

# *The Provincial Lands Act*

*Repealed*

by Chapter P-31.1 of *The Statutes of Saskatchewan, 2016*  
(effective March 13, 2017).

*Formerly*

Chapter P-31 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979) as amended by the *Statutes of  
Saskatchewan, 1979-80, c.M-32.01, c.66 and 92; 1980-81, c.74;  
1982-83, c.16; 1983, c.11, 77 and 79; 1983-84, c.6 and 63;  
1984-85-86, c.38 and 45; 1986, c.17; 1988-89, c.42, 1989-90, c.54;  
1992, c.A-24.1, S-35.1 and 25; 1993, c.13; 1996, c.F-19.1; 1997,  
c.26; 2000, c.50; 2002, c.C-11.1 and S-35.02; 2004, c.L-16.1, 10  
and 65; 2005, c.M-36.1 and S-35.03; 2010, c.N-5.2 and c.36;  
2013, c.27 and 32; 2014, c.E-13.1; and 2015, c.21.*

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**



## Table of Contents

	SHORT TITLE		
1	Short title	35	Subdivision of townsite
	INTERPRETATION	36	Tariff of fees for leases, licences, etc.
2	Interpretation	37	Advertising lands for sale
	ADMINISTRATION OF ACT	38	Notice of disposition
3	Administration		IMPROVEMENTS
4	Powers and duties of Department of Environment and Resource Management	39	Lands administered by Department of Agriculture and Food
5	Prohibitions affecting Department of Environment and Resource Management	39.1	Lands administered by Department of Environment and Resource Management
6	Transfer of lands to Department of Agriculture and Food and Department of Environment and Resource Management	40	Right of minister to remove improvements in certain cases
7	Transfer of lands to other departments		GENERAL PROVISIONS
7.1	Exemptions	42	Minister gives notices
	DISPOSITIONS AND RESERVATIONS THEREFROM	43	Rights under disposition
8	Disposal of provincial lands	44	Interest rate
9	No rights through occupation or prescription	44.1	Application of payments
10	Reservations implied	45	Verification of certain information
11	Reservation of one chain from the boundary	46	Affidavits
12	Public to have access to lakes, rivers, streams, etc.	47	Copies of documents to be evidence
13	Right to construct provincial roads, etc.		GUARANTEE OF LOANS
14	Reservation of mines and minerals	48	Power of Minister of Finance
15	Water power	49	Same
16	Use of water in rivers, lakes, springs, etc.		ASSIGNMENTS
17	Timber	49.1	Interpretation of sections 50 to 55
18	Reservation need not be set out	50	Registration
19	Ratification of grant in certain cases	51	Requirements
	POWERS OF LIEUTENANT GOVERNOR IN COUNCIL	52	When assignments to be registered
20	Powers of Lieutenant Governor in Council	53	Undescribed provincial lands
21	Witnesses	54	Priorities
21.1	Lands transferred from the Agricultural Credit Corporation of Saskatchewan	55	Death or absence of witness
22	Regulation	55.1	Consent to assignment
22.1	Orders		SUBLEASES
	POWERS AND DUTIES OF MINISTER	56	Consent of minister and effect of consent
23	Duties generally		TRANSFERS
24	Administration of certain lands	57	Application for transfer by heir, etc.
25	Reservation of certain lands	58	Issue and registration of transfer
26	Leases and permits	59	Issue of transfer subject to a charge on land
27	Sale of lands	60	Transfer issued in error, etc., how dealt with
28	Power to crop and summerfallow land under disposition, etc., in certain cases	61	Transfers after death of applicant
29	Power to make and purchase improvements	62	Grants inconsistent with each other
30	Power respecting recovery of cost of improvements	63	Deficiency or excess of quantity mentioned in transfer
31	Payment for certain improvements and recovery from occupants of benefited lands	64	Compensation treated as personal estate
32	Use of provincial lands for certain projects	65	Court of Queen's Bench may adjudge transfer
33	Power to waive compensation		RECOVERY OF RENT, ETC.
34	Power to require use of irrigation works	66	Procedure
		67	Information respecting crops
		68	Crops exempt from seizure, etc., to extent of certain claims of the Crown

- 69 Cancellation of interest and rent in event of crop failure
- 70 Procedure for obtaining certain information

#### FORFEITURE

- 71 Default and non-performance
- 72 Termination of lease for non-payment of tax
- 73 Payment of tax by minister
- 74 Cancellation of disposition of land required for certain purposes
- 75 Fraud
- 76 Cancellation of disposition
- 77 Cancellation of lease where lessee indicates intention to terminate
- 78 Cancellation of lease where lessee disposes of his private holdings
- 79 Incumbrances vacated on cancellation
- 80 Limitation of actions

#### APPEAL BOARD

- 80.1 Appeal Board
- 80.2 Appeal
- 80.3 Appeal re allocation
- 80.4 Order

- 80.5 Appeal to Queen's Bench
- 80.6 Stay of decision
- 80.7 Appeal Board may reconsider
- 80.8 Regulations

#### SUMMARY PROCEEDINGS FOR POSSESSION

- 81 Application for order for possession of land wrongfully occupied
- 82 Order for possession
- 83 Execution of warrant
- 84 Service in case of forfeiture
- 86 Buildings to become property of Crown
- 87 Penalty
- 88 Order of minister

#### OFFENCES AND PENALTIES

- 90 Officer giving wrong information
- 91 Intimidation at sales of public lands

#### DOMINION LANDS ACT

- 92 Application of *Dominion Lands Act* and regulations

#### ANNUAL REPORT

- 93 Annual report

## CHAPTER P-31

### *An Act respecting Provincial Lands*

#### SHORT TITLE

##### Short title

- 1** This Act may be cited as *The Provincial Lands Act*.

#### INTERPRETATION

##### Interpretation

- 2** In this Act:

- (a) **“agreement of transfer”** means the agreement made on the twentieth day of March, 1930, between the Government of Canada and the Government of Saskatchewan for the transfer of the natural resources of the province, and set forth in the schedule to chapter 87 of the statutes of 1930, and includes all amendments heretofore or hereafter made to the agreement pursuant thereto;
- (a.1) **“board”** means the Appeal Board appointed pursuant to section 80.1;
- (b) **“Crown”** means Her Majesty the Queen in right of Saskatchewan;
- (c) **“department”** means, except where otherwise provided:
  - (i) the Department of Agriculture and Food; or
  - (ii) the Department of Environment and Resource Management;
- (d) **“disposition”** means the act of disposal or an instrument by which that act is affected or evidenced, and includes a Crown grant of land, order in council, transfer, assurance, lease, licence, permit, contract or agreement and every other instrument whereby lands or any right, interest or estate in land may be transferred, disposed of or affected, or by which the Crown divests itself of or creates any right, interest or estate in land;
- (e) **“lands”** or **“land”** extends to and includes lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, whatever may be the estate or interest therein and whether legal or equitable, and, subject to this Act, all paths, passages, waters or watercourses, liberties, privileges, easements, mines and minerals, precious and base, and all trees and timber thereon;

- (f) **“mines and minerals”** means mines and minerals, precious and base, including gold, silver, rare and precious metals or stones, copper, iron, tin or other minerals, salt, petroleum, natural gas, oil, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, silica sand, ceramic clays and any other clays that have an industrial use except any clay required for the construction of an earthen dam or road grade, marl or volcanic ash;
- (g) **“minister”** means, except where otherwise provided:
  - (i) the Minister of Agriculture and Food; or
  - (ii) the Minister of Environment and Resource Management;
- (h) **“officer”** means any person employed in connection with the administration and management, sale or settlement of provincial lands and includes any person employed in connection with the administration and management of the department;
- (i) **“provincial lands”** means lands vested in the Crown except:
  - (i) park land within the meaning of *The Parks Act*; and
  - (ii) lands vested in the Crown that are, pursuant to any Act, administered by any department of the government of Saskatchewan other than the Department of Agriculture and Food or the Department of Environment and Resource Management;
- (j) **“transfer”** includes grant of land and patent.

R.S.S. 1978, c.P-31, s.2; 1983, c.11, s.67; 1983, c.79, s.3; 1988-89, c.42, s.81; 1992, c.25, s.17; 1993, c.13, s.3.

## ADMINISTRATION OF ACT

### Administration

3(1) The Department of Agriculture and Food shall administer provincial lands in accordance with this Act and the applicable regulations, except provincial lands administered by the Department of Environment and Resource Management pursuant to subsection (2).

(2) The Department of Environment and Resource Management shall administer provincial lands that are:

- (a) within the boundaries of provincial forests established pursuant to *The Forest Resources Management Act*;
- (b) transferred pursuant to clause 6(b);
- (c) held for administration as resource lands by the Department of Environment and Resource Management;

in accordance with this Act, the applicable regulations made pursuant to this Act, *The Forest Resources Management Act* or the regulations made pursuant to that Act, as the case may require.

1986, c.17, s.6; 1988-89, c.42, s.81; 1993, c.13, s.4; 1996, c.F-19.1, s.104.

**Powers and duties of Department of Environment and Resource Management**

**4** With respect to provincial lands administered by the Department of Environment and Resource Management pursuant to subsection (2) of section 3:

(a) the Minister of Environment and Resource Management, the Department of Environment and Resource Management and the officers of the Department of Environment and Resource Management shall respectively have the powers and duties conferred or imposed by this Act upon the Minister of Agriculture and Food, the Department of Agriculture and Food or the officers of the Department of Agriculture and Food;

(b) the powers and duties which under this Act may be conferred or imposed upon the Minister of Agriculture and Food or the officers of the Department of Agriculture and Food may be conferred or imposed upon the Minister of Environment and Resource Management and the officers of the Department of Environment and Resource Management respectively.

R.S.S. 1978, c.P-31, s.4; 1983, c.11, s.67; 1988-89, c.42, s.81; 1993, c.13, s.5.

**Prohibitions affecting Department of Environment and Resource Management**

**5** The provisions of this Act which forbid the Minister of Agriculture and Food, the Department of Agriculture and Food or the officers of the Department of Agriculture and Food to do any act or thing shall apply to the Minister of Environment and Resource Management, the Department of Environment and Resource Management and the officers of the Department of Environment and Resource Management respectively.

R.S.S. 1978, c.P-31, s.5; 1983, c.11, s.67; 1988-89, c.42, s.81; 1993, c.13, s.6.

**Transfer of lands to Department of Agriculture and Food and Department of Environment and Resource Management**

**6** Notwithstanding anything in this Act, the Lieutenant Governor in Council may transfer:

(a) to the Department of Agriculture and Food any provincial lands which from time to time are administered by the Department of Environment and Resource Management;

(b) to the Department of Environment and Resource Management any provincial lands which from time to time are administered by the Department of Agriculture and Food.

R.S.S. 1978, c.P-31, s.6; 1982-83, c.16, s.47; 1983, c.11, s.67.; 1988-89, c.42, s.81; 1993, c.13, s.7

**Transfer of lands to other departments**

**7(1)** Notwithstanding anything in this Act, the Lieutenant Governor in Council may transfer to any department, other than the Department of Agriculture and Food or the Department of Environment and Resource Management, any provincial lands required by it for any purpose.

(2) All lands so transferred shall thereafter be administered by such department in accordance with this Act and the regulations thereunder or regulations made pursuant to subsection (5) unless such department is authorized to administer the land under another Act.

(3) When any land is transferred under subsection (1) the powers and duties of the Minister of Agriculture and Food and the Department of Agriculture and Food respectively, or the Minister of Environment and Resource Management and the Department of Environment and Resource Management respectively, with respect thereto shall be deemed to have been also transferred to the appropriate minister and department respectively, and all the provisions of this Act, and the regulations thereunder or regulations made pursuant to subsection (5), shall apply to such land unless such department is authorized to administer the land under another Act.

(4) The Lieutenant Governor in Council may re-transfer to the Department of Agriculture and Food or the Department of Environment and Resource Management any lands which are transferred under subsection (1) when no longer required for the purpose for which they were transferred.

(5) The Lieutenant Governor in Council may make regulations governing the administration of lands transferred under subsection (1).

(6) Subsections (2) to (5) apply with respect to lands heretofore transferred to any department other than the Department of Agriculture and Food.

R.S.S. 1978, c.P-31, s.7; 1983, c.11, s.67; 1988-89, c.42, s.81; 1993, c.13, s.8.

#### **Exemptions**

**7.1(1)** The Lieutenant Governor in Council may, on the recommendation of the Minister of Agriculture and Food, exempt any provincial lands administered by the Department of Agriculture and Food, except those lands designated as wildlife habitat and ecological lands pursuant to *The Wildlife Habitat Protection Act*, from any or all of the provisions of *The Forest Resources Management Act*.

(2) An exemption made pursuant to subsection (1) is to be published in the Gazette.

1996, c.F-19.1, s.104; 2010, c.36, s.15.

### **DISPOSITIONS AND RESERVATIONS THEREFROM**

#### **Disposal of provincial lands**

**8** Provincial lands shall be sold, leased or otherwise disposed of in accordance with this Act and the orders and regulations made thereunder.

R.S.S. 1978, c.P-31, s.8.

#### **No rights through occupation or prescription**

**9(1)** No person shall acquire a right to provincial lands by or through the use, possession or occupation thereof whether before or after survey, except under authority of a disposition from the Crown.

(2) No right or title of any kind shall be acquired by prescription in respect of any provincial lands so long as the Crown has any right, title or interest therein.

R.S.S. 1978, c.P-31, s.9.



**Reservations implied**

**10** There shall be implied, in every disposition of provincial lands under this or any other Act of the Legislature, all reservations provided for in this Act, *The Crown Minerals Act*, *The Forest Resources Management Act*, *The Water Power Act*, *The Water Security Agency Act* or any other Act of the Legislature, and every such disposition shall be deemed to be subject to all the rights and privileges under any prior disposition granted pursuant to any of the said Acts or the regulations under any of the said Act.

R.S.S. 1978, c.P-31, s.10; 1984-85-86, c.45, s.8; 1993, c.13, s.9; 1996, c.F-19.1, s.104; 2002, c.S-35.02, s.140; 2005, c.S-35.03, s.112; 2013, c.32, s.8.

**Reservation of one chain from the boundary**

**11(1)** There is hereby reserved to the Crown out of every disposition of provincial lands extending to the boundary line between Canada and the United States of America a strip of land one chain in width measured from such boundary line, and no buildings or works shall be erected or executed on such land.

(2) Notwithstanding subsection (1), the Crown may permit the occupation of or otherwise dispose of such reserved strip of land or any part thereof for the purposes of the construction of railways, waterways, wharves, bridges, canals, ditches or other works of a public character, upon such terms and conditions as the Lieutenant Governor in Council may in each case prescribe.

R.S.S. 1978, c.P-31, s.11.

**Public to have access to lakes, rivers, streams, etc.**

**12** Where provincial lands bordering on a lake, river, stream or other body of water are disposed of by the Crown, then, in the absence of an express provision in the disposition to the contrary, the bed of such lake, river, stream or body of water shall not pass to the person otherwise acquiring the lands, and the disposition shall be construed accordingly and not in accordance with the rules of the common law, and there is hereby reserved to the public the right of access to such lake, river, stream or body of water and of passing and repassing on or beside the land on either side and wherever necessary for the use thereof, and over all existing or necessary portage roads past any rapids or falls or connecting any such lake, river, stream or body of water.

R.S.S. 1978, c.P-31, s.12.

**Right to construct provincial roads, etc.**

**13(1)** There is hereby reserved to the Crown out of every disposition of provincial lands under this or any other Act of the Legislature the right to construct on such provincial lands any colonization or other road or any road in lieu of or partly deviating from an allowance for road, drain or drainage works, without making compensation therefor; and wood, gravel and other materials required for the construction or improvement of any such road, drain or drainage works may be taken from the said lands without making compensation therefor or for the injury thereby done to the lands from which they are taken.

(2) The rights mentioned in subsection (1) may be exercised by the minister or by any person authorized by him to exercise them on behalf of the Crown, but such rights shall cease upon the issue of a certificate of title to the land.

(3) Where provincial lands are reserved to the Crown by this or any other Act of the Legislature, any part of the land so reserved may be declared to be a highway.

R.S.S. 1978, c.P-31, s.13.

#### **Reservation of mines and minerals**

**14(1)** There are hereby reserved to the Crown out of every disposition of provincial lands under this Act all mines and minerals, whether solid, liquid or gaseous, which may be found to exist within, upon or under such lands, together with the right to work the same and for this purpose to enter upon, use and occupy the lands, or so much thereof and to such extent as may be necessary for the effectual working and extraction of the minerals.

(2) All mines and minerals existing on or under any provincial lands shall be disposed of in the manner and on the terms and conditions prescribed by *The Crown Minerals Act* and the regulations thereunder.

(3) Notwithstanding anything in this Act or *The Crown Minerals Act*, a lease, permit, reservation or other disposition of or in respect of minerals under *The Crown Minerals Act* or the regulations thereunder does not authorize the holder of the lease, permit, reservation or other disposition to enter upon, use or occupy the surface of any provincial lands.

(4) The regulations under *The Crown Minerals Act* governing the right to enter upon, use and occupy lands for the purpose of mining shall apply to provincial lands.

(5) Subject to the regulations mentioned in subsection (4), the Lieutenant Governor in Council may, by regulation:

- (a) prescribe the terms and conditions upon which and subject to which the right to enter upon, use and occupy provincial lands for the purpose of mining may be granted;
- (b) prescribe the compensation to be paid for such right to enter upon, use and occupy; and
- (c) provide for payment of such compensation or part thereof to the holder of a prior disposition and prescribe the conditions subject to which such payment may be made.

(6) In case of any disagreement with respect to the amount of compensation to be paid for the right to enter upon, use or occupy the surface of provincial lands required for the purpose of mining or with respect to any other matter in connection with such right, the matter in dispute shall, upon application to the Minister of Mineral Resources by the person seeking such right, be submitted to and determined by a board of arbitrators established pursuant to regulations under *The Mineral Resources Act*, and the practice and procedure with respect to hearings by the board shall be as prescribed by such regulations.

(7) Where an application for arbitration has been made under subsection (6), the Minister of Mineral Resources may, upon the application of the applicant for arbitration and subject to the regulations under *The Mineral Resources Act*, grant permission to the applicant to enter upon and use any portion of provincial lands required for a well site or roadway.

R.S.S. 1978, c.P-31, s.14; 1984-85-86, c.45, s.8;  
1989-90, c.54, s.6; 1993, c.13, s.10.

#### **Water power**

**15** There are hereby reserved to the Crown out of every disposition of provincial lands under this Act the property in and the right to and to the use of all water powers and lands upon or within which there is water power, or required for the protection of any water power or for the purposes of any undertaking for the use and development thereof, and all such water powers and lands shall be disposed of only in such manner and on such terms and conditions as are provided in *The Water Power Act* and the regulations made thereunder.

R.S.S. 1978, c.P-31, s.15.

#### **Use of water in rivers, lakes, springs, etc.**

**16(1)** There are hereby reserved to the Crown out of every disposition of provincial lands under this Act the property in and the right to and to the use of all the water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water, or contained or flowing therein, and also an exclusive or perpetual property, interest or privilege in the land forming the bed and shore thereof; and, subject to subsection (2), such property in and right to use:

(a) the land forming such bed and shore shall be disposed of only in accordance with this Act and the regulations, subject to *The Water Security Agency Act* and the regulations made pursuant to that Act; and

(b) such water shall be disposed of only in accordance with *The Water Security Agency Act* and the regulations made pursuant to that Act.

(2) Subsection (1) does not affect the right of the Crown:

(a) to dispose of minerals under *The Mineral Resources Act* in, on or under lands forming the bed or shore of the said waters; or

(b) to grant under this Act or any other Act of the Legislature to any holder of a mineral claim the right to deposit tailings, slimes or other waste products of mining operations into any body of water, or on the lands forming the bed or shore of any body of water, lying within an area of land that has been set aside as a tailings disposal area.

R.S.S. 1978, c.P-31, s.16; 1983-84, c.63, s.10;  
2002, c.S-35-02, s.141; 2005, c.S-35.03, s.112;  
2013, c.32, s.8.

**Timber**

**17(1)** There are hereby reserved to the Crown out of every disposition of provincial lands by lease or permit under this Act all trees standing, fallen or cut, and the right to enter upon such lands and cut and remove the trees.

(2) The trees standing, fallen or cut:

(a) on provincial lands disposed of under this Act by a lease or permit that provides for the cultivation of the lands or of a portion thereof; and

(b) after the termination of a lease or permit mentioned in clause (a), on provincial lands formerly so disposed of, until a further disposition of such lands is made;

shall be disposed of only in such manner and on such terms and conditions as the minister may prescribe subject to regulations made under this Act.

(3) The trees standing, fallen or cut on provincial lands, other than trees to which subsection (2) applies, shall be disposed of only in such manner and on such terms and conditions as are prescribed by *The Forest Resources Management Act*, and the regulations made thereunder.

R.S.S. 1978, c.P-31, s.17; 1996, c.F-19.1, s.104.

**Reservation need not be set out**

**18** When by this or any other Act of the Legislature a reservation is made in favour of the Crown out of dispositions of provincial lands, it shall not be necessary to set out such reservation therein, but every disposition shall be read and construed and shall have effect as if all such reservations were expressly set forth therein.

R.S.S. 1978, c.P-31, s.18.

**Ratification of grant in certain cases**

**19** Notwithstanding anything in this or any other Act of the Legislature, but subject to the provisions of the agreement of transfer, no grant of provincial lands, whether for a consideration or not, to subsidize the construction of a railway, shall come into effect until the same has been ratified, validated and confirmed by the Legislature.

R.S.S. 1978, c.P-31, s.19.

**POWERS OF LIEUTENANT GOVERNOR IN COUNCIL****Powers of Lieutenant Governor in Council**

**20(1)** The Lieutenant Governor in Council may:

(a) make regulations governing the reservation from disposition of provincial lands and governing the disposition of provincial lands by sale, lease, licence or permit, but no lease, licence or permit shall be granted for a term in excess of 47 years, unless the lease, licence or permit or the grantee is specifically authorized, or is a member of a class of leases, licences, permits or grantees that are specifically authorized, by an order of the Lieutenant Governor in Council;

(b) make provision for the disposal of provincial lands by homestead entry subject to such terms and conditions as he deems advisable;

- (c) divide the province into districts and prescribe the time when and the conditions upon which provincial lands in any district or any part thereof shall be thrown open for disposition or settlement;
- (d) authorize the minister to exchange provincial lands for other lands in the province or purchase or acquire other lands in the province;
- (e) set aside out of the unoccupied provincial lands transferred to the province under the agreement of transfer such areas as the Government of Canada in agreement with the minister may select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the province;
- (f) set aside provincial lands for use as provincial parks, forest reserves, game reserves, bird sanctuaries, public shooting grounds or public resorts;
- (g) set aside provincial lands for the sites of wharves or piers, market places, jails, court houses, public parks or gardens, historic sites, town halls, hospitals, places of public worship, burying grounds or schools, and for purposes of agricultural exhibitions and for other like public purposes or for model and industrial farms, and at any time before the issue of a transfer alter or revoke the same, and make free dispositions for the said purposes; and the trusts and uses to which they are subject shall be expressed in an agreement to be executed and delivered before the delivery of the transfers;
- (h) grant to any railway, tramway, gas pipeline, oil pipeline, power, telephone, telegraph, water, sewage or other company, whether incorporated under the laws of the province or otherwise, or to any municipal corporation, by transfer or easement agreement and subject to any terms and conditions he may see fit to impose, a right of way, roadbed or easement through provincial lands, together with such other provincial lands as may be necessary for stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances of the company or corporation, as he deems advisable;
- (i) make regulations authorizing the minister to grant, by easement agreement and subject to the terms and conditions prescribed by the regulations, rights of way through provincial lands for gas, oil, water or sewage pipelines or power or telephone lines;
- (j) transfer for such consideration as he deems proper to persons engaged in any project of draining and reclaiming swamp lands, the lands so reclaimed or a portion thereof; provided that if the lands so transferred exceed an area equal to that of four townships such transfer shall not become effective until it has been ratified, validated and confirmed by the Legislature;
- (k) set aside provincial lands suitable or required for the purposes of a harbour, landing, bridge site, railway terminus or station or townsite or an airport; any lands so set aside to be disposed of only on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe;
- (l) withdraw from disposition any provincial lands for reasons which shall be set forth in the order effecting the withdrawal; lands so withdrawn to be disposed of only on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe; provided that at any time, after reasonable notice given, he may cancel the withdrawal and declare the land open for disposition;

- (m) transfer to the Government of Canada for such consideration as he deems proper, or lease to that Government upon such terms and conditions as are mutually agreed upon, provincial lands required in connection with any project heretofore or hereafter undertaken under the authority of the *Prairie Farm Rehabilitation Act* (Canada);
  - (n) make such regulations as he may deem necessary governing seizures and sales made pursuant to section 66 and the distribution of the proceeds of such sales.
- (2) Subsection (5) of section 58 of *The Land Titles Act* does not apply to certificates of title issued pursuant to transfers of land under clause (m) of subsection (1).
- (3) The setting aside of areas of land pursuant to clause (1)(e) is deemed not to be a disposition of that land for the purposes of:
- (a) this Act; or
  - (b) any other Act that:
    - (i) restricts or prohibits the disposition of provincial lands; or
    - (ii) makes any disposition of provincial lands subject to a reservation in favour of the Crown or of any other person or class of persons;

but the property in, the right to and the use of all water and water powers in that land and any other property, interests, rights and privileges that the Lieutenant Governor in Council may specify is reserved to the Crown.

R.S.S. 1978, c.P-31, s.20; 1979-80, c.66, s.3;  
 1980-81, c.74, s.3; 1983, c.11, s.67; 1984-85-86,  
 c.38, s.30; 1986, c.17, s.6; 1988-89, c.42, s.81;  
 1993, c.13, s.11; 2015, c.21, s.37.

#### Witnesses

**21** When any question arises with regard to provincial lands, whether before or after the issue of transfer, the Lieutenant Governor in Council may authorize the minister or any official of the department to summon persons before him, to examine them under oath and compel the production of papers and writings, and if any person duly summoned neglects or refuses to appear at the time and place specified in the summons, or refuses to give evidence or to produce the papers or writings set out therein, the minister or official so authorized may, by warrant, under his hand, cause such person to be taken into custody and to be imprisoned in the nearest common jail for a term not exceeding fourteen days.

R.S.S. 1978, c.P-31, s.21.

#### Lands transferred from the Agricultural Credit Corporation of Saskatchewan

**21.1(1)** The Lieutenant Governor in Council may make regulations governing the administration and disposition of any lands vested in or transferred to the Crown pursuant to section 30.5 of *The Agricultural Credit Corporation of Saskatchewan Act*.

(2) Where no regulations have been made pursuant to subsection (1), this Act and the regulations made pursuant to this Act do not apply to any lands mentioned in subsection (1).

1997, c.26, s.3.

**Regulation**

**22** The Lieutenant Governor in Council may make any regulations:

- (a) prescribing matters or things that are, in the opinion of the Lieutenant Governor in Council, necessary to meet the purposes and intent of this Act, to carry out the agreement of transfer or to meet cases that may arise and for which no provision is made in this Act;
- (b) prescribing any matter or thing that is authorized or required by this Act to be prescribed in the regulations.

1989-90, c.54, s.3.

**Orders**

**22.1(1)** The Lieutenant Governor in Council may make orders:

- (a) prescribing matters or things that are, in the opinion of the Lieutenant Governor in Council, necessary to meet the purposes and intent of this Act, to carry out the agreement of transfer or to meet cases that may arise and for which no provision is made in this Act;
- (b) waiving or modifying the requirements of the regulations, the *Dominion Lands Act*, as that Act existed at the date the agreement of transfer was made, or the regulations made pursuant to that Act, with respect to a person or category of persons if, in the opinion of the Lieutenant Governor in Council, it is appropriate to do so on grounds of justice or compassion;
- (c) prescribing any matter or thing that is authorized or required by this Act to be prescribed in an order.

(2) Subject to the other provisions of this Act, an order made pursuant to this section comes into force:

- (a) only after it has been published in the Gazette; or
- (b) after a date named in the order;

whichever is the later.

(3) The minister shall lay all orders made pursuant to this section before the Legislative Assembly within 15 days:

- (a) if the Legislature is then sitting, of the date of the order; or
- (b) if the Legislature is not then sitting, of the commencement of the next session of the Legislature.

1989-90, c.54, s.3.

## POWERS AND DUTIES OF MINISTER

**Duties generally**

**23** Except as herein otherwise provided, the minister shall have the control and management of provincial lands, and of the sale, lease or other disposition thereof.

R.S.S. 1978, c.P-31, s.23.

**Administration of certain lands**

**24(1)** The minister may administer in accordance with this Act and the regulations any lands transferred to the department by any other department, provided that such administration shall be subject to the terms, conditions and reservations set forth in the instrument by which the lands were transferred; and any lands so transferred shall, while subject to such administration, be deemed to be provincial lands.

(2) The minister may, in accordance with the terms of an agreement with a Crown corporation, administer leases, permits and licences of lands in the name of the Crown corporation as if the lands were provincial lands.

R.S.S. 1978, c.P-31, s.24; 1993, c.13, s.12.

**Reservation of certain lands**

**25(1)** The minister may set aside and reserve from disposition any lands which he considers to be unsuited for cultivation without the aid of irrigation, or to be required in connection with any system of irrigation or drainage, or any marsh lands or lands suitable for grazing but not adapted to agriculture, or lands required for a shelterbelt or a windbreak or any soil conservation or water storage project, or lands valuable on account of hay or timber, quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals thereon or therein, or for the protection of ponds, lakes or other water supplies, or for the purposes of water power, a harbour, landing or townsite.

(2) The minister may, on being satisfied that there is no longer reason for continuing the reservation, remove it, after due notice given, and declare the land open.

R.S.S. 1978, c.P-31, s.25.

**Leases and permits**

**26(1)** Subject to any order or regulation made by the Lieutenant Governor in Council, the minister, upon any terms and subject to any conditions that he considers advisable, may:

- (a) lease provincial lands for a term not exceeding 47 years unless the Lieutenant Governor in Council specifically authorizes the granting of a lease, or a class of leases, for a longer term;
- (b) issue permits for the use of unoccupied provincial lands;
- (c) issue permits to cut hay on unoccupied provincial lands.

(2) No permit shall operate to prevent the sale or settlement of the lands at any time during its term, and every permit shall in addition be subject to an implied condition that the minister may, for any reason, at any time during the term of the permit, give the permittee at least 30 days' notice of cancellation of the permit.

(2.1) At the expiration of the notice period set out in the notice of cancellation, the permit is deemed to be cancelled and, subject to subsection (3), the rights of the permittee under the permit are deemed to cease.



(3) In case of the sale or settlement of land held under such permit, or in case the permit is cancelled under the provisions of subsection (2), the permittee, upon obtaining the permission of the minister and within the time limited by him, may remove any fence or other improvement made by him on the land with his own materials, or any hay he may have cut; or, in the case of sale or settlement of the land, if the minister considers it inadvisable to permit the removal of such fencing, improvements or hay, the permittee shall be paid by the purchaser or settler such sum as the minister may fix therefor.

R.S.S. 1978, c.P-31, s.26; 1980-81, c.74, s.4;  
1984-85-86, c.38, s.30; 1993, c.13, s.13.

#### **Sale of lands**

**27(1)** Subject to this Act and any applicable regulations, the minister may sell provincial lands on any terms and conditions that:

- (a) the minister considers appropriate; and
  - (b) are not inconsistent with any terms and conditions that are prescribed in the regulations.
- (2) The minister shall not sell provincial lands unless regulations governing the sale of provincial lands have been enacted.

1993, c.13, s.14.

#### **Power to crop and summerfallow land under disposition, etc., in certain cases**

**28(1)** Where a person holding land under a disposition other than a transfer:

- (a) has abandoned the land; or
- (b) has failed to crop or summerfallow any part of the land that in the opinion of the minister ought to be cropped or summerfallowed; or
- (c) has failed to harvest any crop growing on the land; or
- (d) has died and any part of the land that in the opinion of the minister ought to be cropped or summerfallowed is not cropped or summerfallowed; or
- (e) has died and a crop growing on the land is not harvested;

the minister or a person authorized by him may enter upon the land and crop or summerfallow any part thereof or harvest and thresh the crop growing thereon, and the amount expended in doing so may be recovered, as a debt due to Her Majesty, from the person holding the land or from his estate.

- (2) The minister may sell any crop grown or harvested under subsection (1).
- (3) The minister may fix the value of any crop harvested under subsection (1) if he has not sold the crop within sixty days next following the harvesting thereof.
- (4) Up to the amount for which a crop is sold under subsection (2) or at which the value of a crop is fixed under subsection (3), exclusive of any share of crop reserved by the disposition and exclusive of any amount expended by the minister under subsection (1) and in selling the crop, the minister may pay the following debts of the person first mentioned in subsection (1), in the following order of priority:
  - (a) any taxes owing in respect of the land held under the disposition;
  - (b) any debt due to the minister, acting on behalf of the Crown;

(c) any debt guaranteed by the minister or the Minister of Finance or any other person acting on behalf of the Government of Saskatchewan;

(d) any other debt due to the Crown;

and any balance remaining shall be paid to such person or his estate.

(5) The proceeds of a sale under subsection (2) may be deposited with, and any payment under subsection (4) may be made from, the revenues of the department.

R.S.S. 1978, c.P-31, s.28.

**Power to make and purchase improvements**

**29** The minister may, subject to any regulations made by the Lieutenant Governor in Council in that behalf, make, place or construct on or bring onto, or cause to be made, placed or constructed on or brought onto, any provincial lands such improvements, structures or works as he deems necessary or desirable for the efficient development or use of the lands or other lands in the vicinity, and pay for or purchase any improvements, structures or works made, placed or constructed on any provincial lands by any person.

R.S.S. 1978, c.P-31, s.29.

**Power respecting recovery of cost of improvements**

**30** Where improvements, structures or works made, placed or constructed on or brought onto any provincial lands under section 29 are of benefit to any other provincial land the minister may recover from the person then occupying, or from any person thereafter occupying, the other provincial land, as rent for the use of provincial lands, the whole or any part of such share of the cost of making, placing or constructing the improvements, structures or works, or of bringing them onto the land, and of such share of the cost of operating and maintaining them, as in the opinion of the minister is, in relation to the total costs and the total benefit derived by provincial lands from the improvements, structures or works, the occupant's fair share of the total costs.

R.S.S. 1978, c.P-31, s.30.

**Payment for certain improvements and recovery from occupants of benefited lands**

**31(1)** Where provincial lands are benefited by improvements, structures or works made, placed or constructed on or brought onto any land otherwise than under section 29, the minister may pay the whole or any part of such share of the cost of making, placing or constructing the improvements, structures or works, or of bringing them onto the land, and of such share of the cost of operating and maintaining them, as in his opinion is, in relation to the total costs and the total benefit derived by provincial lands from the improvements, structures or works, a fair contribution by the Crown towards the total costs.

(2) Upon payment by the minister, under subsection (1), of a sum of money, he may recover from each person then occupying, or from any person thereafter occupying, a parcel of the benefited provincial lands, as rent for the use of provincial lands, the whole or any part of such share of the sum paid as in the opinion of the minister is, in relation to the sum paid and the benefit derived by that parcel from the improvements, structures or works, the occupant's fair share of that sum.

R.S.S. 1978, c.P-31, s.31.

**Use of provincial lands for certain projects**

**32** The minister may authorize the use of provincial lands for or in connection with any project undertaken by or on behalf of any department of the Government of Saskatchewan under this Act or any other Act of the Legislature.

R.S.S. 1978, c.P-31, s.32.

**Power to waive compensation**

**33** The minister may waive the whole or any part of the compensation payable for any provincial lands taken and surveyed under *The Highways and Transportation Act* for the purpose of widening an existing highway.

R.S.S. 1978, c.P-31, s.33; 1983-84, c.6, s.15.

**Power to require use of irrigation works**

**34(1)** Where the minister considers that any provincial lands disposed of under lease can benefit from works, as defined in *The Irrigation Districts Act*, constructed or to be constructed on the lands or on other lands in the vicinity pursuant to an Act of the Parliament of Canada or the Legislature of Saskatchewan, he may, notwithstanding anything in the lease, require the lessee:

- (a) to develop for use under irrigation any part of such lands that can benefit from such works and to make proper use of the water allocated for the irrigation of the lands at the times it is made available by the authority responsible for the operation of the works;
  - (b) to pay, as they become due, all charges, fees, rates and assessments that may be charged against the lessee, or become payable by him, in respect of the construction, operation and maintenance of such works and in respect of water allocated or used and other services rendered and to abide by all bylaws, orders, rules or regulations made by the authority responsible for the operation of the works.
- (2) If the lessee fails to comply with a requirement under subsection (1), the minister may cancel the lease after having given to the lessee 30 days' notice of intention to do so.

R.S.S. 1978, c.P-31, s.34; 1993, c.13, s.15.

**Subdivision of townsite**

**35(1)** When provincial lands have been set aside for purposes of a townsite the minister may divide the same into lots and lease or sell such lots, either by private sale at such price as he deems fit, or at public auction, an upset price being fixed.

(2) When lands so set aside are adjacent to lands to which a railway company is entitled, the minister may arrange with the company that the lands so set aside and such lands of the company in the town or village as may be agreed upon shall be sold on joint account, and on such terms as may appear just and equitable, and the lands so set aside may be granted to the company or to such person as the minister and the company shall agree upon for the purposes of the sale.

R.S.S. 1978, c.P-31, s.35.

**Tariff of fees for leases, licences, etc.**

**36** The minister may establish a tariff of fees for the preparation of leases, licences, permits and other documents and for copies of maps, plans, field notes, documents, papers or other records of the department and for the registration of assignments therein, and these fees shall be deposited in and form part of the general revenue fund.

R.S.S. 1978, c.P-31, s.36; 2004, c.10, s.17.

**Advertising lands for sale**

**37** The minister may from time to time cause to be advertised or published lists of the provincial lands for disposition in Saskatchewan.

R.S.S. 1978, c.P-31, s.37.

**Notice of disposition**

**38** Within three months after making or cancelling a disposition of provincial land, the minister shall send a written notice of the making or the cancellation of the disposition to the administrator or clerk of the municipality in which the land is situated.

2010, c.N-5.2, s.464.

## IMPROVEMENTS

**Lands administered by Department of Agriculture and Food**

**39(1)** In this section:

- (a) **“improvements”** means buildings or structures on, or fixtures attached to, provincial lands and includes beneficial changes to provincial lands, including but not limited to dams, dugouts, summer fallow and the sowing of perennial forage or seed crops;
  - (b) **“lease”** means a lease administered by the Minister of Agriculture and Food;
  - (c) **“lessee”** means a lessee under a lease;
  - (d) **“minister”** means the Minister of Agriculture and Food.
- (2) After the termination, expiration or cancellation of a lease, the Crown is indebted to the lessee in the amount of the resale value of any improvements to the leased lands:
- (a) that were made by the lessee to the lands or purchased by the lessee from the Crown;
  - (b) that were consented to by the minister in writing or allowed by the regulations; and
  - (c) for which the lessee has not been otherwise compensated by the Crown.
- (3) The minister may, in accordance with the regulations, determine the resale value of improvements and the effective date of their valuation, and all interested parties are bound by those determinations.

- (4) A lessee:
  - (a) has no rights in improvements other than to use them pursuant to the lease; and
  - (b) has no right:
    - (i) to assign an interest in improvements; or
    - (ii) to remove improvements.
- (5) Notwithstanding subsection (4), the minister may enter into an agreement, on any terms and conditions that the minister considers advisable, to allow a lessee to remove improvements specified in the agreement.
- (6) On the minister's entering into an agreement mentioned in subsection (5), the amount of the debt mentioned in subsection (2) that is associated with the improvements specified in the agreement is extinguished.
- (7) On the failure of a lessee to remove improvements in accordance with an agreement mentioned in subsection (5), the lessee loses all rights to those improvements.
- (8) An assignment of a debt mentioned in subsection (2):
  - (a) is void unless it is consented to in writing by the minister; and
  - (b) is subject to all rights of the Crown pursuant to subsection (9).
- (9) The Crown:
  - (a) may set off any debts owed to a lessee pursuant to this section against any debts owed by the lessee to the Crown or an agent of the Crown; and
  - (b) after setting off debts pursuant to clause (a), may pay any portion of a debt owed to a lessee pursuant to this section:
    - (i) to the municipality within which the leased lands are situated, to be applied against any amounts that are owed by the lessee to that municipality and associated with the leased lands;
    - (ii) to the board of trustees of the irrigation district, established or continued pursuant to *The Irrigation Districts Act*, within which the leased lands are situated, to be applied against any amounts that are owed by the lessee to the board and associated with the leased lands;
    - (iii) to the board of trustees of the irrigation district, established or continued pursuant to *The South Saskatchewan River Irrigation Act*, within which the leased lands are situated, to be applied against any amounts that are owed by the lessee to the board and associated with the leased lands; or
    - (iv) to the board of directors of the water user's association, incorporated pursuant to *The Water Users Act* or any former *Water Users Act*, for the water users' district within which the leased lands are situated, to be applied against any amounts that are owed by the lessee to the association and associated with the leased lands.

**Lands administered by Department of Environment and Resource Management****39.1(1)** In this section:

- (a) **“disposition holder”** means the holder of a disposition administered by the Minister of Environment and Resource Management;
  - (b) **“improvements”** means buildings or structures on, or fixtures attached to, provincial lands that were constructed on or attached to the lands or purchased by a disposition holder;
  - (c) **“lease”** means a lease administered by the Minister of Environment and Resource Management;
  - (d) **“lessee”** means a lessee under a lease;
  - (e) **“minister”** means the Minister of Environment and Resource Management.
- (2) On the expiration, termination or cancellation of a lease, the lessee may, subject to subsection (3) and section 86, remove any improvements from the leased lands within six months after the expiration, termination or cancellation or within any other period that is prescribed in the regulations.
- (3) A lessee has no right to remove improvements from leased lands where any rents, taxes or other charges imposed by the Crown with respect to the leased lands are owing.
- (4) Where a lessee removes improvements from leased lands, the lessee shall restore the leased lands to a condition that is satisfactory to the minister within the time mentioned in subsection (2).
- (5) Where a lessee fails to comply with subsection (4), the minister may have the lands restored, and the cost of restoring the land shall be a debt due and owing from the lessee to the Crown.
- (6) The minister and a lessee may agree that:
- (a) within the time mentioned in subsection (2), the improvements are to be sold; and
  - (b) the proceeds of the sale of improvements, after payment of the expenses of the sale and all rents, taxes and other charges in relation to the leased lands, are to be paid to the lessee.
- (7) Where improvements are not removed within the time mentioned in subsection (2) or are sold pursuant to subsection (6):
- (a) the lessee is no longer entitled to remove them and has no further rights with respect to them; and
  - (b) the minister may remove or dispose of the improvements in any manner that the minister considers appropriate.
- (8) The Crown is not, under any circumstances, liable to compensate a lessee or other disposition holder for the value of any improvements to leased lands.
- (9) Disposition holders other than lessees have no right at any time to remove improvements except where:
- (a) otherwise provided in this Act or the regulations; or
  - (b) specifically permitted by the minister.

- (10) An assignment of a lessee's rights pursuant to this section:
- (a) is void unless it is consented to in writing by the minister; and
  - (b) is subject to all rights of the Crown pursuant to this section.

1993, c.13, s.17; 2000, c.50, s.22.

**Right of minister to remove improvements in certain cases**

**40(1)** There is hereby reserved to the Crown out of every disposition of provincial lands, other than a transfer, the right, which the minister or any person authorized by him may exercise, to remove any improvements that are on the lands at the time of the granting of the disposition and that have not been acquired or paid for by the holder of the disposition.

(2) Subject to sections 39 and 39.1, the minister may sell any improvements on provincial lands.

R.S.S. 1978, c.P-31, s.40; 1993, c.13, s.18.

**41 Repealed.** 1993, c.13, s.19.

## GENERAL PROVISIONS

**Minister gives notices**

**42** Where, by law or by any disposition made under this or any other Act of the Legislature, any notice relating to provincial lands is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by or by the authority of the minister.

R.S.S. 1978, c.P-31, s.42.

**Rights under disposition**

**43(1)** The instrument evidencing a disposition of provincial lands, or a notarial or photographic copy thereof, or a copy thereof certified by an officer to be a true copy, shall, unless the disposition has been cancelled, entitle the person to whom the disposition was made, or his assignee, to enter upon, occupy, use and possess the lands to the full extent of the interest conveyed by the disposition to the exclusion of any other person, and to bring and maintain actions for trespass committed on the lands and to protect that interest; and in any suit, action or proceeding the instrument or such a copy thereof shall be *prima facie* evidence of the right of the person to whom the disposition was made, or his assignee, to enter upon, occupy, use and possess the lands to the full extent of that interest but subject to the conditions of the disposition and to the provisions of this and any other Act, and of any regulations made thereunder, affecting the disposition.

(2) Except where an instrument evidencing a disposition of provincial lands is required by this Act or the regulations, a receipt for a payment on account of the consideration for such a disposition shall for the purpose of subsection (1) be deemed to be an instrument evidencing a disposition of the land described in the receipt.

R.S.S. 1978, c.P-31, s.43.

#### **Interest rate**

**44** When any interest is payable under or by virtue of a regulation or order made or issued by the Lieutenant Governor in Council or the minister for or on account of the purchase money or rent of any provincial lands sold or otherwise disposed of, or for or on account of the purchase money or rent of any other lands or claims to which this Act relates, or for or on account of any other claim, matter or thing arising thereunder, the rate of interest where no other provision has been made therefor shall be the rate of interest prescribed in the regulations.

R.S.S. 1978, c.P-31, s.44; 1993, c.13, s.20.

#### **Application of payments**

**44.1** Where a payment is received by the Crown with respect to a disposition of provincial lands, the amount of the payment is to be applied to the credit of the person on whose behalf the payment was made in the manner determined by the minister.

1993, c.13, s.21.

#### **Verification of certain information**

**45** Where by or under this Act or any regulation thereunder or by or under any disposition any information is required to be given to the minister or the department, the minister may require that the information shall be verified by the affidavit or statutory declaration of the person giving the information.

R.S.S. 1978, c.P-31, s.45.

#### **Affidavits**

**46** Any affidavit or statutory declaration required under this Act or intended to be used with reference to any claim, business or transaction in the department may be taken before the minister or any officer of the department, any person specially authorized in writing by the minister, or any person empowered by law to take affidavits or statutory declarations.

R.S.S. 1978, c.P-31, s.46.

#### **Copies of documents to be evidence**

**47** Copies of any records, documents, books or papers belonging to or deposited in the department, attested under the signature of the minister, shall be competent evidence in all cases in which the original records, documents, books or papers could be evidence.

R.S.S. 1978, c.P-31, s.47.



## GUARANTEE OF LOANS

**Power of Minister of Finance**

**48** The Minister of Finance may, upon the recommendation of the minister and subject to regulations made by the Lieutenant Governor in Council, guarantee the repayment of moneys borrowed or to be borrowed by any person for the purpose of making, placing or constructing or paying for improvements, structures or works on any provincial lands.

R.S.S. 1978, c.P-31, s.48.

**Same**

**49** The Minister of Finance may, upon the recommendation of the minister and subject to regulations made by the Lieutenant Governor in Council, guarantee payment to Saskatchewan Power Corporation of the costs that may be charged to an occupant of any provincial lands for the bringing of electrical power or energy to such lands.

R.S.S. 1978, c.P-31, s.49.

## ASSIGNMENTS

**Interpretation of sections 50 to 55**

**49.1** In sections 50 to 55, “**minister**” means the Minister of Environment and Resource Management.

1993, c.13, s.22.

**Registration**

**50** The minister may cause books to be kept for registering assignments of any right, interest or estate acquired in provincial lands administered by the Department of Environment and Resource Management, pursuant to this Act or any other Act, that the assignor is not prohibited, by law or by the terms of the disposition by which the assignor acquired the right, interest or estate, from assigning or agreeing to assign.

1993, c.13, s.23.

**Requirements**

**51** Upon such an assignment being produced to the minister, with the affidavit of an attesting witness of the execution thereof, stating the time and place of execution, and the names, residences and occupations of the witnesses, and upon the production of the necessary abstracts, search letters and certificates, the minister may cause the material parts of the assignment to be registered, and may cause to be endorsed thereon a certificate of registration.

R.S.S. 1978, c.P-31, s.51; 2000, c.50, s.22.

**When assignments to be registered**

**52(1)** An assignment may be registered only if:

- (a) in the opinion of the minister, the assignment is in the public interest;
  - (b) the terms and conditions of the assignment are not inconsistent with any terms and conditions that are prescribed in the regulations;
  - (c) the assignment is in a form that is satisfactory to the minister; and
  - (d) all the conditions required by law or contained in the disposition have been complied with or the minister has dispensed with their compliance.
- (2) The minister may require the assignor and the assignee to furnish, in the form prescribed by the minister, such information as he requests to assist him in determining whether or not the assignment is in the public interest.
- (3) Where, after an assignment has been registered, the minister finds that the assignee has misrepresented or failed to disclose any material fact and that the assignment would not have been registered if there had not been such misrepresentation or failure, the minister may cancel the disposition.

R.S.S. 1978, c.P-31, s.52; 1993, c.13, s.24.

**Undescribed provincial lands**

**53** In no case shall the registration of an assignment relating to undescribed provincial lands make it incumbent on the minister to transfer any land or right thereunder.

R.S.S. 1978, c.P-31, s.53.

**Priorities**

**54** Registered assignments shall take priority over assignments previously executed but unregistered or subsequently registered.

R.S.S. 1978, c.P-31, s.54.

**Death or absence of witness**

**55** If a subscribing witness to an assignment has died or left the province, the minister may register the assignment upon the production of an affidavit proving the death or absence and the handwriting of the witness.

R.S.S. 1978, c.P-31, s.55.

**Consent to assignment**

**55.1** An assignment of a disposition, whether in whole or in part and whether absolute or conditional, is not valid without the minister's written consent.

1993, c.13, s.25.

## SUBLEASES

### Consent of minister and effect of consent

**56(1)** The minister may in his discretion consent, subject to such conditions as he deems necessary or desirable, to a sublease of provincial lands disposed of under lease.

(2) No such sublease shall be valid unless it is in writing and has endorsed thereon a memorandum, stating that the minister has consented to the sublease.

(3) The minister's consent to a sublease shall not restrict his right to cancel the lease for default in payment of any rent or any other consideration thereby reserved or for the breach or non-performance of any covenant, proviso, condition or stipulation thereunder required to be kept, observed or performed.

(4) Where, after the minister has consented to a sublease, he finds that the sublessor or the sub-lessee has misrepresented or failed to disclose any material fact and that the sublease would not have been consented to if there had not been such misrepresentation or failure, the minister may, by notice in writing to the sublessor and the sub-lessee, withdraw his consent, and thereupon the consent shall be deemed not to have been given.

R.S.S. 1978, c.P-31, s.56; 1993, c.13, s.26; 2000, c.50, s.22.

## TRANSFERS

### Application for transfer by heir, etc.

**57(1)** On any application for a transfer by the heir, assignee, devisee or guardian or committee of the original nominee of the Crown, the minister may receive proof in such manner as he deems fit in support of any claim for a transfer when the original nominee or any one claiming under him is dead or lacks capacity, and upon being satisfied that the claim has been equitably and justly established may allow the same and cause a transfer to issue accordingly.

(2) Nothing in this section limits the right of the party claiming a transfer to make application to any court of competent jurisdiction for the same purpose.

R.S.S. 1978, c.P-31, s.57; 2015, c.21, s.37.

### Issue and registration of transfer

**58(1)** Subject to subsection (2), the minister or the deputy of the minister or an officer of the department authorized by the Lieutenant Governor in Council to do so shall execute on behalf of the Crown all dispositions of provincial lands made under this or any other Act of the Legislature, and all leases, licences and permits issued under this Act or *The Forest Resources Management Act*.

(2) When all the conditions of a sale of or an entry to provincial lands have been complied with, a transfer shall be prepared in the department and shall be signed by the minister or the deputy of the minister, or by some other person thereunto specially authorized by the Lieutenant Governor in Council, who shall cause to be affixed thereto the seal of the department, and when so signed and sealed it shall be registered in the department by an officer of the department appointed for that purpose.

(3) Notwithstanding anything in this Act, the Lieutenant Governor in Council may make regulations authorizing the minister to cause a transfer of provincial lands to be prepared conditionally in any case where the whole or the unpaid balance of the purchase price of provincial lands is paid on behalf of the purchaser of the lands subject to any condition.

(4) Notwithstanding subsection (2), the minister may cause a transfer of provincial lands to be forwarded to a lawyer on the trust condition that any unpaid balance is to be paid to the Crown on the registration of the transfer.

R.S.S. 1978, c.P-31, s.58; 1979-80, c.66, s.4;  
1993, c.13, s.27; 1996, c.F-19.1, s.104.

**Issue of transfer subject to a charge on land**

**59** When a settler or purchaser is entitled to a transfer of provincial lands and is indebted to the Crown, the minister may cause the transfer to issue and may transmit it to the registrar of land titles for the land registration district in which the land is situated, along with a certificate, setting forth the name of the debtor, particulars of the debt including the total amount thereof, the rate of interest to be paid thereon and describing the land to be charged thereby; and the registrar, when registering the transfer, shall make the necessary entries in his records respecting the indebtedness, and upon registration of the transfer the indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law. Such charge shall have priority according to the date of its registration.

R.S.S. 1978, c.P-31, s.59; 2000, c.50, s.22.

**Transfer issued in error, etc., how dealt with**

**60** When a transfer has been issued to or in the name of the wrong person or contains any clerical error, misnomer, or wrong or defective description of the land thereby intended to be transferred, or if there is in it an omission of the conditions of the grant, the minister may, there being no adverse claim, direct the defective transfer to be cancelled and a correct one to be issued in its stead, which corrected transfer shall relate back to the date of the one cancelled and have the same effect as if issued on that date.

R.S.S. 1978, c.P-31, s.60; 2004, c.65, s.24.

**Transfers after death of applicant**

**61** A transfer which is issued in the name of a person who is dead shall not on that account be void but the title to the land transferred shall vest in his personal representative, as if the transfer had been issued in the name of the deceased during his lifetime.

R.S.S. 1978, c.P-31, s.61.

**Grants inconsistent with each other**

**62** Where, through error, transfers have issued for the same land inconsistent with each other, and where dispositions of the same land are inconsistent with each other, the minister may:

- (a) order a new transfer to the person thereby deprived of land to a value equal to that of the original grant at the time of the grant, or he may cause a refund to be made of any money paid on account of such disposition, with interest at the rate of five per cent per annum; or
- (b) when the land has passed from the original holder or has been improved before discovery of the error, he may transfer to the original holder such land as to him seems just and equitable under the circumstances;

but no claim under this section shall be entertained unless it is preferred within one year after the discovery of the error.

R.S.S. 1978, c.P-31, s.62.

**Deficiency or excess of quantity mentioned in transfer**

**63(1)** When by reason of false survey or error in the books or plans in the department, any disposition of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the disposition or transfer thereof, the minister may:

- (a) order that the purchase money of so much land as is deficient, with interest thereon at five per cent per annum from the time of the application therefor, or, if the land has passed from the original purchaser and the claimant was ignorant of a deficiency at the time of his purchase, that the purchase money which the claimant had paid for so much of the land as is deficient, with interest thereon at five per cent per annum from the time of the application therefor, be paid to him in land or in money, as the minister deems fit; or
- (b) in case of a special conditional grant, order a transfer of other land equal in value to the land so intended as a special grant at the time such grant was made;

but no such claim shall be entertained unless application is made within one year from the date of the transfer, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

(2) When a parcel of land contains more than the quantity mentioned in the transfer, the purchaser shall pay for the excess at the same rate as he paid for the land described in the transfer, with interest at the rate of five per cent per annum from the time of the application for the land.

R.S.S. 1978, c.P-31, s.63.

**Compensation treated as personal estate**

**64** Compensation awarded under section 62, except where land is specifically assigned therefor by the minister, and all claims therefor, shall be treated as personal estate and dealt with accordingly.

R.S.S. 1978, c.P-31, s.64.

**Court of Queen's Bench may adjudge transfer**

**65** Where a disposition affecting land has been issued through fraud, error or improvidence, the Court of Queen's Bench may, upon proceedings being instituted therefor, declare the disposition void; and, upon the registration of such judgment in the department, the disposition shall be void. If a transfer has been registered in a land titles office and has been adjudged void at the suit of the minister, he shall cause a copy of the judgment properly attested, as provided by section 46, to be registered forthwith in that office.

R.S.S. 1978, c.P-31, s.65.

**RECOVERY OF RENT, ETC.****Procedure**

**66(1)** When any rent, royalty or consideration for the use of provincial lands or for any right, interest or estate therein, payable to the Crown, is in arrear, the minister, or any person authorized by him in writing to act in such cases, may issue a warrant to any person or persons by him named therein who may seize any goods and chattels and any crops, whether standing or harvested, of the person liable to pay such rent, royalty or consideration, wherever they may be found, and any goods and chattels and any crops, whether standing or harvested, found upon the lands in question, for the rent, royalty or consideration in arrear and shall sell the same. For the purpose of this section the property in such goods, chattels and crops shall be deemed to remain in the person liable to pay the rent, royalty or consideration notwithstanding that during the three months immediately prior to the issuing of the warrant the property in the goods, chattels and crops, or any of them, is vested in any other person.

(2) When any rent, royalty or consideration for the use of provincial lands or for any right, interest or estate therein, payable to the Crown, is in arrear, an action of debt shall lie therefor which may be brought in the name of the minister by his name of office.

(3) Nothing contained herein alters or affects any right which the Crown may otherwise have to recover such rent, royalty or consideration by distress, action or otherwise, and the remedies given by subsections (1) and (2) are ancillary to and in addition to and not in substitution for any such right.

(4) No demand for rent by the Crown shall be necessary, and any disposition may be cancelled for non-payment of rent, or rent may be distrained for or sued for and recovered without such demand.

R.S.S. 1978, c.P-31, s.66.

**Information respecting crops**

**67** Where, by any disposition of provincial lands, a share of any crop is required to be delivered to the Crown:

- (a) the occupant of the provincial lands shall upon the request of the minister furnish him with a statement, in such form as he may prescribe, showing the quantity of grain and other agricultural produce grown and harvested on such lands and also, if specified in the request, on any other land owned or occupied by such occupant;
- (b) the minister or any person authorized by him may, for the purpose of determining the quantity of such share of any crop, enter upon and inspect the provincial lands and any other lands and premises of the occupant of the provincial lands;
- (c) the minister may, if, after the lands have been inspected, he considers it necessary to do so for the purpose of determining the quantity of grain or other agricultural produce owing to the Crown, request any person, firm or corporation or the agent of any person, firm or corporation to furnish him with a statement, in such form and with such particulars as he may prescribe, showing the quantity of grain or other agricultural produce purchased from, or threshed, held, stored or transported for or on behalf of, the occupant of the provincial lands, and such person, firm, corporation or agent shall forthwith furnish the minister with such statement.

R.S.S. 1978, c.P-31, s.67.

**Crops exempt from seizure, etc., to extent of certain claims of the Crown**

**68** Notwithstanding anything in *The Municipalities Act*, *The Northern Municipalities Act, 2010* or any other Act or in the common law, any crop grown upon provincial lands is exempt from any seizure, charge, claim, lien, privilege or other encumbrance to the extent of the share of the crop to which the Crown is entitled and of the amount expended by the minister under subsection (1) of section 28 in respect of the crop and of the amount expended by the minister in selling the crop.

R.S.S. 1978, c.P-31, s.68; 1979-80, c.M-32.01, s.47; 1983, c.77, s.60; 2005, c.M-36.1, s.457; 2010, c.N-5.2, s.449.

**Cancellation of interest and rent in event of crop failure**

**69** The minister may, if he is satisfied that the crop grown on any provincial lands in any year is a failure as defined by the regulations, cancel the interest or the rent, or both, payable in respect of the lands for that year.

R.S.S. 1978, c.P-31, s.69.

**Procedure for obtaining certain information**

**70** Where by this Act or the regulations or the terms of any disposition of, or any agreement in respect of, provincial lands a person is required to submit evidence or information at the request of the minister, the request may be made by written notice, and subsections (2), (3) and (4) of section 76 apply *mutatis mutandis* with respect to such notice.

R.S.S. 1978, c.P-31, s.70.

## FORFEITURE

### Default and non-performance

**71(1)** In every disposition of provincial lands made under this or any other Act of the Legislature, other than a transfer or a permit, unless a contrary intention is expressed, there shall be an implied condition that the minister is empowered to give the disposition holder 30 days' written notice of intention to cancel the disposition:

- (a) for default in payment of any sums due to the Crown pursuant to the disposition, associated with the disposition or associated with the lands that are the subject of the disposition; or
  - (b) for the breach or non-performance of any covenant, proviso, condition or stipulation contained in the disposition and to be observed or performed by the person claiming under the disposition.
- (2) On the expiration of the 30 days' notice mentioned in subsection (1), the minister may cancel the disposition by written notice, and on the giving of that notice, all rights of the disposition holder cease, and the minister may, in his or her discretion, forfeit to the Crown any or all moneys paid by the disposition holder and dispose of the lands as if no disposition had been made.

1993, c.13, s.28.

### Termination of lease for non-payment of tax

**72(1)** When the whole or any portion of the tax levied under *The Municipalities Act*, *The Northern Municipalities Act, 2010* or *The Irrigation Act, 1996* against a lessee in respect of provincial lands is due and owing for more than one year after the thirty-first day of December of the year in which the tax was levied, the council of the rural municipality, the minister responsible for the administration of *The Northern Municipalities Act* or the board of trustees of an irrigation district, as the case may be, may request the minister in writing to terminate the lease of the lessee.

(2) A request under subsection (1) to terminate a lease shall contain sufficient particulars to inform the minister of the amount of tax due and owing, the year in which the tax was levied and the reasons, if known, for the tax remaining unpaid.

(3) On receipt of a request pursuant to subsection (1), the minister may cancel the lease after giving 30 days' notice in writing to the lessee of the intention to do so.

(4) **Repealed.** 1993, c.13, s.29.

(5) **Repealed.** 1983, c.79, s.6.

R.S.S. 1978, c.P-31, s.72; 1983, c.77, s.60; 1983, c.79, s.6; 1993, c.13, s.29; 2005, c.M-36.1, s.457; 2010, c.N-5.2, s.449.

### Payment of tax by minister

**73(1)** Where a lease of provincial lands is terminated under this Act, or the minister intends to terminate a lease of provincial lands under this Act, and tax mentioned in subsection (1) of section 72 is due and owing in respect of the land, the minister may pay the tax on behalf of the person liable to pay it to the extent of arrears for two years or may guarantee the payment of the tax to that extent.



(2) Where under subsection (1) or pursuant to a guarantee under that subsection the minister pays tax due and owing in respect of provincial lands, the minister may recover as a debt due and owing from the person on whose behalf the tax was paid the amount paid by the minister.

(3) Where provincial lands are acquired by the minister by purchase and remain unoccupied, the minister may pay a grant in respect of the lands in lieu of tax.

R.S.S. 1978, c.P-31, s.73

**Cancellation of disposition of land required for certain purposes**

74(1) Notwithstanding anything in this or any other Act of the Legislature or in any disposition, other than a grant, transfer or letters patent, made thereunder or under the *Dominion Lands Act* or regulations under any of the said Acts, the minister may, subject to payment of compensation as provided in this section, cancel any such disposition insofar as it affects lands required in connection with any project heretofore undertaken under the authority of *The Land Utilization Act*, chapter 204 of *The Revised Statutes of Saskatchewan, 1953*, or any former *Land Utilization Act*, or any *Agricultural Development and Adjustment Act*, or hereafter undertaken under *The Agricultural Development and Adjustment Act*, or heretofore or hereafter undertaken under the *Prairie Farm Rehabilitation Act* (Canada), after giving three months' notice by registered mail of intention to do so to the person holding under such disposition, his assignee, agent, executor, administrator or representative. Upon such cancellation and notwithstanding that the amount of compensation to be paid has not been agreed upon or determined as hereinafter provided, Her Majesty may re-enter upon and have again and repossess the lands mentioned in the notice.

(2) In the notice referred to in subsection (1) the minister shall state the amount of compensation which is offered, and if the person entitled to the compensation is dissatisfied with the amount offered he shall, within fifteen days from the date of registration of the envelope containing the notice, notify the minister of that fact and shall in his notice state the amount which he claims and all the facts in support of his claim.

(3) If no such notification is received by the minister within the period mentioned in subsection (2) the person entitled to compensation shall be deemed to be satisfied with and shall accept the amount of compensation mentioned in the notice of cancellation.

(4) When a claim is made for increased compensation the minister shall consider the claim and notify the claimant of his decision by registered letter addressed to the claimant's last known place of abode.

(5) If the claimant is dissatisfied with the minister's decision he may, within 30 days after the date of the registration of the letter mentioned in subsection (4), give written notice to the minister requiring him to submit the claim to arbitration, and, upon receipt of the notice, the minister shall submit the claim to arbitration.

(5.1) The arbitration shall be by one arbitrator who is a judge of Her Majesty's Court of Queen's Bench for Saskatchewan and *The Arbitration Act, 1992* applies to the arbitration.

(5.2) The compensation awarded to the claimant shall not include the value of any investment made by the Government of Saskatchewan or Canada for the purposes of the project mentioned in subsection (1).

(6) The claimant shall with the notice requiring submission to arbitration deposit with the minister as security for the costs of the arbitration a sum equal to fifteen percent of the amount claimed by him in excess of the amount offered to him but in any event not less than \$50.

(7) If the claimant does not give the notice mentioned in subsection (5) and make the deposit mentioned in subsection (6) within the required period, he shall be deemed to have accepted the minister's decision and shall not thereafter question it.

R.S.S. 1978, c.P-31, s.74; 1979-80, c.92, s.77;  
1992, c.A-24.1, s.61.

#### **Fraud**

**75** If the minister is satisfied that any person who has obtained a disposition of provincial lands, other than a transfer, or his assignee, has been guilty of fraud or imposition, or that such person has in his application for the disposition misrepresented or failed to disclose any material fact, or if any such disposition has been made or is made or issued in error or mistake, the minister may cancel the same, whereupon all rights of the person who has obtained the disposition or his assignee thereunder shall cease and determine, and, in cases of fraud or imposition, may forfeit to the Crown any or all moneys paid by the person guilty thereof and, in any case, dispose of the lands as if no disposition thereof had been made.

R.S.S. 1978, c.P-31, s.75.

#### **Cancellation of disposition**

**76(1)** Where by this or any other Act of the Legislature or by the *Dominion Lands Act* or by regulations made under any of the said Acts, or by the terms of any disposition under the provisions of any of the said Acts or regulations, other than a transfer or a permit, provision is made for cancellation, the minister may:

- (a) where a notice of intention to cancel is required to be given, give written notice of such intention;
  - (b) after the expiration of the period stated in the notice of intention to cancel or, where a notice of intention to cancel is not required to be given, either immediately or after the expiration of any period prescribed by the Act or the regulations or the terms of the disposition, cancel the disposition by written notice.
- (2) Any such notice may be given to the person holding under the disposition, his assignee, agent, executor, administrator or representative and shall be effective from its date.
- (3) If a person to whom notice may be given under subsections (1) and (2) is dead and letters of administration to his estate or letters probate of his will have not issued out of any court in Saskatchewan, such notice may be given to such person or persons as may appear from the records of the department to have an interest in the estate of the deceased and to the official administrator for the judicial centre nearest to which the land or any portion of the land described in the disposition is situated.

(4) Notice under subsections (1), (2) and (3) shall be deemed to be duly given and served if posted, prepaid and registered, to the last known address of the person for whom it is intended whether or not the notice is actually received.

R.S.S. 1978, c.P-31, s.76; 1993, c.13, s.30; 2000, c.50, s.22.

**Cancellation of lease where lessee indicates intention to terminate**

**77(1)** Where the minister receives information in writing, purporting to be signed by a lessee of provincial lands, indicating the lessee's intention of terminating his lease, the minister may give written notice to the lessee that the lease will terminate upon the expiration of the period specified in the notice, which period shall be not less than thirty days from the date on which the notice is given, and upon the expiration of such period the lease shall be deemed to have been cancelled unless, during the period, the lessee has given to the minister a written request that the lease be not terminated.

(2) Subsections (2), (3) and (4) of section 76 apply *mutatis mutandis* with respect to a notice given by the minister under subsection (1) of this section.

R.S.S. 1978, c.P-31, s.77.

**Cancellation of lease where lessee disposes of his private holdings**

**78** Where provincial lands have heretofore been or are hereafter disposed of by a grazing lease granted in order to supplement the farming or ranching unit of an owner or lessee of private lands and such owner or lessee has disposed of such private lands or his interest therein with the result that the provincial lands leased to him for grazing purposes are no longer utilized as part of the farm or ranch unit to supplement which they were leased, the minister may cancel the lease after having given to the lessee not less than thirty days' written notice of his intention to do so.

R.S.S. 1978, c.P-31, s.78.

**Incumbrances vacated on cancellation**

**79** Upon cancellation of a disposition of provincial lands by the minister, all caveats, executions, liens or charges upon the lands or any interest therein shall, as regards the land or interest, be vacated and discharged, and upon receipt of the certificate of the minister that such disposition has been cancelled, describing the land, the proper registrar of land titles shall make all necessary entries in his records to give effect to this section.

R.S.S. 1978, c.P-31, s.79.

**Limitation of actions**

**80** For the purpose of applying *The Limitations Act* to an action or other proceeding against the Crown, the minister, the Attorney General or any officer of the Government of Saskatchewan, claiming any relief with respect to the cancellation of a disposition, the day on which the act or omission on which the claim is based is the date of the notice of intention to cancel the disposition given by the minister.

2004, c.L-16.1, s.69.

## APPEAL BOARD

### Appeal Board

**80.1** Subject to subsection (3) the minister may, with the approval of the Lieutenant Governor in Council, appoint an Appeal Board for the purpose of hearing appeals pursuant to section 80.2.

(2) The board shall consist of at least five members, one of whom shall be designated as chairperson and one of whom shall be designated as vice-chairperson.

(3) The minister shall consult with any farm organizations in the province that he considers appropriate prior to making the appointments to the board.

(4) Three members of the board constitute a quorum.

(5) In the absence or disability of both the chairperson and the vice-chairperson, the board may select a chairperson from among its members.

(6) Where the board is unable to reach a majority decision on any matter and all members present have rendered a decision on that matter, the decision of the chairperson is the decision of the board.

(7) The board has all of the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* .

(8) Each member of the board shall receive any remuneration for his services and allowances for travelling and other expenses that the minister, with the approval of the Lieutenant Governor in Council, may determine.

1983, c.79, s.7; 2013, c.27, s.31; 2015, c.21, s.64.

### Appeal

**80.2(1)** Subject to subsection (2), a person who is aggrieved by a decision of the minister respecting the allocation of land or the termination of a lease may, within 14 days of the date that he is notified that:

- (a) he has not been allocated the land; or
- (b) his lease has been terminated;

as the case may be, appeal to the board.

(2) Where a lease is terminated because of failure by the lessee to pay rent or taxes, there is no right of appeal.

1983, c.79, s.7.

### Appeal re allocation

**80.3** Where the subject of an appeal is the allocation of land, only those persons who have applied to lease the land may appeal.

1983, c.79, s.7.

**Order**

**80.4(1)** On hearing an appeal, the board may make any order in the matter that it considers just, including referring the matter back to the minister for further consideration.

(2) All persons who were heard at a board hearing, and persons whose interests, in the opinion of the board, may be affected by its decision, shall be advised in writing of the decision of the board and the reasons for the decision.

1983, c.79, s.7.

**Appeal to Queen's Bench**

**80.5(1)** An appeal may be taken to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan on a matter of law in respect of a decision of the board within 15 days of the decision.

(2) The practice and procedure on an appeal under subsection (1) shall be such as may be prescribed by the judge to whom the appeal is taken.

(3) The decision of the judge on an appeal under subsection (1) is final and there is no further appeal.

1983, c.79, s.7.

**Stay of decision**

**80.6** The taking of an appeal under section 80.2 or 80.5 does not stay the operation of the decision of the minister or the decision or order of the board, as the case may be.

1983, c.79, s.7.

**Appeal Board may reconsider**

**80.7** Within 30 days of a decision, the board may reconsider the matter and may confirm, vary or reverse its decision.

1983, c.79, s.7.

**Regulations**

**80.8** The Lieutenant Governor in Council may make regulations respecting the practice and procedure of the board.

1983, c.79, s.7.

**SUMMARY PROCEEDINGS FOR POSSESSION****Application for order for possession of land wrongfully occupied**

**81** When any person refuses or fails to cease using, possessing or occupying provincial lands which in the opinion of the minister he is wrongfully or without lawful authority using, possessing or occupying, or refuses or fails to deliver up possession of any such lands after his right to use, possess or occupy the same has been cancelled, the minister, may apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which the lands are situated for an order for possession.

R.S.S. 1978, c.P-31, s.81; 1979-80, c.92, s.77;  
2000, c.50, s.22.

**Order for possession**

**82(1)** The judge to whom the application is made shall, upon the request of the applicant and evidence satisfactory to the judge that such person is wrongfully or without lawful authority using, possessing or occupying such land, make an order, to be called an order for possession, for the summary removal of such person from the land directing him to vacate it forthwith and to cease using, possessing or occupying it and to deliver up possession of it.

(2) **Repealed.** 1993, c.13, s.31.

(3) **Repealed.** 1993, c.13, s.31.

(4) **Repealed.** 1993, c.13, s.31.

(5) An order for possession may be directed to the sheriff or a bailiff, constable or any other person, and it shall be executed by the person to whom it is directed and delivered for that purpose.

R.S.S. 1978, c.P-31, s.82; 1979-80, c.92, s.77;  
1993, c.13, s.31.

**Execution of warrant**

**83** The officer or person to whom an order for possession is directed and delivered shall forthwith remove the person named therein from the land, and also all members of his family, all his employees, servants or labourers, or tenants or members of their families, or their employees, servants or labourers, or otherwise who, under his authority or direction or permission, are using or occupying the land, and may also remove from the land any goods and chattels of such persons found thereon; and in the execution of the order the officer or person to whom it is directed shall have and may exercise all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

R.S.S. 1978, c.P-31, s.83.

**Service in case of forfeiture**

**84** In a case of forfeiture, where the order for possession directs any person who is not in possession or occupancy of the land to deliver up possession thereof, the order shall be sufficiently executed if a copy of it is left with a grown up person on the land and another copy is put up in some conspicuous place thereon, or, where no grown up person is found on the land, if a copy is put up in two conspicuous places thereon; and service of the order for possession in the manner mentioned shall confirm the forfeiture and make it irrevocable; but if, cause having been shown to the contrary, the judge declines to make an order for possession, the forfeiture shall be thereupon immediately cancelled by the minister.

R.S.S. 1978, c.P-31, s.84.

**85 Repealed.** 1979-80, c.92, s.77.

**Buildings to become property of Crown**

**86** When an order for possession is made, all buildings and erections upon the lands affected thereby, whether affixed thereto or not, shall become the property of the Crown, provided that the minister in his discretion, and upon such terms as to time of removal, costs or otherwise as he deems fit, may grant a permit for the removal of the same.

R.S.S. 1978, c.P-31, s.86.

**Penalty**

**87** Any person remaining upon provincial lands or returning thereto, or assuming any right of possession or occupancy or use thereof, after having been ordered to vacate them, under the provisions of this Act, or after having been removed therefrom under an order for possession, is, on summary conviction before a judge of Her Majesty's Court of Queen's Bench for Saskatchewan, or provincial magistrate, or two or more justices of the peace, liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

R.S.S. 1978, c.P-31, s.87; 1979-80, c.92, s.77;  
1993, c.13, s.32.

**Order of minister**

**88(1)** The minister may by notice in writing directed to any person using, possessing or occupying any provincial lands without having had at any time authority to do so, order such person to vacate and cease using, possessing or occupying the lands, within such period of time as may be set out in the notice.

(2) Any person who refuses or neglects to vacate and cease using possessing or occupying provincial lands pursuant to the notice is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 and in default of payment to imprisonment for a term not exceeding thirty days.

(3) If such person after conviction continues to use, possess or occupy the lands he is guilty of an offence and liable from time to time on summary conviction to a fine not exceeding \$500 for each day during which the offence continues and in default of payment to imprisonment for a term not exceeding sixty days.

R.S.S. 1978, c.P-31, s.88; 1993, c.13, s.33.

## OFFENCES AND PENALTIES

**89 Repealed.** 1993, c.13, s.34.

**Officer giving wrong information**

**90** If any officer of the department knowingly and falsely informs or causes to be informed any person applying to him to lease or purchase land within his district that the same has already been leased, assigned or purchased, or refuses to permit the person so applying to lease or purchase the same according to existing regulations, such officer shall be liable to dismissal.

R.S.S. 1978, c.P-31, s.90.

**Intimidation at sales of public lands**

**91** If, before or at the time of a public disposition of provincial lands, any person by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding on, applying for, purchasing or otherwise acquiring any lands so offered for disposition, such offender and his or their aiders and abettors are, for every such offence, guilty of a violation of this Act and liable on summary conviction to a fine not exceeding \$10,000, and in default of payment to imprisonment for a term not exceeding two years.

R.S.S. 1978, c.P-31, s.91; 1993, c.13, s.35.

## DOMINION LANDS ACT

**Application of *Dominion Lands Act* and regulations**

**92(1)** The provisions of the *Dominion Lands Act*, chapter 113 of *The Revised Statutes of Canada, 1927*, and the regulations made thereunder as the same existed on the first day of April, 1931, apply to every contract made under its provisions to purchase or lease provincial lands and to every other arrangement made under its provisions whereby any person has become entitled to any right, interest or estate therein as against the Crown so far as the same are applicable thereto except insofar as they are inconsistent with or are varied by the provisions of this Act or any other Act of the Legislature which apply generally to such contracts, leases or arrangements.

(2) Except as herein or in any other Act otherwise provided the *Dominion Lands Act* and the regulations made thereunder do not apply to this province.

R.S.S. 1978, c.P-31, s.92.

## ANNUAL REPORT

**Annual report**

**93** The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, annually lay before the Legislative Assembly a report of the proceedings, transactions and affairs of the department for the preceding year insofar as they concern provincial lands.

R.S.S. 1978, c.P-31, s.93; 2014, c.E-13.1, s.62.