*The Wildlife Habitat Protection Act**

being

Chapter W-13.2* (formerly C-47.1, see the *Statutes of Saskatchewan,* 1983-84), as amended by the *Statutes of Saskatchewan*, 1984-85-86, c3 and c59; 1988-89, c39; 1992, c66; 1996, c70; 1999, c30; 2002, c40; 2004, c69; 2005, c9 and c31; 2006, c12; 2007, c44; 2008, c28; 2009, c33; 2010, c36; and 2018, c42.

***NOTE:** The chapter number and long title of this Act were changed by section 3 of *The Critical Wildlife Habitat Protection Amendment Act, 1992.*

NOTE:
This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER W-13.2

An Act respecting the Protection and Management of Crown Lands for Agriculture and Wildlife

Short title

1 This Act may be cited as *The Wildlife Habitat Protection Act*.

1992, c66, s4.

Interpretation

2 In this Act:

(a) **Repealed.** 1992, c66, s5.

(b) **"Crown lands"** means lands owned by the Crown in right of Saskatchewan;

(c) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

(c.1) **Repealed.** 2010, c36, s3.

(d) **"wildlife habitat and ecological lands"** means Crown lands designated as wildlife habitat and ecological lands pursuant to section 3.

1983-84, cC-47.1, s2; 1992, c66, s5; 2007, c44, s3; 2010, c36, s3; 2018, c42, s65.

Aboriginal rights protected

2.1 Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*.

2010, c36, s4.

Designation

3 The Lieutenant Governor in Council may make regulations designating any Crown lands as wildlife habitat and ecological lands.

2010, c36, s5.

4 **Repealed.** 1992, c66, s7.

Management and use

5 All wildlife habitat and ecological lands are to be managed and used in the manner prescribed in the regulations.

1983-84, c C-47.1, s 5; 1992, c 66, s 8; 2010, c 36, s 6.

Disposition

6(1) Subject to subsections (4) and (5), no person shall grant or transfer freehold title to wildlife habitat and ecological lands.

(2) Subject to subsections (1) and (3), a person who is authorized pursuant to an Act to dispose of an interest in Crown lands may only dispose of an interest in wildlife habitat and ecological lands whose disposition is permitted in the regulations or authorized by the minister in accordance with any terms, conditions and procedures that may be prescribed in the regulations and shall include any terms and conditions in the disposition that are not inconsistent with the regulations and that the minister considers appropriate.

(3) Subsection (2) does not apply to persons authorized to dispose of an interest in Crown lands pursuant to *The Crown Minerals Act*.

(4) Wildlife habitat and ecological lands may be granted by or transferred from a ministry that administers those lands on behalf of the Crown in right of Saskatchewan to a Crown corporation that may be prescribed in the regulations or any other agency of the Crown that may be prescribed in the regulations.

(5) Wildlife habitat and ecological lands may be granted by or transferred from a Crown corporation or an agency of the Crown mentioned in subsection (4) to a ministry that is authorized by or pursuant to an Act to administer Crown lands on behalf of the Crown in right of Saskatchewan.

1983-84, c C-47.1, s 6; 1984-85-86, c 3, s 4; 1992, c 66, s 9; 1993, c 17, s 28; 2010, c 36, s 7.

Alteration prohibited

7(1) No person shall alter wildlife habitat and ecological lands unless the alteration is permitted in the regulations or authorized by the minister.

(2) An alteration that is permitted or authorized pursuant to subsection (1) may be made subject to any terms and conditions that are prescribed in the regulations or by the minister, as the case may be.

1984-85-86, c 3, s 5; 1992, c 66, s 10; 2010, c 36, s 8.

Offences and fines

8(1) Any person who contravenes any provision of this Act or the regulations or any terms and conditions to which a disposition or an alteration of wildlife habitat and ecological lands is subject is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

(i) to a fine of not more than $100,000; and

(ii) to a further fine of not more than $100,000 for each day or part of a day during which the offence continues; and

(b) in the case of a corporation:

(i) to a fine of not more than $500,000; and

(ii) to a further fine of not more than $500,000 for each day or part of a day during which the offence continues.

(2) No prosecution for a contravention of this Act or the regulations is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

2010, c 36, s 9.

Additional powers of the court

8.1 In addition to any fine imposed on a person pursuant to section 8, the court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing any one or more of the following:

(a) prohibiting the person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;

(b) directing the person to repair any damage to any wildlife habitat and ecological lands that resulted from the commission of the offence;

(c) requiring the person to take steps to prevent any damage to any wildlife habitat and ecological lands that may result from the commission of the offence.

1996, c 70, s 4; 2010, c 36, s 10.

Regulations

9 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) respecting the management and use of wildlife habitat and ecological lands;

(c) respecting the alteration of wildlife habitat and ecological lands, including prescribing terms and conditions with respect to the alteration of wildlife habitat and ecological lands;

(d) prescribing terms, conditions and procedures with respect to the disposition of wildlife habitat and ecological lands;

(e) prescribing Crown corporations and other agencies of the Crown for the purposes of section 6;

(f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2010, c36, s11.

Conflict with other legislation

10 If there is a conflict between the provisions of this Act or the regulations made pursuant to this Act and the provisions of any other Act or regulations, the provisions of this Act or the regulations made pursuant to this Act prevail.

1983-84, cC-47.1, s10.

Crown bound

11 The Crown is bound by this Act.

1983-84, cC-47.1, s11.

Schedule

Repealed. 2010, c36, s12.

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