

1990 BILL 34

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 34

**METIS SETTLEMENTS LAND PROTECTION ACT**

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MR. CARDINAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 34  
Mr. Cardinal

## BILL 34

1990

### METIS SETTLEMENTS LAND PROTECTION ACT

(Assented to , 1990)

#### Table of Contents

Definitions	1
Ratification of the letters patent	2
Letters patent	3
Alienating the fee simple	4
Patented land not to be used as security	5
Acquisition of less than the fee simple	6
Entry on land	7
Existing rights	8
Crown bound	9
Coming into force	10

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

Definitions

1(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) "patented land" means land held in fee simple by the General Council under letters patent issued by the Crown.

(2) Words and expressions defined in the *Metis Settlements Act* have the same meaning in this Act.

Ratification of  
the letters  
patent

2 The letters patent granting patented land to the General Council are hereby ratified and confirmed.

- Letters patent**      **3** The letters patent granting patented land to the General Council may not be filed or registered under the *Land Titles Act*.
- Alienating the fee simple**      **4** The fee simple estate in all or any part of a parcel of patented land may be alienated only with the consent of
- (a) the Crown,
  - (b) the General Council,
  - (c) a majority of all the settlement members of the Metis settlement in which the parcel to be alienated is situated, and
  - (d) a majority of all the settlement members of all the Metis settlements.
- Patented land not to be used as security**      **5(1)** The fee simple estate in patented land may not be mortgaged, charged or given as security.
- (2) No person may take a fee simple estate in patented land as security for any purpose.
  - (3) A mortgage, charge or security given or taken contrary to this section is void.
- Acquisition of less than the fee simple**      **6(1)** If
- (a) the Crown, or
  - (b) a person having a right to expropriate an estate or interest in land by virtue of an Act of the Legislature,
- properly requires an interest less than the fee simple in patented land and specifies the part of the land required and the purpose for which it is required, the interest must be provided by the person from whom it is sought and compensation paid for it accordingly.
- (2) If a disagreement arises as to
    - (a) whether the part of the land that is required is properly required,
    - (b) the location or amount of land sought to be provided,
    - (c) the nature of the interest required, or
    - (d) the amount of compensation or to whom it is to be paid,
the disagreement, or any issue with respect to the matter, must be resolved in a manner determined by agreement between the Crown

or the person requiring the interest and the General Council and any other person having an interest in the land affected by the proposed acquisition, but if no agreement can be reached, the matter must be determined by the Court of Queen's Bench.

**Entry on land**      **7(1)** In this section, "mineral" has the same meaning as it has in the letters patent granting patented land.

(2) No person may conduct operations in or under patented land to determine geologic or other conditions underlying the surface of land or water without

(a) the consent of the settlement council of the settlement area in which the operation is proposed, and

(b) the consent of the General Council.

(3) A person who, after the coming into force of this section, has obtained from the Crown a right to work or develop a mineral in or under patented land, or anyone authorized by that person, may not, without the consent

(a) of the settlement council of the settlement area for which the right has been obtained, and

(b) of the General Council,

enter on patented land and conduct operations in order to obtain information about a mineral, including its existence or non-existence, or to extract a mineral.

**Existing rights**      **8** The grant of an estate in fee simple in patented land to the General Council does not affect a right, estate or interest in that land that is held at the date of the letters patent by anyone other than the Crown and registered or filed in the Metis Settlements Land Registry on or before June 30, 1993.

**Crown bound**      **9** This Act binds the Crown.

**Coming into force**      **10** *This Act comes into force on Proclamation.*