

No. 70

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 70

A Bill to amend The Department of Lands and Forests
Act

HON. MR. WILLMORE

EDMONTON, ALBERTA
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1957

Explanatory Note

2. This amendment will authorize the establishment of divisions within the Department as well as branches in accordance with the recommendations of the Stevenson-Kellogg report of several years ago.

Section 5 now reads:

- "5. The Lieutenant Governor in Council may
- "(a) for the purposes of administration create within the Department any branches thereof,
 - "(b) prescribe the duties and functions of any such branch, and
 - "(c) assign to a branch the particular administration of an Act of which the Minister has the general responsibility of administration."

3. Clauses (a) and (b) of subsection (1) of section 7 read:

- "7. (1) The Lieutenant Governor in Council may
- "(a) appoint an official as the Chief Officer of any branch created pursuant to this Act, and
 - "(b) confer upon such official such of the powers of a Deputy Minister relating to the administration of any such Act as may be specified by order in council."

This amendment results from the amendment made by clause 2 of this Bill.

4. The Registration of Assignments of Crown Lands Act was repealed in 1953 by chapter 75 of that year and registration provisions placed in The Mines and Minerals Act. This clause will permit registration of assignments of interest in the Crown lands administered by the Minister of Lands and Forests in much the same manner as presently provided in the case of Crown minerals.

BILL

No. 70 of 1957

An Act to amend The Department of Lands and Forests Act

(Assented to _____, 1957)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Department of Lands and Forests Act*, being chapter 172 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 5 is struck out and the following section substituted:

5. The Lieutenant Governor in Council may, for the purposes of administration, create within the Department divisions and branches and may from time to time

“(a) prescribe the duties and functions of the divisions and branches, and

“(b) assign to a division or branch the administration of any Act that the Department administers.”.

3. Section 7, subsection (1) is amended by striking out clauses (a) and (b) and by substituting the following:

“(a) appoint the chief officers of the divisions and branches created pursuant to this Act, and

“(b) confer upon any such officer such of the powers of a Deputy Minister relating to the administration of any such Act as may be specified by order in council.”.

4. The following new sections are added immediately after section 12:

13. (1) Where a disposition of an interest in Crown land, other than mines or minerals, is made pursuant to any Act administered by the Department or pursuant to any regulation made under the authority of any such Act, if an assignment of the interest is not prohibited by the Act or regulations pursuant to which the disposition is made, the assignment may be registered with the Minister.

“(2) The Minister shall cause to be kept in the Department books for the registering of assignments.

“(3) The Minister may refuse to register an assignment unless

- “(a) the assignment is unconditional,
- “(b) all of the persons to whom the disposition was made are the assignors under the assignment,
- “(c) the execution of the assignment is proved to the satisfaction of the Minister, and
- “(d) the assignment is in a form satisfactory to the Minister.

“14. (1) Notwithstanding anything contained in an assignment, but subject to this section, the interest of an assignor in the Crown land absolutely ceases and determines upon registration of the assignment under section 13.

“(2) An assignor may assign to himself and another or others and upon registration of the assignment is entitled to the interest that the assignment purports to convey to him to the same extent as if he were not the assignor.

“(3) Where two or more persons make an assignment, they may assign to one or more of them and, upon registration of the assignment, the assignees are entitled to the interest that the assignment purports to convey to him or them to the same extent as if he or they were not assignors.

“15. Where an Act or regulation prohibits an assignment except with the consent of the Minister, the consent of the Minister shall be deemed to be given by the registration under section 13 of the assignment.

“16. The original copy of an assignment shall be retained by the Department and shall be endorsed with a memorandum showing the date of its registration.

“17. The date of registration endorsed upon the original copy of the assignment retained by the Department is conclusive proof of the date of registration under section 13, and an assignment registered under section 13 is valid against and takes priority over any unregistered assignment.

“18. The Lieutenant Governor in Council may from time to time prescribe fees for registrations or assignments under section 13.”.

5. This Act comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The Department of
Lands and Forests Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. WILLMORE
