister under the [Employment and Assistance Act](#) or, if the official administrator under the [Estate Administration Act](#) is administering the estate of the deceased under that Act, the official administrator;
 - (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

Exhumation and disinterment

- 16 (1) In this section, "**health region**" means a region designated under section 4 of the [Health Authorities Act](#).
- (2) Subject to this Part, an operator of a cemetery or mausoleum must not exhume or disinter human remains from the cemetery or mausoleum until
- (a) the operator receives a written request to do so from the person who, under section 5 [*control of disposition of human remains and cremated remains*], has the right to control the disposition of the remains,
 - (b) a director approves the exhumation or disinterment, and
 - (c) if the human remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health, the operator gives written notice to and receives permission from a medical health officer for the area of the health region in which the cemetery or mausoleum is located.
- (3) An operator of a cemetery or mausoleum may apply to a director for approval to exhume or disinter human remains by submitting
- (a) the information required by the director, in the form and manner required by the director, and
 - (b) the fee required by the regulations.
- (4) Subsection (2)(a) and (b) does not apply if human remains are to be exhumed or disinterred
- (a) on the authority of an order of a court, or
 - (b) under the [Coroners Act](#).
- (5) Subsection (2)(b) does not apply if human remains are to be disinterred from one lot and interred in another lot in the same cemetery or mausoleum.
- (2) Subsection (2) (a) and (b) does not apply if human remains are to be exhumed or disinterred
- (a) on the authority of an order of a court, or
 - (b) under the [Coroners Act](#).
- (3) Subsection (2) (b) does not apply if human remains are to be disinterred from one lot and interred in another lot in the same cemetery or mausoleum.