

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 77

AN ACT RESPECTING LES CIMETIÈRES CATHOLIQUES ROMAINS DE L'ARCHIDIOCÈSE DE GATINEAU-HULL

Bill 297

Introduced by Mr Robert Lesage, Member for Hull

Introduced 11 December 1991

Passage in principle 13 May 1992

Passage 13 May 1992

Assented to 14 May 1992

Coming into force: 14 May 1992

Act amended: None



CHAPTER 77

An Act respecting Les cimetières catholiques romains de l'archidiocèse de Gatineau-Hull

[Assented to 14 May 1992]

Preamble WHEREAS cemeteries situated in the archdiocese of Gatineau-Hull are presently held and administered by the Roman Catholic Archbishop of the diocese;

Whereas it is expedient that such cemeteries be administered by a separate and distinct corporation;

Whereas it is expedient that such corporation have the powers necessary for the pursuit of its objects;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Establishment 1. A corporation is hereby established under the name: "Les cimetières catholiques romains de l'archidiocèse de Gatineau-Hull".

Corporate seat 2. The corporate seat of the corporation is situated at Gatineau.

Objects 3. The objects of the corporation are the holding and administration of Roman Catholic cemeteries situated in the archdiocese of Gatineau-Hull. The corporation may also provide any form of funeral services including interment, disinterment, cremation, burial, thanatopraxy and any method of disposal recognized by the rites and customs of the Roman Catholic Church.

Powers 4. The corporation is a corporation within the meaning of the Civil Code, and is vested with the general powers of such a corporation and the special powers conferred upon it by this Act.

Non-profit
purposes

The corporation is constituted exclusively for non-profit purposes and, as such, no revenue in the form of a dividend or otherwise, is payable to any member or is otherwise made available for the personal benefit of any member and, upon the winding-up or dissolution of the corporation, all its property and capitalized revenue must be transferred to an organization which has similar objectives and fulfills the conditions required to be exempt from income tax.

Governing
provisions

5. Subject to this Act, the corporation is governed by Divisions V, VI, VII and VIII of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69).

Visitor

6. In addition to the powers conferred upon him by the Act respecting Roman Catholic cemetery corporations, the Archbishop of the archdiocese of Gatineau-Hull is also deemed to be the visitor of the corporation.

Board of
directors

7. The corporation is administered by a board of directors composed of not less than seven persons appointed by the Archbishop, the exact number being determined by the latter.

Dismissal

8. The Archbishop may, at any time and without giving reasons, dismiss any director from office.

c. C-69,
s. 23, am.
for the
corporation

9. Section 23 of the Act respecting Roman Catholic cemetery corporations is amended for the corporation by replacing paragraph *d* by the following paragraph:

“(d) to acquire, establish, possess, maintain, administer and manage cemeteries, chapels, burial vaults and other structures related to its objects;”.

c. C-69,
s. 26, am.
for the
corporation

10. Paragraphs *d* and *e* of section 26 of the said Act are repealed for the corporation.

c. C-69,
s. 27, am.
for the
corporation

11. Section 27 of the said Act is amended for the corporation by adding the following subparagraph:

“(e) the conditions governing the concession or lease of space in a mausoleum, columbarium, burial vault, monument or other structure designed to receive ashes and mortal remains that are not interred.”

c. C-69,
s. 31, am.
for the
corporation

12. Section 31 of the said Act is amended for the corporation by replacing the words “meeting of delegates who” by the words “board of directors, which”.

c. C-69,
s. 32,
repealed,
for the
corporation

13. Section 32 of the said Act is repealed for the corporation.

c. C-69,
s. 33, am.,
for the
corporation

14. Section 33 of the said Act is amended for the corporation by replacing the word “delegates” by the word “directors”.

c. C-69,
s. 43, am.,
for the
corporation

15. Section 43 of the said Act is amended for the corporation by replacing the third paragraph by the following paragraphs:

Keeping of
registers

“When such authorization is granted, it shall be for the Archbishop to designate the clergyman or any other person for keeping such registers.

Powers

Any person other than a clergyman who is designated for keeping the registers is, in that respect, vested with the same powers as a clergyman and the acts of burial he receives are authentic.”

c. C-69,
s. 44, am.,
for the
corporation

16. Section 44 of the said Act is amended for the corporation by striking out the words “of which it is a member” in the fourth line.

c. C-69,
s. 45, am.,
for the
corporation

17. Section 45 of the said Act is amended for the corporation by striking out the words “of which it is a member” in the fourth and fifth lines.

c. C-69,
s. 46, am.,
for the
corporation

18. Section 46 of the said Act is amended for the corporation by replacing the first paragraph by the following paragraph:

Transfer

“**46.** The corporation may transfer the whole of its property with the obligation of paying its liabilities, to a corporation constituted under this Act, to the Archbishop or to a corporation he designates.”

c. C-69,
s. 48, am.,
for the
corporation

19. Section 48 of the said Act is amended for the corporation

(1) by repealing subparagraph *c* of the first paragraph;

(2) by replacing the words “delegate of a member” in subparagraph *d* of the first paragraph by the words “member of the board of directors”.

“bishop
of the
place”

20. For the purposes of the Act respecting Roman Catholic cemetery corporations, the words “bishop of the place” mean the Archbishop of the archdiocese of Gatineau-Hull.

Applicable
by-laws

21. Until the adoption by the corporation of by-laws concerning the management and administration of cemeteries and other property that may have been transferred to it by the Archbishop or any other parochial body, the by-laws adopted by the Roman Catholic

Archbishop of Gatineau-Hull shall continue to apply to the corporation.

Letters
patent

22. For the purposes of the Act respecting Roman Catholic cemetery corporations, this Act constitutes the letters patent of the corporation.

Coming into
force

23. This Act comes into force on 14 May 1992.