

1972 Bill 46

---

---

First Session, 17th Legislature, 21 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 46**

**The Public Lands Amendment Act, 1972**

---

---

THE MINISTER OF LANDS AND FORESTS

---

---

First Reading .....

Second Reading .....

Third Reading .....

---

---

Printed by L. S. Wall, Queen's Printer, Edmonton

# BILL 46

1972

## THE PUBLIC LANDS AMENDMENT ACT, 1972

*(Assented to \_\_\_\_\_, 1972)*

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

- 1. The Public Lands Act is hereby amended.*
- 2. Sections 46.1 and 46.2 are struck out.*
- 3. Section 52 is struck out and the following is substituted:*

**52.** Any person who is unlawfully occupying public lands and fails to comply with an order by the Minister requiring him to vacate the land forthwith after its service upon him, is guilty of an offence.
- 4. This Act comes into force on the day upon which it is assented to.*

## Explanatory Notes

1. This Bill will amend chapter 297 of the Revised Statutes of Alberta 1970

2. Sections 46.1 and 46.2 presently read:

46.1 (1) Subject to subsection (3), any person may, without the authority of a disposition, camp on public lands for a maximum of 30 days in any one calendar year if the public lands

- (a) are not subdivided,
- (b) are not held under a disposition,
- (c) are not then being used or actively occupied by the Crown, and
- (d) are lands upon which camping is not prohibited by the regulations or an order of the Minister under subsection (4).

(2) The Minister, upon written application, may grant an extension to any person of the period of time referred to in subsection (1).

(3) Where any person occupies any public lands under the authority only of subsection (1) and is convicted of having committed on those lands an indictable offence or an offence under an Act of the Legislature or the Parliament of Canada, the Minister may order that that person be prohibited from camping on any public lands for a period not exceeding one year from the date of the order.

(4) The Minister may by order prohibit camping on public lands situated in any specified area and not held under dispositions.

46.2 Where any person unlawfully occupies public lands, the Minister may order that the person vacate the land forthwith upon service of the order upon him.

The effect of this amendment, coupled with the new section 52 following, is to make the law read exactly as it did prior to the amendments to The Public Lands Act in 1971.

3. Section 52 presently reads:

52. Every person who contravenes or fails to obey an order of the Minister under section 46.1, subsection (3) or section 46.2 is guilty of an offence and liable on summary conviction

- (a) for the first offence, to a fine of not less than \$25 and not more than \$100 and in default of payment to imprisonment for a term of not more than 20 days;
- (b) for the second offence, to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a term of not more than 90 days;
- (c) for the third or any subsequent offence, to imprisonment for a term of not more than 90 days.