

1973 Bill 205

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 205**

**An Act to Protect Private Land from Trespass**

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MR. STROMBERG

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 205

1973

## AN ACT TO PROTECT PRIVATE LAND FROM TRESPASS

(Assented to \_\_\_\_\_, 1973)

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

1. This Act may be cited as *The Private Land Protection Act*.

2. In this Act,

- (a) "occupied lands" means
  - (i) privately owned lands under cultivation or enclosed by a fence, or
  - (ii) all lands held under a certificate of title, agreement for sale, homestead lease, homestead sale, miscellaneous lease or cultivation lease issued under *The Public Lands Act*, or
  - (iii) Crown land subject to any disposition granted under *The Public Lands Act*, or
  - (iv) a garden or lawn, or
  - (v) any land under legal disposition held by an owner, operator or occupant;
- (b) "occupant" means
  - (i) a person, other than the owner, who is in actual possession of land, or
  - (ii) a person who is shown on a certificate of title as having an interest in land, or
  - (iii) an operator granted right of entry in respect of land pursuant to a right of entry order, or
  - (iv) in the case of Crown land, a person shown on the records of the Department or other body administering the land as having an interest in the land;
- (c) "operator" means a person or unincorporated group of persons having the right to work the land or the agent thereof;
- (d) "owner" means
  - (i) the person in whose name a certificate of title has been issued pursuant to *The Land Titles Act*, or

- (ii) where no certificate of title has been issued, the Crown or other body administering the land;
- (e) "transport vehicle" means all motorized vehicles, manually propelled means of transport and including but not restricted to cars, trucks, buses, snowmobiles, bicycles, motorcycles, animals, all terrain vehicles of any type and waterborne vehicles whether motorized or manually propelled;
- (f) "licensed activity" shall include activities for which an individual can purchase a licence under *The Wildlife Act*.

**3.** No person shall trespass any occupied land without written permission or agreement with the occupant or owner or operator.

**4.** Where a trespass to which this Act applies is committed by means of transportation other than walking the person handling the transport vehicle is guilty of the contravention of this Act and liable to the fine and suspension of privileges.

**5.** A person who contravenes section 3 and whether or not any damage is occasioned thereby, is guilty of an offence and liable on summary conviction to a fine of not more than \$300.00 and loss of the privilege of the licensed activity in which he was engaged at the time of contravention of the Act for a period not to exceed three years.

**6.** Any person found committing a trespass to which this Act applies may be apprehended without warrant by any peace officer, or by the owner, operator or occupier of the land on which the trespass is committed, or the servant of, or any person authorized by the owner or occupier of the land, and may be forthwith taken before the nearest magistrate or justice of the peace to be dealt with according to law.

**7.** A person may be prosecuted under this Act upon an information laid by those persons authorized to apprehend without warrant as described in section 6.

**8.** A person providing information shall have provided sufficient evidence should he produce hunting licence numbers, vehicle registration or licence numbers and including such other identification required by transport vehicle and hunting permits or licences, but not restricted to the above.

**9.** Nothing in this Act authorizes any magistrate or justice of the peace to hear and determine a case of trespass in which the title to land, or to any interest therein, is called in question or affected, but every such case shall be dealt with according to law in the same manner as if this Act had not been passed.

**10.** (1) A trespass shall not be deemed enacted if a person other than an owner, operator or occupant apprehended on occupied land is in possession of or can produce

(a) written permission to enter the premises on which he is apprehended for the purpose of the activity he is engaged in at the time of apprehension;

(b) an agreement with the owner, operator or occupant providing access to the land on which he is apprehended for various purposes including the activity he is engaged in at the time of apprehension

(2) An agreement referred to in subsection (1), clause (b) may contain any conditions to which the signing parties mutually agree and over which they have control.

**11.** *The Wildlife Act* is amended

(a) as to section 14, by adding the word "or" at the end of clause (b) and by adding the following clause:

(c) he prominently displays a permit number issued with the licence;

(b) by striking out section 23 and by substituting the following:

**23.** No person shall directly or indirectly sell, trade or barter or offer for sale access to any unoccupied public lands for the purpose of hunting or trapping any big game or any fur-bearing animals or any game bird or pheasant.

**12.** This Act repeals and replaces *The Petty Trespass Act*.

**13.** This Act comes into force on a date or dates to be fixed by Proclamation.