

1988 BILL 65

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 65

METIS SETTLEMENTS LAND ACT

HON. MR. ROSTAD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 65

1988

METIS SETTLEMENTS LAND ACT

(Assented to , 1988)

Table of Contents

Definitions	1
Grants of land	2
Rights reserved	3
Effect of letters patent	4
Third party interests	5
Sale of land	6
Acquisition by Crown	7
Right to expropriate	8
Crown bound	9
Coming into force	10
Schedule	

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

Definitions

1 In this Act,

- (a) "Crown" means Her Majesty in right of Alberta;
- (b) "General Council" means the Metis Settlements General Council incorporated by the *Metis Settlements Act*;
- (c) "mines and minerals" means mines and minerals as defined in the *Mines and Minerals Act* on the day this Act comes into force;
- (d) "patented land" means land held in fee simple by the General Council pursuant to letters patent issued under this Act;
- (e) "Registry" means the Metis Settlements Land Registry established under the *Metis Settlements Act*.

Grants of land

2(1) On the direction of the Lieutenant Governor in Council, letters patent in the form in the Schedule shall be issued granting to the General Council an estate in fee simple in such parcels of land as the Lieutenant Governor in Council determines.

(2) Each parcel of land referred to in subsection (1) includes

- (a) the beds and shores of all permanent and naturally occurring bodies of water and of all naturally occurring rivers, streams, watercourses and lakes,

(b) all land set aside or used for roads, highways and road allowances, including land that would be required to be set aside for road allowances if all the parcel were surveyed under the *Surveys Act*, and

(c) the land presently held or occupied by the Crown for or in connection with fixtures and improvements,

lying within the outer boundaries of the parcel, but does not include any of the following:

(d) mines and minerals;

(e) water, including ground water;

(f) any fixture or improvement placed or constructed by or on behalf of the Crown before the date of the grant, including a fixture or improvement placed or constructed for the purposes of a road or other means of transportation;

(g) any palaeontological or archaeological resource as defined in the *Historical Resources Act* on the day this Act comes into force;

(h) any areas of land held in fee simple under a certificate of title, by anyone other than the Crown;

and nothing in this Act authorizes the grant of any right to or estate or interest in any property referred to in clauses (d) to (h).

Rights reserved

3(1) The following are reserved to the Crown from a grant of an estate in fee simple under this Act:

(a) the right to work mines and minerals;

(b) the right to the diversion and use of all water;

(c) the right of fishery;

(d) the right of management of the land in the rights of way for highways and roads shown on plans of record in the Registry on the date of the grant, or subsequent corrections of inadvertent omissions in those plans, and the road allowances, bridges and supporting land required for those roads and highways, for the purposes of improving, maintaining, designating and regulating the land as public highways or roads;

(e) a right of access to every fixture or improvement retained by the Crown and a licence to occupy and use in connection with the fixture or improvement an amount of land that is reasonably required for its enjoyment and use;

(f) a right of access to water by servants of the Crown in the performance of their duties.

(2) A right reserved under subsection (1) continues only as long as required by the Crown for the purpose for which it was reserved.

Effect of
letters patent

4(1) Letters patent issued under this Act are of no effect unless the General Council has executed the letters patent as grantee and accepted the letters patent on the terms and subject to the exceptions, reservations and conditions set out in this Act.

	(2) The patented land is, by implication and without any special mention in the letters patent, subject to the provisions of this Act, including, in particular, the reservations, exceptions, conditions and limitations set out in sections 2(2), 3 and 7.
Third party interests	<p>5 The grant of an estate in fee simple in land under this Act does not affect a right, estate or interest in that land that is</p> <p>(a) held at the date of the grant by a person other than the Crown, and</p> <p>(b) registered or filed in the Registry within 3 years of the coming into force of this section.</p>
Sale of land	6 The estate in fee simple in all or any part of a parcel of patented land may be alienated only with the consent of the Lieutenant Governor in Council, the General Council and the majority of the adult residents of all the parcels of patented land.
Acquisition by Crown	<p>7(1) If the Crown requires from the General Council an interest less than fee simple in any part of the patented land and specifies the purpose for which it is required, the part of the land that is required and the interest sought in it, the General Council shall provide it to the Crown.</p> <p>(2) If a disagreement arises as to</p> <p>(a) whether the part of the land that is required is properly required,</p> <p>(b) the location or amount of land sought to be provided,</p> <p>(c) the nature of the interest required, or</p> <p>(d) the amount of compensation or to whom it is to be paid,</p> <p>the disagreement, or any issue with respect to the matter, shall be determined by the Court of Queen's Bench of Alberta or in a manner agreed on by the Crown and the General Council.</p> <p>(3) The Crown may acquire an interest from a person other than the General Council in accordance with regulations made under the <i>Metis Settlements Act</i>.</p>
Right to expropriate	8 No Act confers a right to acquire an interest in the patented land by expropriation or a right to enter on the patented land unless that Act specifically states that it applies to the patented land.
Crown bound	9 The Crown is bound by this Act.
Coming into force	10 <i>This Act comes into force on Proclamation.</i>

SCHEDULE

.....
Lieutenant Governor

.....
Deputy Attorney General
.....

(GREAT SEAL
OF ALBERTA)

ELIZABETH THE SECOND, by
the grace of God, of the United
Kingdom, Canada and Her other
Realms and Territories, Queen,
Head of the Commonwealth,
Defender of the Faith

To all to whom these Presents shall come — GREETING:

KNOW YE that by these presents We do grant, convey and assure unto the Metis Settlements General Council, subject to the provisions of the Metis Settlements Land Act (which are hereby incorporated herein), the estate in fee simple authorized by the Metis Settlements Land Act in that parcel of land [outlined in red on the plan of survey of record in the Land Titles Office for the North Alberta Land Registration District as Plan No. X000] [shown as ... in the Schedule to these Letters Patent] [described as follows].

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Our Province of Alberta to be hereunto affixed.

Witness Her Honour, Lieutenant Governor of Our Province of Alberta in Our City of Edmonton in Our said Province this _____ day of _____ 19_____.

By Command

Provincial Secretary

The Metis Settlements General Council hereby accepts the estate in land granted, assured and conveyed by these Letters Patent, subject to the exceptions and reservations and on all the terms and conditions set forth in the Metis Settlements Land Act.

IN WITNESS WHEREOF the Metis Settlements General Council has executed these presents and caused its seal to be affixed hereto this _____ day of _____, 19____.

Metis Settlements General Council

(Seal)

President

(other signing officer)

Signed and sealed by the Metis Settlements General Council in the presence of:

Chairman, Buffalo Lake
Metis Settlement Council

Chairman, East Prairie
Metis Settlement Council

Chairman, Elizabeth
Metis Settlement Council

Chairman, Fishing Lake
Metis Settlement Council

Chairman, Gift Lake
Metis Settlement Council

Chairman, Kikino
Metis Settlement Council

Chairman, Paddle Prairie
Metis Settlement Council

Chairman, Peavine
Metis Settlement Council