

No. 98

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 98**

A Bill to amend The Public Lands Act (2)

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HON. MR. WILLMORE

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## Explanatory Note

1. This Bill will amend The Public Lands Act. The provisions relating to certain powers of the Lieutenant Governor to make regulations governing the disposition of public lands are re-written to clarify the powers given.

2. Section 119(a) reads as follows:

- "119. The Lieutenant Governor in Council may
- "(a) make regulations governing
- "(i) the cutting of hay and the leasing of land suitable for hay purposes,
  - "(ii) the leasing of marsh land, water-covered areas and accretions,
  - "(iii) the use of land for a harbour, wharf, pier, landing, bridge, airport, market place, gaol, court house, public park or garden, historic site, town or community hall, hospital, place of worship, burying ground, school and purposes connected therewith, radio station, agricultural exhibition and for other public purposes, or for model and industrial farms,
  - "(iv) the exploration, excavation and searching of land for the purpose of obtaining fossil remains, or other objects of geological, ethnological, historical or other scientific interest,
  - "(v) the price to be fixed for the acquisition by a railway, pipe line, power or tramway company of land for a railway terminus, station or station ground, right of way, roadbed, pipe line, transmission or power line, telegraph and telephone line, workshops, buildings, yards, ballast pit, or other appurtenances of the company,
  - "(vi) the sale or leasing of lots in a townsite or subdivision, or public resort, or of land for residential purposes,
  - "(vii) the control and operation of any vessel whatsoever upon any lake, river, stream, or body of water, including every description of ship, boat or craft whether propelled by steam, internal combustion engine or otherwise, and including every part of the machinery or equipment of the vessel,
  - "(viii) the issue of a licence of occupation with respect to the operation of trap lines, or for any other specific purposes,
  - "(ix) the issue of annual permits for the grazing of stock, the cultivation of land, and the operation of fur farms,
  - "(x) entry upon public lands for geological and geophysical exploration,
  - "(xi) the removal of sand and gravel from public lands, including the beds of rivers, and
  - "(xii) the leasing of islands after an inspection to ascertain the purposes for which they are best suited,".

# BILL

No. 98 of 1958

An Act to amend The Public Lands Act (2)

(Assented to \_\_\_\_\_, 1958)

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

1. *The Public Lands Act*, being chapter 259 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 119 is amended by striking out clause (a).

3. The following new section is added immediately after section 119:

“119a. (1) The Lieutenant Governor in Council may make regulations

“(a) authorizing and governing such specified means or methods of disposing of public lands by the Minister as are not otherwise expressly provided for by this Act,

“(b) prescribing the terms and conditions upon which any persons may use public lands for the purpose of geophysical or geological exploration within the meaning of *The Mines and Minerals Act*, and governing the conduct of such exploration in relation to the use of public lands,

“(c) prescribing the terms and conditions upon which any persons may use public lands for the purposes of exploring for or excavating fossil remains or objects of geological, ethnological, historical or scientific interest, and governing the conduct of such exploration or excavation in relation to the use of public lands, and

“(d) governing the procedure and conduct of public auction sales of public lands.

“(2) The regulations may be made retrospective as well as prospective in any case where a disposition was made pursuant to the regulations in force on the commencement of this section and that regulation is of doubtful validity



in respect of the powers heretofore given under section 119, and without restricting the generality of subsection (1) may

- “(a) provide for the procedure by which applications for dispositions of public lands are to be made and may make requirements as to the eligibility of persons applying for such dispositions,
- “(b) restrict the use to be made of lands that are the subject of the dispositions,
- “(c) prescribe the duties and obligations of the persons to whom the dispositions are made in relation to the use and occupation of the lands by them,
- “(d) prescribe the terms and conditions to which the dispositions are subject,
- “(e) provide for the enforcement of compliance with the regulations and remedies for the recovery of moneys payable by virtue of dispositions,
- “(f) prohibit the assignment of the dispositions or prohibit the assignment of the dispositions without the consent of the Minister,
- “(g) prescribe the conditions under which the Minister may cancel a disposition,
- “(h) in the case of leases, authorize the waiver of compliance with or the application of any of the provisions of sections 84 to 107,
- “(i) prescribe the form of any disposition and any other documents or forms used in connection with the regulations,
- “(j) provide for the arbitration and settlement of any matter relating to the regulations or the dispositions made under them,
- “(k) provide penalties for the violation of the provisions of the regulations, and
- “(l) provide for any other procedure or matter that relates to the dispositions.

**4.** This Act comes into force on the day upon which it is assented to.

No. 98

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FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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**BILL**

An Act to amend The Public Lands  
Act (2)

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. WILLMORE

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