

**2023**

## **CHAPTER 5**

### **An Act to amend Certain Acts in order to Address Accretion in Certain Circumstances**

(Assented to April 6, 2023)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### **PART 1 Preliminary Matters**

**Short title**

**1-1** This Act may be cited as *The Miscellaneous Statutes (Accretion) Amendment Act, 2023*.

#### **PART 2 Amendment to *The Land Surveys Act, 2000***

**SS 2000, c L-4.1, new section 21**

**2-1** *The Land Surveys Act, 2000* is amended by repealing section 21 and substituting the following:

**“Boundaries of parcels with natural monuments**

**21(1)** Notwithstanding any other provision of this Act, but subject to subsection (2), if a natural monument that is a bank or centre line of a body of water has been used as a monument and its location has changed over time, the boundaries of the parcel may only be determined:

- (a) by agreement of all the registered owners for any parcel that uses the natural monument to mark, reference or witness a boundary; or
- (b) by court order.

(2) If the change in location of a natural monument mentioned in subsection (1) is due to accretion, as defined in *The Provincial Lands Act, 2016*, the boundaries of the parcel may only be determined:

- (a) with the consent of one of the following:
  - (i) the assigned minister responsible for the administration of the parcel pursuant to section 2-3 of *The Provincial Lands Act, 2016*; or
  - (ii) the minister responsible for the administration of the parcel pursuant to *The Mineral Resources Act, 1985*; and

- (b) on the basis of one of the following:
  - (i) the agreement of all the registered owners for any parcel that used the natural monument to mark, reference or witness a boundary; or
  - (ii) a court order”.

## PART 3

**Amendments to *The Mineral Resources Act, 1985***

SS 1984-85-86, c M-16.1 amended

**3-1** *The Mineral Resources Act, 1985* is amended in the manner set forth in this Part.

Section 3 amended

**3-2 Section 3 is amended:**

- (a) by striking out “and” after clause (b);**
- (b) by adding “and” after clause (c); and**
- (c) by adding the following clause after clause (c):**

“(d) for the purposes of section 8.1, all mineral parcels in Saskatchewan, whether owned by the Crown or not, that are subject to accretion”.

New section 8.1

**3-3 The following section is added before the heading preceding section 9:**

“Amendments to mineral parcels re accretion

8.1(1) For the purposes of this section:

‘**accreted land**’ means land formed through the process of accretion;

‘**accretion**’ means accretion as defined in *The Provincial Lands Act, 2016*;

‘**mineral parcel**’ means a mineral parcel as defined in *The Land Titles Act, 2000*;

‘**non-Crown disposition**’ means the rights granted by a person under a lease or any other instrument by which the person has granted to another person any right or privilege to explore or prospect for any mineral, or any other right to or interest in any mineral;

‘**original grant**’ means an original grant as defined in *The Provincial Lands Act, 2016*;

‘**surface parcel**’ means a surface parcel as defined in *The Land Titles Act, 2000*.

(2) Subject to subsection (3), the minister may consent to the transfer of accreted land within a mineral parcel to the adjacent landowner if:

- (a) ministerial consent has been given pursuant to *The Provincial Lands Act, 2016* to recognize the effect of accretion on the surface parcel; and
- (b) any other prescribed conditions are met.

- (3) The transfer of accreted land within a mineral parcel mentioned in subsection (2) must conform to the transfer of accreted land within the surface parcel that occurred pursuant to *The Provincial Lands Act, 2016* to the greatest extent possible.
- (4) If the minister consents to the transfer of accreted land within a mineral parcel pursuant to subsection (2):
- (a) an application must be made pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000* for new titles to be issued;
  - (b) any reservations contained in the original grant for the adjacent mineral parcel will apply to the accreted land within the mineral parcel;
  - (c) the minister's consent may be subject to any conditions required by any other Act or regulations.
- (5) The minister may withhold consent to the transfer of accreted land within the mineral parcel mentioned in subsection (2) in accordance with any prescribed conditions.
- (6) Notwithstanding any provision in any other Act, this section applies to the transfer of any mineral title if that transfer is based on accretion.
- (7) Notwithstanding any consent given by the minister for a transfer of accreted land within a mineral parcel to the adjacent landowner pursuant to subsection (2), no liability exists for any revenue obtained by the Crown for land that was permanently dry because of accretion before or after the coming into force of this section and before the minister's consent was given pursuant to subsection (2).
- (8) No action or proceeding based on any claim for loss or damage relating to accretion or resulting from the enactment or application of this section lies or shall be commenced against:
- (a) the Crown;
  - (b) a member or former member of the Executive Council;
  - (c) any employee or agent or former employee or agent of the Crown; or
  - (d) any mineral owners, Crown disposition holders, non-Crown disposition holders, operators under a unit operation or operators for the purposes of pooling pursuant to *The Oil and Gas Conservation Act*, or any other person with an existing interest in producing freehold or Crown minerals within or adjacent to the mineral parcel subject to this section.
- (9) Every claim for loss or damage relating to accretion or resulting from the enactment or application of this section is extinguished”.

**Section 9 amended****3-4 The following clause is added after clause 9(2)(h):**

“(h.1) for the purposes of section 8.1:

- (i) prescribing any conditions under which the minister may withhold consent to the transfer of accreted land within a mineral parcel;
- (ii) prescribing any things the minister may consider in making a decision to provide consent to the transfer of accreted land within a mineral parcel;
- (iii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable for the administration of that section in order to carry out the intent of that section”.

## PART 4

**Amendments to *The Provincial Lands Act, 2016*****SS 2016, c P-31.1 amended**

**4-1** *The Provincial Lands Act, 2016* is amended in the manner set forth in this Part.

**Section 1-2 amended**

**4-2 Section 1-2 is amended by adding the following definitions in alphabetical order:**

“**‘accreted land’** means land formed through the process of accretion;

“**‘accretion’** means the process under which land has become uncovered by water gradually, imperceptibly and over time, for a period such that the land attains the soil and vegetative characteristics of the adjacent land and can be considered permanently dry;

“**‘original grant’** means the original conveyance of land from the Crown”.

**New section 2-5.1**

**4-3 The following section is added after section 2-5:**

**“Minister’s consent respecting accretion**

**2-5.1(1)** If the minister is satisfied that title to land forming part of the bed or shore of a body of water and reserved to the Crown out of the original grant of adjacent land has, through accretion, become permanently dry, the minister may, after considering the public interest and any other prescribed considerations, consent to the accreted land becoming part of the adjacent land to the same extent as if it had been included in the original grant of the adjacent land and in each subsequent conveyance of that land.

(2) The minister may withhold consent to accreted land becoming part of the adjacent land as mentioned in subsection (1), in accordance with any prescribed conditions.

(3) If the minister consents to accreted land becoming part of the adjacent land pursuant to subsection (1):

- (a) an application must be made pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000* for new titles to be issued;
- (b) any reservations contained in the original grant for the adjacent land will apply to the accreted land;
- (c) the minister's consent may be subject to any conditions required by any other Act or regulations.

(4) Notwithstanding any consent given by the minister for accreted land to become part of the adjacent land pursuant to subsection (1), no liability exists for any revenue obtained by the Crown for land that was permanently dry because of accretion before or after the coming into force of this section and before the minister's consent was given pursuant to subsection (1).

(5) No action or proceeding based on any claim for loss or damage relating to accretion or resulting from the enactment or application of this section lies or shall be commenced against:

- (a) the Crown;
- (b) a member or former member of the Executive Council; or
- (c) any employee or agent or former employee or agent of the Crown.

(6) Every claim for loss or damage relating to accretion or resulting from the enactment or application of this section is extinguished”.

**Section 9-1 amended**

**4-4 The following clause is added after clause 9-1(h):**

“(h.1) for the purposes of section 2-5.1:

- (i) prescribing any conditions under which the minister may withhold consent to accreted land becoming part of the adjacent land;
- (ii) prescribing any things that the minister may consider in making a decision to provide consent to accreted land becoming part of the adjacent land;
- (iii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable for the administration of that section in order to carry out the intent of that section”.

**PART 5  
Coming into Force**

**Coming into force**

**5-1** This Act comes into force by order of the Lieutenant Governor in Council.

