

1987, chapter 23

AN ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

Bill 102

Introduced by Mr John Ciaccia, Minister of Energy and Resources

Introduced 13 November 1986

Passage in principle 2 April 1987

Passage 19 May 1987

Assented to 27 May 1987

Coming into force: 27 May 1987

Acts amended:

Lands and Forests Act (R.S.Q., chapter T-9)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)

Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1)

Act respecting public agricultural lands (R.S.Q., chapter T-9.1)

Land Transfer Duties Act (R.S.Q., chapter D-17)

Forest Act (1986, chapter 108)



CHAPTER 23

An Act respecting the lands in the public domain

[Assented to 27 May 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

APPLICATION

Application **1.** This Act applies to all lands that form part of the public domain of Québec, including the beds of watercourses and lakes and the parts of the bed of the St. Lawrence river and the Gulf of St. Lawrence belonging to Québec by right of sovereignty.

CHAPTER II

LAND MANAGEMENT

DIVISION I

AUTHORITY AND TRANSFERS

Rights and powers **2.** The Minister has in respect of all lands in the public domain all the rights and powers inherent in the right of ownership, unless otherwise provided in an Act, a decree or an order.

Minister responsible **3.** The Minister of Energy and Resources has authority over all lands not expressly placed under the authority of another minister or of a public body by a provision of an Act, a decree or an order under section 6.

"public
body"

4. For the purposes of this Act, "public body" means a body to which the Government or a minister appoints the majority of the members, whose personnel, by law, is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) or whose capital stock forms part of the public domain.

Acquisition

5. The Minister may, by agreement or exchange, acquire any immovable right for the benefit of the public domain.

Expropria-
tion

With the authorization of the Government, he may also expropriate any immovable right for the benefit of the public domain where he considers the acquisition to be in the public interest.

Transfer of
authority

6. The Minister may, by order, transfer authority over any land to another government minister, whereupon the latter minister shall have the duties and powers of the Minister under the law in respect of that land.

Transfer of
authority

7. Any minister who has authority over land pursuant to an Act, a decree or an order under section 6 may, by order, transfer his authority over the land to the Minister where he deems it no longer suitable for the performance of his duties and the exercise of his powers under the law.

Manage-
ment of
land

8. The Minister may, by order, entrust the management of land under his authority to another minister, for the purposes and on the conditions set out in the order.

Return of
land

9. Where any land is no longer required for the purposes set out in an order under section 8, the minister to whom its management has been entrusted shall immediately return it by order to the Minister.

Manage-
ment

10. The Government may, for the purposes and on the conditions it determines, entrust the management of any land to a public body.

Return of
land

Where any such land is no longer suitable for the purposes set out in the order, the public body shall immediately return it to the Minister.

Return of
land

11. The Government may, on the conditions it determines, return any land contemplated in sections 6 to 10 to the Minister where in its judgment the land is no longer suitable for the purposes for which authority over it or management of it was assigned, transferred or entrusted to another minister or a public body.

Inter-
governmen-
tal agree-
ments

12. The Government may, on the conditions it determines, entrust the management of any land or grant other rights to the Government of Canada or one of its departments or agencies. Any transfer of management or rights is deemed to be an intergovernmental agreement within the meaning of section 3.7 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30).

Fees for
transfers

13. Transfers contemplated in sections 10 and 12 are subject to any applicable fees fixed by regulation of the Government.

DIVISION II

IDENTIFICATION OF LANDS

Public cata-
logue

14. The Minister shall prepare and update a public catalogue in which all lands shall be identified and localized.

Preparation
of catalogue

15. For the purposes of the preparation and updating of the catalogue, every minister and public body designated by the Minister shall inform the Minister, in the form determined by him, of the identification and localization of all lands under their authority that are not the subject of an order under section 6.

Acquisition
or disposi-
tion

A minister or a public body shall inform the Minister in the same manner not later than 30 days after acquiring land for the benefit of the public domain or disposing of land.

Research
fee

16. The attestation of written information regarding the identification and localization of land entered in the catalogue referred to in section 14 is subject to payment of the research fee fixed by regulation of the Government.

Survey

17. Every land survey and every survey affecting the limits of any land must, on pain of nullity, be carried out in accordance with the instructions of the Minister.

Prior autho-
rization

Except where the survey is made by another minister, it must also have the prior authorization of the Minister.

Cadastral
operation

18. A permit to effect a cadastral operation cannot be refused by a municipal corporation or a regional county municipality in respect of land under the authority of the Minister on the sole ground that, owing to the location, area or dimensions of the land, the requirements in these respects of an interim control by-law or a subdivision by-law cannot be met, if one or other of the following conditions is satisfied:

(1) the cadastral operation will make it possible to grant a valid title of occupation to the occupant of land which, on 27 May 1987, is possessed without title or by precarious title;

(2) the cadastral operation will make it possible to increase the area of land in the public domain or in the private domain to which a person has a valid title of occupation on 27 May 1987.

Declaration **19.** The Minister having authority over any land may, in conformity with the provisions of article 2168 of the Civil Code, register a declaration in its respect stating that it forms part of the public domain.

Registration Registration of the declaration is effected free of charge by deposit in the registry office of the registration division in which the immovable is situated.

Cadastral operation **20.** After registration of a declaration under section 19, the Minister may effect any cadastral operation he deems expedient in respect of the land concerned.

Notice The Minister must give at least 30 days' notice of his intention to effect a cadastral operation to every person registered as owner, resident or hypothecary or privileged creditor.

Certified mail The notice is given by certified mail at the last address appearing on the real estate assessment roll or, in the case of a creditor, in the register of addresses.

DIVISION III

LAND USE

Land use plan **21.** The Minister, in cooperation with the government departments concerned, shall prepare a land use plan for any part of the public domain he determines.

Resource conservation and development The land use plan shall define and indicate sites and territorial units and determine their destination in accordance with the aims and orientations, in the areas of resource conservation and development and land use, that the Government and the departments concerned are pursuing or following or intend to pursue or follow in respect of those lands.

Amendment The land use plan may be amended by the Minister in the same manner as it is prepared.

Approval **22.** The plan must be approved by the Government.

Regional
county
municipality

23. Where the land use plan pertains to land included in the territory of a regional county municipality, the Minister of Municipal Affairs shall transmit the proposed plan to the council of the municipality as part of the process of preparation or review of the development plan provided for in the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

Approval

The plan may be submitted to the Government for approval after the expiry of 90 days from the date of adoption of the development plan if no application to amend it has been made to the municipality or if no application for amendment regards the use of lands in the public domain.

Application
for amend-
ment

If an application for amendment regards the use of lands in the public domain, the plan may be submitted for approval to the Government after the coming into force of the amended development plan or, if the municipality does not follow up the application, after the expiry of 90 days from its date of transmission.

Urban or
regional
community

This section, adapted as required, also applies to a land use plan respecting lands comprised in the territory of an urban or regional community.

Transmis-
sion of pro-
posed plan

24. Where the land use plan respects lands comprised in one of the territories referred to in paragraphs 1 to 4, the Minister of Municipal Affairs, to ensure that the activities, rights and interests of the various communities concerned are taken into account, shall transmit the proposed plan to the following bodies for their opinion:

(1) for the territory of the James Bay region described in the Schedule to the James Bay Region Development Act (R.S.Q., chapter D-8): the Cree Regional Authority and the municipal corporations of Chibougamau, Chapais, Lebel-sur-Quévillon and Matagami;

(2) for the territory contemplated in the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1), where the plan respects the Cree system of traplines as determined under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1): the Cree Regional Authority;

(3) for the territory over which the Kativik Regional Government has jurisdiction by virtue of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1): the Kativik Regional Government and, where the plan respects Category II lands intended for the Cree community of Great Whale River or Category II-N lands intended for the Naskapi community, the Cree Regional Authority or the Naskapi Village Corporation, as the case may be;

(4) for the territory of the municipality of the North Shore of the Gulf of St. Lawrence: the municipal corporation of that territory.

Approval

The land use plan may be submitted to the Government for approval after the expiry of 90 days from the date of transmission of a proposed plan to the Regional Authority, Regional Government or municipal corporation concerned, unless the latter has advised the Minister that it intends to state its views or to propose amendments to the proposed plan; in the latter case, the plan cannot be submitted to the Government for approval until the expiry of 180 days from the date of transmission of the proposed plan or until the Regional Authority, Regional Government or municipality gives notice in writing of its approval of the proposed plan.

Amendment

25. Where, by virtue of the third paragraph of section 21, an amendment is proposed to a plan respecting lands comprised in the territory of a regional county municipality or an urban or regional community, the Minister of Municipal Affairs shall transmit the proposed amendment to the council of the municipality or community for its opinion. The amendment cannot be submitted to the Government for approval before the expiry of 120 days from the date of transmission of the proposed amendment, unless the municipality or the urban or regional community gives notice before that date to the Minister of Municipal Affairs of its approval of the proposed amendment.

Proposed amendment

Where a land use plan respects lands comprised in one of the territories referred to in section 24, the Minister of Municipal Affairs shall transmit the proposed amendment to the Regional Authority, Regional Government or municipality concerned. In such a case, the proposed amendment may be submitted to the Government for approval 120 days after its transmission or once the Regional Authority, Regional Government or municipality gives notice in writing of its approval of the proposed plan.

DIVISION IV

REGISTRATION OF RIGHTS

§ 1.—*The Terrier*

Public land register

26. The Minister shall prepare and keep up to date a public land register, called the “Terrier” in the form he determines, in which shall be registered every alienation, acquisition, servitude, location or occupation right as well as every transfer, renewal and revocation of rights, leases or occupation licences granted on the lands. In the case of non-cadastrated lands, the registration shall have the same effect as registration under Title XVIII of Book III of the Civil Code.

Transfer of land In addition, the Minister shall register any transfers of land made under sections 6 to 12.

Notice to Minister **27.** Every minister or public body designated by the Minister shall, within 30 days, transmit a notice to the Minister informing him of any deed of purchase or sale, letters patent, lease, occupation licence or other occupation right granted on the lands under his authority. The notice shall indicate the rights granted or acquired and identify the land to which they relate.

Registration of real right **28.** Any interested person may register a deed establishing a real right granted to him in land, as well as a deed effecting a cancellation in respect of a right so granted.

Mode of registration To be registered, a deed referred to in the first paragraph may be in notarial form *en minute* or in private writing attested by two witnesses over their signature and sworn by one of them.

Deposit **29.** Registration is effected by depositing a copy of the deed upon payment of the duties and fees prescribed by regulation of the Government.

Attestation of information **30.** The attestation of written information regarding a right registered in the Terrier is subject to payment of the research fee fixed by regulation of the Government.

Unsurveyed land **31.** Notwithstanding article 2082 of the Civil Code, a real right affecting land without cadastral survey has effect from its registration against such a right which has not been registered or which has been registered subsequently.

Registration If such land subsequently comes under cadastral survey, the holder of such real right shall comply with the prescriptions of the Civil Code respecting registration.

§ 2.—Register of resource development rights

Public register **32.** The Minister shall prepare and keep up to date a public register containing a summary entry of all resource development rights granted on lands, except rights granted under the Mining Act (R.S.Q., chapter M-13) that are exempt from registration in the registry office of the registration division concerned.

Notice to Minister Every minister authorized to grant such development rights shall, within 30 days of the issuance of any such rights, transmit a notice to the Minister indicating what rights were granted and identifying the land to which they relate.

Attestation
of informa-
tion

33. The attestation of written information regarding a right entered in the register of resource development rights is subject to payment of the research fee fixed by regulation of the Government.

CHAPTER III

GRANTING OF LAND RIGHTS

DIVISION I

ALIENATION OF LANDS

§ 1.—*Sale*

Sale of
lands

34. The Minister may sell lands under his authority and buildings and improvements thereon which form part of the public domain, on the conditions and at the prices he determines, in accordance with the regulations of the Government to that effect.

Granting of
rights

The Minister may grant rights in such lands in the same manner.

Surface
rights

35. The Minister may sell surface rights in land in which a right has been granted under the Mining Act, unless they are included in a mining concession.

Restriction

Surface rights in land that is under a mining lease may be sold to a third person only if they are not required for mining by the holder of the lease.

Sale

36. Land may be sold by the issue of letters patent or by notarial deed *en minute*.

§ 2.—*Gratuitous transfer*

Public uti-
lity

37. The Minister may transfer gratuitously land under his authority by the issue of letters patent, for purposes of public utility prescribed by regulation of the Government, provided they are specified in the letters patent.

Irrevocabi-
lity of
transfer

38. Every gratuitous transfer becomes irrevocable 30 years from the date of the letters patent.

Irrevocabi-
lity of
transfer

Notwithstanding the first paragraph, every gratuitous transfer of land to a municipality for the construction or improvement of a public road is irrevocable from the date of the letters patent.

Application This section also applies to all gratuitous transfers effected by the issue of letters patent before 27 May 1987, as if it had been in force on the date of their issue.

Change of use **39.** Where the transferred land is used otherwise than as specified in the letters patent, the holder shall so inform the Minister.

Retrocession Where the transferred land is used otherwise than for a purpose of public utility prescribed by regulation under paragraph 6 of section 71, the holder shall retrocede it to the Minister.

Amendment of letters patent **40.** At the request of the holder, the Minister may amend letters patent to substitute other purposes of public utility prescribed by regulation under paragraph 6 of section 71 for those specified in the letters patent.

§ 3.—*Effect of letters patent*

Effect of letters patent **41.** Letters patent issued over the signature of the Minister have the same force as if they had been issued and signed by the Lieutenant-Governor and the Attorney General under the Great Seal.

Registration The Minister of Justice, in his capacity as registrar of Québec, shall register the letters patent.

Cancellation and rectification **42.** The Minister, unless a third party vested with rights in the land contemplated objects, may cancel letters patent and, where required, issue rectified letters patent bearing the date of those cancelled, if they were issued to a person not entitled to them or contain an error concerning the area or description of the land contemplated, an error in the holder's name or any other clerical error.

Rectification **43.** If a required rectification can be made in the letters patent without cancelling them, the Minister may make it and give notice of it to the registrar of Québec so that he may enter it in their registration.

Unsuccessful proof **44.** Letters patent issued upon the application of a petitioner unable to furnish a title or sufficient proof of his title, are validly issued with the use of the terms "to the legal representatives of (*name of the original purchaser*)".

"legal representatives" In this section, the words "legal representatives" mean all persons who may have rights in the property.

§ 4.—*Reserves*

Reserve **45.** From and after 1 June 1884, sales and transfers of lands are subject to a reserve, in full ownership in favour of Québec, of sixty metres and three hundred and fifty thousandths in depth of the lands bordering on the non-navigable rivers and lakes of Québec.

Reserve From 1 January 1970, sales and transfers of lands are subject to a reserve, in full ownership in favour of Québec, of sixty metres and three hundred and fifty thousandths in depth of the lands bordering on all the rivers and all the lakes of Québec.

Reserve From 22 December 1977, sales and transfers of lands are subject to a reserve, in full ownership in favour of Québec, of sixty metres in depth of the lands bordering on all the rivers and all the lakes of Québec.

Powers of Minister The Minister may sell, transfer by gratuitous title, lease or exchange the whole or part of the reserve resulting from the application of this section on the conditions and at the prices prescribed by regulation of the Government.

Boundary line **46.** Every sale or grant of land adjacent to the boundary line between Canada and the United States of America or to the boundaries between Québec and a province, entered into or made after 15 February 1924, shall carry with it, as of right, in favour of Québec, a reserve in full ownership in that part of such land lying within eighteen metres and two hundred and eighty-eight thousandths of the line, and, in addition, the prohibition of erecting buildings or executing works on that piece of land.

Reserve The reserve contemplated in the first paragraph is of eighteen metres in the case of a sale or grant made after 22 December 1977.

Inapplicable provisions The provisions of this section do not apply in the case of a sale or grant for the purposes of the construction of railways, water-works, bridges, canals, ditches or other works of a public character, nor to the works or the erection of the buildings necessary for their operation.

DIVISION II

PRIVATE USES

§ 1.—*Lease*

Leasing of land **47.** The Minister may lease any land under his authority and any building and improvement thereon which forms part of the public

domain, on the conditions and at the price he determines in accordance with the regulations of the Government to that effect.

Surface
rights

48. The Minister may lease surface rights in land in which a right has been granted under the Mining Act, unless they are included in a mining concession.

Restriction

Surface rights in land under a mining lease may be leased to a third person only if they are not required for mining by the holder of the lease.

Illegal occu-
pation

49. The lessee of land may institute any action or suit against a person occupying the land illegally or trespassing; the lessee may also recover from the person all the damages which he may have suffered.

§ 2.—*Temporary occupation*

Temporary
occupation

50. The Minister, in accordance with the regulations of the Government to that effect, may authorize a person who applies therefor to occupy land under his authority temporarily and issue an occupation licence to that effect to the person.

Licence

A temporary occupation licence is issued for a period of not over twelve months. It does not authorize the holder to erect or maintain any construction other than a rough shelter. It may be cancelled by the Minister at any time without notice, formality or compensation.

§ 3.—*Lands reserved for Indians*

Usufruct of
lands

51. The Government may reserve and allot, for the benefit of the various Indian bands of Québec, the usufruct of lands designated for that purpose by the Minister.

Gratuitous
transfer

52. The usufruct of the lands designated by the Minister shall be transferred gratuitously, on the conditions determined by the Government, to the Government of Canada to be administered by it in trust for the said Indian bands.

Inalienabi-
lity

Such usufruct shall be inalienable and the lands subject to it shall return to the Government, from and after the date when the Indians to whom they have been assigned by the Government of Canada relinquish them by a deed of assignment.

Mining
rights

Mining rights are not included in the allotment, notwithstanding the absence of any mention to that effect.

CHAPTER IV

CONTROL OF USE OF LANDS

DIVISION I

ACCESS

Right of way **53.** Every person may enter on lands in the public domain, except as prescribed by law or a regulation of the Government.

Exercise of right The right to enter and stay on lands under the authority of the Minister must be exercised in compliance with the rules prescribed by regulation of the Government.

Prohibition **54.** No person may erect or maintain a building, installations or works on any land except with authorization of the Minister having authority over that land. The authorization is not required for the exercise of a right, the performance of a duty under the law or so far as prescribed by regulation of the Government.

Prohibition **55.** No person may construct a road other than a forest or mining road on any land without prior authorization in writing from the Minister, and, in the case of forest land, the authorization prescribed in section 31 of the Forest Act (1986, chapter 108).

Compliance **56.** The holder of the authorization from the Minister shall comply with the regulations of the Government concerning the location, construction, maintenance and use of the road.

Provisions The Government may also, by regulation, cause such provisions of the Highway Safety Code (R.S.Q., chapter C-24.1) respecting highway traffic or safety as he indicates to be applicable to them.

Road **57.** Every road constructed in the public domain forms part of it.

Use of road **58.** Any person may use a road constructed under section 55, subject to the regulations under paragraphs 9 and 10 of section 71.

Access restricted Access to a road may be restricted or prohibited by the Minister for reasons of public interest.

Claim prohibited **59.** No claim for damages may be made by any person using a road on account of damage resulting from a defect in the construction, improvement or maintenance of the road.

DIVISION II

UNLAWFUL OCCUPATION OR USE

Illegal occupation

60. The minister having authority over any land may, by a motion served on any person who unlawfully occupies the land, apply to a judge of the Superior Court for an order in the form of a writ of possession.

Summary hearing

The motion, accompanied with at least six clear days' notice of the date of its presentation, shall be heard by summary proceeding in the district in which the land is situated.

Order

61. The judge, upon proof to his satisfaction that the person is unlawfully in possession of the land, may order him to abandon the land and to hand over possession of it to the Minister. He may also order the premises restored to their former condition and, if the person fails to do so, authorize the minister having authority over the land to cause the required work to be carried out at the respondent's expense.

Force

The order has the same force as a writ of possession and is executed in the same manner as a writ in an action of ejectment or in a possessory action.

Devolution of property

On the tenth day after the date on which the judgment becomes executory, all property affected by the judgment shall devolve, without indemnity and in full ownership, to the public domain. The minister may relinquish the devolution on such conditions as he determines.

Taking of possession

62. The minister having authority over any land may take possession without indemnity and dispose of a building unlawfully erected on the land whose owner is unknown to him.

Notice

Possession cannot be taken, however, until the expiry of 7 months from the day of posting of a notice to that effect on the building concerned.

Content of notice

In addition to stating the effect of this section, the notice must identify the representative of the Minister to whom the owner may make representations to oppose the taking of possession.

CHAPTER V

CANCELLATION OF RIGHTS

Corrective measures

63. If a purchaser, assignee or lessee of land or his assigns have violated or neglected to comply with any condition of a sale, assignment

or lease, the Minister may require that corrective measures be taken within the time he determines and, failing that, he may cancel the sale, assignment or lease.

Repayment **64.** The cancellation contemplated in section 63 shall have the effect of a complete forfeiture of all expenses and improvements made on the land. The Minister may, nevertheless, repay the expenses or indemnify the person who has made improvements where and so far as that is equitable.

Indemnity **65.** The Minister may cancel a sale, assignment or lease if it has been made or issued by mistake. He may also cancel an assignment or lease where the public interest so requires. The Minister shall, however, indemnify the holder of the deed of occupation for the prejudice he has suffered owing to the cancellation if the conditions provided for in the deed have been complied with.

Notice **66.** The Minister shall not cancel a right without notifying the person concerned by certified mail at the last address appearing in his file.

Publication In the case of cancellation of letters patent, the notice shall also appear in a newspaper published in the area where the land is located and shall be posted in a public place in that area.

Mention The notice shall state that the cancellation may be made after the expiry of 30 days from the date of its publication and that the person concerned may make representations within that time to the representative of the minister identified in the notice.

CHAPTER VI

PENALTIES

Costs and fine **67.** Every person who enters or stays on land in contravention of section 53 is liable, in addition to costs, to a fine of \$50 to \$200.

Subsequent offence For any subsequent offence under the same section within two years of the conviction, the offender is liable, in addition to costs, to a fine of \$100 to \$400.

Costs and fine **68.** Every person who erects or maintains a construction on land in contravention of section 54 or who constructs a road without the authorization of the Minister who has the authority thereon in contravention of section 55, or who refuses to take corrective measures required by the Minister under section 63 within the time fixed, is liable, in addition to costs, to a fine of \$100 to \$500.

Subsequent offence For any subsequent offence under the same section within two years of the conviction, the offender is liable, in addition to costs, to a fine of \$200 to \$1 000.

Separate offence Where an offence referred to in the first paragraph continues for more than one day, it is a separate offence for each day or part of a day during which it continues.

Single count Notwithstanding paragraph 2 of section 12 of the Summary Convictions Act (R.S.Q., chapter P-15), separate offences may be set out in a single count.

Costs and fine **69.** Every person who contravenes any prescription of a regulation made under paragraph 11 of section 71 is guilty of an offence and liable, in addition to costs, to a fine of \$100 to \$200.

Proceedings **70.** Proceedings are instituted in accordance with the Summary Convictions Act.

CHAPTER VII

REGULATIONS

Regulations **71.** The Government may, by regulation,

- (1) fix the fees exigible for the registration of rights in the Terrier;
- (2) fix the research fees exigible for the attestation of any written information regarding the entries in the catalogue provided for in section 14 and the rights entered in the registers provided for in sections 26 and 32;
- (3) determine the general conditions and the rules for computing the prices, rentals, fees or other costs regarding sales, leases, exchanges, gratuitous transfers and occupation licences;
- (4) fix the fees exigible for transfers of land under sections 10 and 12;
- (5) determine what persons, departments or bodies are exempt from the fees contemplated in subparagraphs 1, 2, 3 and 4;
- (6) prescribe the purposes of public utility for which a gratuitous transfer of land under the authority of the Minister may be made;
- (7) establish the rules and conditions under which persons may have access to and stay on any land, and specify the circumstances under which access to or staying on the land may be prohibited;

(8) prescribe under what conditions and circumstances authorization is not required to erect or maintain a building, installations or works on land otherwise than in exercising a right or performing a duty imposed by law;

(9) establish norms respecting the location, construction, maintenance and use of roads other than forest or mining roads;

(10) establish rules respecting the right to use roads referred to in subparagraph 9 for the safety of users and the protection of the roads;

(11) determine, among the prescriptions of any regulations made under this section, those whose contravention constitutes an offence described in section 69.

Different
conditions
and prices

Regulations made under subparagraph 3 of the first paragraph may prescribe different conditions, prices and fees according to the categories of users and the zones or territories indicated by the Government.

CHAPTER VIII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Notice to
municipal-
ities

72. The Minister shall notify the municipalities concerned of the granting, revocation, correction or cancellation of any letters patent, lease or occupation licence affecting any land under his authority.

Notice to
registrars

In the case of letters patent, the Minister shall also notify the registrars of the registration divisions concerned.

c. T-9,
ss. 1-3,
7-65,
replaced

73. This Act replaces sections 1 to 3 and 7 to 65 of the Lands and Forests Act (R.S.Q., chapter T-9).

Powers of
the Govern-
ment

74. Notwithstanding section 73, the Government may, by order, in accordance with section 19 of the Lands and Forests Act, authorize the sale or lease of public lands and the buildings and other improvements found thereon or the transfer of immovable rights.

Effect

This section ceases to have effect on 1 December 1987.

Validity of
licences

75. Letters patent and licences issued, contracts entered into and all rights granted under sections 7 to 65 of the Lands and Forests Act remain in force until they are repealed, amended or renewed under this Act.

“land in the public domain”

76. Unless the context indicates otherwise, the words “Crown land” or “public land” or “land of the crown domain” shall be replaced wherever they appear in any other Act, regulation, order in council order, contract or other legal instrument by the words “land in the public domain” except in the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) or any regulation, order in council, order, contract or other legal instrument made under that Act.

Proposed plan

77. A document, including the guidebook entitled, in the English version, “Toward new harmony in the forest”, transmitted as a land use plan, as part of the process of preparation of a development plan, to a municipality or community before 27 May 1987 is considered to be a proposed plan transmitted in accordance with section 23.

Approval

Where a development plan is already in force on 27 May 1987 in a territory contemplated in the first paragraph, the last land use plan transmitted is deemed to have been approved by the Government under section 22.

Application of section 24

Section 24 does not apply to a document contemplated in the first paragraph transmitted to a regional county municipality before 27 May 1987.

Presumption

For the purposes of subparagraph 3 of the second paragraph of section 25 of the Forest Act and of subparagraph 7 of the first paragraph and the second and third paragraphs of section 171 of the said Act, a document referred to in this section is deemed to be a plan contemplated in Division III of Chapter II of this Act.

Application

78. This Act applies subject to the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), the Act approving the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter C-67) and the Act approving the Northeastern Québec Agreement (R.S.Q., chapter C-67.1).

c. A-19.1, s. 16, am.

79. Section 16 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding, at the end of paragraph 1, the following: “including the proposal for a land use plan prepared by the Minister of Energy and Resources in accordance with section 21 of the Act respecting the lands in the public domain (1987, chapter 23)”.

c. A-19.1, s. 27, am.

80. Section 27 of the said Act is amended by inserting, after the word “aims” in the third line of the first paragraph, the following: “, including the land use plan prepared by the Minister of Energy and

Resources in accordance with section 21 of the Act respecting the lands in the public domain (1987, chapter 23),”.

c. A-19.1,
s. 29, am.

81. Section 29 of the said Act is amended by inserting, after the word “aims” in the fifth line of the first paragraph, the words “including the land use plan”.

c. A-19.1,
s. 48.1,
added

82. The said Act is amended by inserting, after section 48, the following section:

Amendment
to develop-
ment plan

“48.1 Where the Government has approved an amendment to the land use plan for the lands in the public domain included in a regional county municipality in accordance with section 25 of the Act respecting the lands in the public domain, the Minister, if of the opinion that the development plan does not comply with the amended land use plan, may request the council of the municipality to amend the plan. Sections 27 to 30, adapted as required, apply to the request.”

c. C-61.1,
s. 5, am.

83. Subparagraph 2 of the first paragraph of section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is replaced by the following subparagraph:

“(2) section 54 of the Act respecting the lands in the public domain (1987, chapter 23);”.

c. C-61.1,
s. 8, am.

84. Subparagraph 2 of section 8 of the said Act is replaced by the following subparagraph:

“(2) section 54 of the Act respecting the lands in the public domain (1987, chapter 23);”.

c. M-15.1,
s. 12, am.

85. Paragraph 2 of section 12 of the Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1) is replaced by the following paragraph:

“(2) the management of the lands in the public domain in accordance with the Act respecting the lands in the public domain (1987, chapter 23);”.

c. M-15.1,
s. 12, am.

86. Paragraph 5 of section 12 of the said Act is replaced by the following paragraph:

“(5) the construction and maintenance of roads on the lands in the public domain;”.

c. M-15.1,
ss. 13, 14,
17, repealed

87. Sections 13, 14 and 17 of the said Act are repealed.

c. M-15.1,
s. 17.1,
added

88. The said Act is amended by inserting, after section 17, the following section:

Right of
way

"17.1 Any employee of the department may, in the performance of his duties, enter on or pass over private land at any reasonable time.

Identifica-
tion

The employee shall, on request, identify himself and show the certificate signed by the Minister attesting his capacity."

c. T-9.1,
s. 1, am.

89. Paragraph 2 of section 1 of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) is replaced by the following paragraph:

"(2) that has been put under the authority of the Minister after 1 July 1984 under section 23 of the Lands and Forests Act (R.S.Q., chapter T-9) or after 27 May 1987 under section 6 of the Act respecting the lands in the public domain (1987, chapter 23);".

c. T-9.1,
s. 13,
replaced

90. Section 13 of the said Act is replaced by the following section:

Ungranted
lands

"13. Section 46 of the Act respecting the lands in the public domain applies to ungranted lands."

c. T-9.1,
s. 45,
replaced

91. Section 45 of the said Act is replaced by the following section:

Granted
lands

"45. Section 46 of the Act respecting the lands in the public domain applies to lands granted after 15 February 1924."

c. D-17,
s. 1, am.

92. Section 1 of the Land Transfer Duties Act (R.S.Q., chapter D-17), amended by section 247 of the Forest Act (1986, chapter 108), is again amended by replacing the reference "Lands and Forests Act (chapter T-9)" in the last line by the reference "Act respecting the lands in the public domain (1987, chapter 23)".

1986,
c. 108,
s. 25, am.

93. Section 25 of the Forest Act (1986, chapter 108) is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

"(3) the compatibility of forest management activities with the use of land in the public domain provided for in a plan contemplated in Division III of Chapter II of the Act respecting the lands in the public domain (1987, chapter 23);".

1986,
c. 108,
s. 171, am.

94. Section 171 of the said Act is amended

(1) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) forest management activities according to the resources to be protected or the territorial units whose destination is determined in a land use plan referred to in section 25;”;

(2) by replacing the second paragraph by the following paragraphs:

Protection
of resources

“For the purposes of subparagraph 7 of the first paragraph, the Government, by regulation, may determine what resources are to be protected and define the territorial units whose destination is determined in a land use plan referred to in section 25.

Standards

The standards prescribed under this section may vary according to the different territorial units on a plan referred to in section 25 and include a requirement to carry on forest management activities or prohibit such activities in one or other of such territorial units.”

1986,
c. 108,
s. 234, am.

95. Section 234 of the said Act is amended by replacing the figure “7” in the second line by the figure “5”.

Effect

96. Sections 93, 94 and 95 have effect from 1 April 1987.

Reference

97. A reference to sections 1 to 3 and 7 to 65 of the Lands and Forests Act shall be a reference to the corresponding provisions of this Act.

Minister
responsible

98. The Minister of Energy and Resources is responsible for the administration of this Act.

Coming into
force

99. This Act comes into force on 27 May 1987.

TABLE OF CONTENTS

		<i>Sections</i>
CHAPTER I	APPLICATION	1
CHAPTER II	LAND MANAGEMENT	2 to 33
Division I	Authority and transfers	2 to 13
Division II	Identification of lands	14 to 20
Division III	Land use	21 to 25
Division IV	Registration of rights	26 to 33
	§ 1.— <i>The Terrier</i>	26 to 31
	§ 2.— <i>Register of resource development rights</i>	32 and 33
CHAPTER III	GRANTING OF LAND RIGHTS	34 to 52
Division I	Alienation of lands	34 to 46
	§ 1.— <i>Sale</i>	34 to 36
	§ 2.— <i>Gratuitous transfer</i>	37 to 40
	§ 3.— <i>Effect of letters patent</i>	41 to 44
	§ 4.— <i>Reserves</i>	45 and 46
Division II	Private uses	47 to 52
	§ 1.— <i>Lease</i>	47 to 49
	§ 2.— <i>Temporary occupation</i>	50
	§ 3.— <i>Lands reserved for Indians</i>	51 and 52
CHAPTER IV	CONTROL OF USE OF LANDS	53 to 62
Division I	Access	53 to 59
Division II	Unlawful occupation or use	60 to 62
CHAPTER V	CANCELLATION OF RIGHTS	63 to 66
CHAPTER VI	PENALTIES	67 to 70
CHAPTER VII	REGULATIONS	71
CHAPTER VIII	MISCELLANEOUS AND TRANSITIONAL PROVISIONS	72 to 99