



# **BILL NO. 81**

*Government Bill*

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*2nd Session, 61st General Assembly  
Nova Scotia  
59 Elizabeth II, 2010*

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**An Act to Regulate the Searching for Treasure  
on Oak Island in Lunenburg County  
and to Repeal Chapter 477  
of the Revised Statutes, 1989,  
the Treasure Trove Act**

CHAPTER 39  
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
DECEMBER 10, 2010**

The Honourable John MacDonell  
*Minister of Natural Resources*

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*Halifax, Nova Scotia  
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**An Act to Regulate the Searching for Treasure  
on Oak Island in Lunenburg County  
and to Repeal Chapter 477  
of the Revised Statutes, 1989,  
the Treasure Trove Act**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Oak Island Treasure Act*.
- 2 In this Act,
  - (a) “licence” means a licence issued pursuant to this Act;
  - (b) “Minister” means the Minister of Natural Resources;
  - (c) “Oak Island” means Oak Island in Mahone Bay near Western Shore, in the County of Lunenburg, above the ordinary high water mark but does not include the causeway leading to the island;
  - (d) “treasure” means precious stones or metals in a state other than their natural state.
- 3
  - (1) The Minister has the general supervision and management of this Act.
  - (2) The Minister may from time to time designate a person to act on behalf of the Minister.
- 4
  - (1) The Minister may, from time to time, issue a licence to any person granting to that person the right on all or any part of Oak Island, as specified in the licence, to search for treasure and to recover and retain the same upon the payment to the Minister of a royalty at such rate as the Minister may prescribe.
  - (2) The Minister may not grant a new licence for any part of Oak Island while a licence is in effect for that part, except to the current holder of a licence for that part.
  - (3) The Minister may prescribe the terms and conditions of a licence.
- 5 The Minister may renew a licence before its expiry, subject to such terms and conditions as the Minister may determine.
- 6 Upon being satisfied that there has been breach of or failure to perform any terms or conditions of a licence by the holder of the licence, the Minister may revoke the licence.
- 7 No licence may be transferred or assigned without the written permission of the Minister.

**8** When any person, whether or not the holder of a licence issued under this Act, discovers or recovers any treasure on Oak Island, that person shall immediately make a report in writing, verified upon oath, to the Minister setting out full particulars of

- (a) the treasure discovered or recovered;
- (b) the location of the discovery; and
- (c) the place at which the treasure may be inspected by the Minister or by some person on the Minister's behalf.

**9** Upon payment of a royalty at the rate prescribed by a licence, the Minister may confirm to the holder of the licence the right to retain for the licence holder's own use and benefit any treasure discovered and recovered by the holder of the licence within the area covered by the licence.

**10** The holder of a licence may, in accordance with the terms and conditions of the licence, enter and search upon Crown lands within the area covered by the licence.

**11** The holder of a licence shall not enter or search upon private lands except with the consent of the owner, tenant or occupant of the lands.

**12 (1)** The Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;
- (b) further defining a word or expression defined in this Act;
- (c) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**13** Upon the coming into force of this Act, a licence issued pursuant to the former *Treasure Trove Act* in respect of all or part of Oak Island, and in effect immediately before the coming into force of this Act, continues under, and subject to, this Act for one year in accordance with its terms and conditions, other than its expiry, unless it is earlier revoked pursuant to this Act or surrendered by the holder of the licence.

**14** **Section 3 of Chapter 438 of the Revised Statutes, 1989, the *Special Places Protection Act*, as amended by Chapter 45 of the Acts of 1990 and Chapter 28 of the Acts of 2005, is further amended by**

- (a) striking out "such an object to which the *Treasure Trove*" in the third line of clause (aa) and substituting "a treasure to which the *Oak Island Treasure*"; and**
- (b) adding immediately after clause (c) the following clause:**
  - (ca) "Oak Island" means Oak Island as defined in the *Oak Island Treasure Act*;

**15** Section 12 of Chapter 438, as amended by Chapter 45 of the Acts of 1990, is further amended by adding “*Oak Island Treasure Act* or the former” immediately before “*Treasure*” in the first line.

**16** Chapter 477 of the Revised Statutes, 1989, the *Treasure Trove Act*, is repealed.

**17** This Act has effect on and after January 1, 2011.

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