

Crown Lands Act

CHAPTER 114 OF THE REVISED STATUTES, 1989

as amended by

2012, c. 6; 2021, c. 9



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CHAPTER 114 OF THE REVISED STATUTES, 1989
amended 2012, c. 6; 2021, c. 9

An Act Respecting Crown Lands

Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Purpose.....	2
Interpretation.....	3
Supervision and management of Act.....	4
Powers of Minister.....	5
Personnel.....	6
Dealing with land.....	7
Transfer of administration.....	8
Title to land acquired.....	9
Registrar of Crown Lands.....	10
Records, plans and maps.....	11
Boundary surveys of Crown lands.....	12
Surveys involving Crown land boundaries.....	13
Destruction or defacing boundary line or marker.....	14
Manner of dealing with Crown lands.....	15
Powers of Minister respecting land.....	16
Petitions for Crown lands.....	17
Method of conveyance.....	18
Execution by Minister and registration.....	19
Reserved Crown lands.....	20
Powers of Minister respecting conditional conveyances.....	21
Rectification of or order vacating conveyance.....	22
Agreements by Minister.....	23
Special areas.....	24
Management by Minister.....	25
Forest access roads.....	26
Rights and obligations respecting forest access roads.....	27
Conditions for disposal of resources.....	28
Cutting or removing resources prohibited.....	29
Fuelwood cutting area.....	30
Sale of resources.....	31
Forest utilization licence agreements.....	32
Rights conferred.....	33
Maintaining records.....	34
Payment and collection of charges.....	35
Scaling standards.....	36
Certificate.....	37
Offences.....	38
Removal of structure.....	39
Offences.....	40
Arrest.....	41
Entry not trespass.....	42
Prohibition.....	43
Search.....	44
Seizure.....	45
Prima facie proof and copies as evidence.....	46
Civil action prohibited.....	47
Liability.....	48
Summary Proceedings Act.....	49
Action by Crown.....	50
Regulations.....	51

Short title

1 This Act may be cited as the *Crown Lands Act*. R.S., c. 114, s. 1.

Purpose

2 The purpose of this Act is to

(a) provide the legislative and regulatory framework that will ensure Crown lands are sustainably used, protected, and managed to maintain and enhance biodiversity and considers climate change and for purposes that include wilderness conservation, recreation, economic opportunity in forestry, tourism and other sectors, community development, and for the cultural, social and aesthetic enjoyment of Nova Scotians;

(b) require that forestry leasing and licensing on Crown lands provide equitable stumpage rates, provide adequate investments in forest improvements and establish an overall preference for timber produced on privately owned land; and

(c) support the range of purposes set forth in clauses (a) and (b) through land-use planning for Crown lands. 2021, c. 9, s. 1.

Interpretation

3 In this Act,

(a) “conservation officer” means a conservation officer appointed pursuant to this Act, the *Forests Act* or the *Wildlife Act*;

(b) “Crown” means Her Majesty in right of the Province;

(c) “Crown lands” means all or any part of land under the administration and control of the Minister;

(d) “Department” means the Department of Lands and Forestry;

(e) “Director of Surveys” means the Director of Surveys appointed pursuant to this Act;

(f) “forest” means a plant association consisting predominantly of trees;

(g) “forest access road” means a road or part of a road to the fullest extent of the right of way of such road and includes the bridges, shoulders and ditches but does not include a public highway or public road or the bridge thereon;

(h) “forest land” means land bearing forest growth or land from which the forest has been removed but which shows surface evidence of past forest occupancy and is not in other use;

(i) “grant”, when used as a verb, means the transfer of an interest in Crown lands and, when used as a noun, means the initial transfer of Crown lands from the Crown to a person;

(j) “lease” means a lease of Crown lands made pursuant to this Act or any special or general enactment, or a lease of Crown lands in force on the twenty-ninth day of May, 1987, and made pursuant to Chapter 163 of the Revised Statutes, 1967;

(k) “lessee” means the holder of a lease;

(l) “licence” means a licence in respect of Crown lands given pursuant to this Act or any special or general enactment, or a licence of Crown lands in force on the twenty-ninth day of May, 1987, and made pursuant to Chapter 163 of the Revised Statutes, 1967;

(m) “licensee” means a holder of a licence;

(n) “Minister” means the Minister of Lands and Forestry;

(o) “Registrar” means the Registrar of Crown Lands appointed pursuant to this Act;

(p) “structure” includes a building, camp, trailer, houseboat, raft, wharf, fence or wall;

(q) “stumpage” means the amount as determined by the Minister which is payable to the Crown for timber harvested on Crown lands;

(r) “timber” means all trees of any species or size whether standing, fallen, cut or harvested;

(s) “vehicle” means any vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*, and includes a motor boat or motor vessel;

(t) “wildlife” means any species of vertebrate which is wild by nature and hence not normally dependent on man to directly provide its food, shelter or water;

(u) “wood-processing facility” means a mill in which timber is manufactured into secondary wood products;

(v) “woods” means forest land, rock barren, brushland, dry marsh, bog and muskeg. R.S., c. 114, s. 3; O.I.C. 91-971; 2012, c. 6, s. 2; O.I.C. 2018-188.

Supervision and management of Act

4 (1) The Minister has the general supervision and management of this Act and the regulations.

(2) The Minister may from time to time designate persons to act on behalf of the Minister.

(3) The Minister shall, in all matters pertaining to Crown lands, have and exercise all the powers, rights, duties, authority and privileges which previous to the nineteenth day of March, 1926, were had or exercised by the Commissioner of Crown Lands and the Commissioner of Forests and Game.

(4) The authority and responsibility of the Minister to administer and control Crown lands exists even though the land may be subject to a lease, licence, easement or encumbrance. R.S., c. 114, s. 4.

Powers of Minister

5 The Minister has supervision, direction and control of

(a) the acquisition, registration, survey and sale or disposition of Crown lands; and

(b) the administration, utilization, protection and management of Crown lands, including

(i) access to and travel on Crown lands,

(ii) habitats for the maintenance and protection of wildlife on Crown lands,

(iii) harvesting and the renewal of timber resources on Crown lands,

(iv) forest recreation on Crown lands, and

(v) matters that may be assigned pursuant to this Act and the regulations,

but not including land owned or claimed by the Province specifically under the jurisdiction of another member of the Executive Council or a department, branch or agency of the Government other than the Department. R.S., c. 114, s. 5.

Personnel

6 (1) Conservation officers and other persons required for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*.

(2) Notwithstanding subsection (1), the Minister may engage, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister deems necessary for the efficient carrying out of the intent and purpose of this Act and the regulations.

(3) All conservation officers appointed pursuant to the *Wildlife Act* or the *Forests Act* are conservation officers for the purposes of this Act.

(4) A member of the Royal Canadian Mounted Police is by virtue of office a conservation officer pursuant to this Act and has the same powers as are conferred upon a conservation officer.

(5) A conservation officer in carrying out duties pursuant to this Act and the regulations has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada).

(6) The protection afforded by this Act and any other enactment to a conservation officer extends to any other person while and to the extent that that person is in the course of assisting a conservation officer under the conservation officer's direction.

(7) A conservation officer may administer oaths by any person making a declaration or affidavit pursuant to this Act.

(8) A conservation officer before commencing duties pursuant to this Act, shall take an oath or affirmation as prescribed by the regulations.

(9) Subsection (8) does not apply to members of the Royal Canadian Mounted Police or conservation officers who have already taken and subscribed an oath of office.

(10) A copy of an identification card signed by the Minister is proof in any court of law that the individual named therein is a conservation officer pursuant to this Act or the regulations without any further proof. R.S., c. 114, s. 6.

Dealing with land

7 With the approval of the Governor in Council, the Minister may

- (a) acquire by purchase or gift any land or interest in land;
- (b) acquire by lease or licence any land or interest in land;
- (c) exchange Crown lands for privately owned land;
- (d) acquire an easement or right of way across privately owned

land. R.S., c. 114, s. 7.

Transfer of administration

8 (1) With the approval of the Governor in Council, the Minister may accept the transfer of the administration and control of land from the Government of Canada or an agency thereof.

(2) The Minister may by letter accept the transfer of the administration and control of land administered by another Provincial government department. R.S., c. 114, s. 8.

Title to land acquired

9 All land acquired pursuant to this Act is vested in the Crown and is deemed to be Crown lands under the administration and control of the Minister. R.S., c. 114, s. 9.

Registrar of Crown Lands

10 (1) The Minister may designate a person in the Department to be Registrar of Crown Lands for the purpose of this Act.

(2) The Registrar shall maintain such land-record facilities as are deemed necessary to store and record all land-related documents involving Crown lands and such other land as is directed by the Governor in Council.

(3) The Registrar shall be responsible for co-ordinating and consolidating information relating to that land identified in subsection (2). R.S., c. 114, s. 10.

Records, plans and maps

11 (1) The Minister shall keep on file in the Department records and plans showing the location of Crown lands and such other land and boundaries thereof as are directed by the Governor in Council.

(2) The Minister shall not be liable for the accuracy of information represented on maps prepared by the Department which present graphic indexes of the location of Crown lands and other land which has been granted or otherwise conveyed by the Crown. R.S., c. 114, s. 11.

Boundary surveys of Crown lands

12 (1) The Minister shall ensure that the boundaries of Crown lands are surveyed and kept maintained.

(2) The Minister may designate a person in the Department to be Director of Surveys for the purpose of this Act.

(3) All boundary surveys of Crown lands shall comply with the *Land Surveyors Act* and regulations made thereto. R.S., c. 114, s. 12.

Surveys involving Crown land boundaries

13 (1) No person shall survey a boundary of Crown lands without first obtaining an order of survey from the Director of Surveys.

(2) No person shall survey any boundaries touching or bordering Crown lands without first advising the Director of Surveys.

(3) Upon completion of a boundary survey involving Crown lands, the surveyor shall, where prepared, submit a return of survey and a legible copy of field notes to the Director of Surveys.

(4) No changes in any records or plans on file with the Department shall be made on the basis of a return of survey until such return is approved by the Director of Surveys. R.S., c. 114, s. 13.

Destruction or defacing boundary line or marker

14 (1) No person shall destroy or deface any boundary line or any part thereof or remove, move or destroy any monument, pin, post or other marker placed on Crown lands to establish a boundary of Crown lands.

(2) In a prosecution with respect to an offence pursuant to this Section, any monument, pin, post or other marker alleged to have been placed on Crown lands shall, in the absence of evidence to the contrary, be deemed to have been placed on Crown lands for the purpose of establishing a boundary thereon. R.S., c. 114, s. 14.

Manner of dealing with Crown lands

15 Crown lands shall not be granted, conveyed, sold or disposed of in any manner except as provided by this Act. R.S., c. 114, s. 15.

Powers of Minister respecting land

16 (1) With the approval of the Governor in Council, the Minister may

- (a) issue a grant, deed, lease, licence or other conveyance for the disposition of Crown lands or any interest in Crown lands;
- (b) grant an easement or right of way with respect to Crown lands upon such terms and conditions as the Minister considers appropriate;
- (c) transfer the administration and control of Crown lands to the Government of Canada or an agency thereof.

(2) The Minister may by letter transfer the administration and control of Crown lands administered by the Department to another Provincial government department. R.S., c. 114, s. 16.

Petitions for Crown lands

17 (1) All petitions for Crown lands shall be entered in a petition book, the original of which is kept on permanent file in the Department.

(2) All entries in the petition book shall be made in the order in which they are received.

(3) The entry shall specify the name of the applicant, the date of the application and such other details as the Minister deems expedient.

(4) The Minister may prescribe a fee to be submitted with a petition. R.S., c. 114, s. 17.

Method of conveyance

18 (1) Title to any Crown lands which have not already been granted, may be conveyed by means of a grant.

(2) All grants shall be signed by the Lieutenant Governor and the Minister and a second original shall be kept on permanent file in the Department.

(3) A copy of the grant and plan shall be forwarded to the registrar of deeds for the registration district where the land is situate.

(4) The registrar of deeds shall, without fee or charge, register the instrument in compliance with the *Registry Act*.

(5) All grants signed or purported to be signed by the Lieutenant Governor and the Minister which bears their respective seals may be registered without proof of execution. R.S., c. 114, s. 18.

Execution by Minister and registration

19 (1) Where the Minister, with the approval of the Governor in Council, conveys title to Crown lands, the Minister shall sign the instrument or document and affix the seal of the office of the Minister.

(2) All documents, signed or purported to be signed by the Minister, which bear the seal of the office of the Minister may be registered by the registrar of deeds for the registration district where the land is situate without proof of execution. R.S., c. 114, s. 19.

Reserved Crown lands

20 (1) A person may apply to the Minister to construct a forest access road on Crown lands which have been reserved for such purposes.

(2) Where Crown lands have been reserved for a road or for another purpose and are not used for that purpose or provide a hindrance to the development of the area, the Minister, with the approval of the Governor in Council, may convey all or a portion of the land so reserved to such persons on such terms and conditions as the Minister deems appropriate. R.S., c. 114, s. 20.

Powers of Minister respecting conditional conveyances

21 (1) Where a grant, deed or other conveyance affecting Crown lands issued pursuant to this Act or any previous Act contains a condition that the land is to be used in a particular manner, the Minister may

(a) declare the grant, deed or other conveyance null and void if the land is being used in violation of the condition;

(b) with the approval of the Governor in Council, order the release of all or part of the land from a condition; or

(c) upon the payment of the prescribed fee, extend the time for the performance of a condition.

(2) Where the Minister makes a declaration pursuant to clause (a) of subsection (1), the land reverts to the Crown.

(3) A copy of a declaration, order or extension made pursuant to subsection (1) shall be forwarded to the registrar of deeds for the registration district where the land is situate.

(4) Any structure or personal property remaining on Crown lands after the revocation, cancellation or termination of a grant, deed or other conveyance is the property of the Crown and may be disposed of in the manner the Minister deems expedient. R.S., c. 114, s. 21.

Rectification of or order vacating conveyance

22 (1) The Minister may issue a grant or deed of rectification where a grant, deed or other conveyance of Crown lands contains a clerical error, a misnomer or a wrong or defective description or plan of the land.

(2) A grant or deed of rectification relates back to the original grant or deed with respect to which it is made and has effect as if it were issued on the date of the issue of that grant or deed and has the effect of correcting with necessary modifications every instrument made by the grantee or any person claiming through or under the grantee prior to the date of the corrected document.

(3) The Minister, with the approval of the Governor in Council, may by order vacate a grant, deed or other conveyance of Crown lands in whole or in part that was issued as a result of fraud or misrepresentation or is manifestly in derogation of the public interest and thereupon the land reverts to the Crown as if the grant, deed or other conveyance had not been made, subject to the rights of *bona fide* purchasers for value or a person whose title is derived therefrom.

(4) A copy of a grant or deed of rectification or an order vacating a grant, deed or other conveyance of Crown lands shall be forwarded to the registrar of deeds for the registration district where the land is situate.

(5) This Section applies to all grants, deeds or conveyances whether made before or after the twenty-ninth day of May, 1987. R.S., c. 114, s. 22.

Agreements by Minister

23 The Minister may, for the more effective management of Crown lands, enter into an agreement with the Government of Canada or an agency thereof, with a provincial government or an agency thereof or with a person for any purpose related to this Act or the regulations. R.S., c. 114, s. 23.

Special areas

24 The Minister may set aside special areas on Crown lands for

- (a) the maintenance and management of the forests in conformity with the *Forests Act* and the *Forest Enhancement Act*;
- (b) the conduct of forest research;

- (c) the protection and regulation of the flow of water within the lands so reserved and set apart;
- (d) the development of water power to be derived therefrom;
- (e) the protection, management and conservation of wildlife and wildlife habitats;
- (f) such purposes as the Minister deems expedient. R.S., c. 114, s. 24.

Management by Minister

25 (1) The Minister shall manage wildlife and wildlife habitats on Crown lands and provide for the maintenance of long-term productivity, diversity and stability of the forest ecosystem.

(2) The Minister shall integrate appropriate protective measures in forest-management planning for Crown lands to respect the integrity of water-supply watersheds, wildlife habitats, special places, ecological reserves and significant outdoor-recreation opportunities. R.S., c. 114, s. 25.

Forest access roads

26 (1) The Minister may construct and maintain or acquire any forest access road the Minister considers necessary for the administration of this Act and the regulations.

(2) The Minister may issue a permit to construct and use a forest access road across Crown lands for such period of time as set out in the regulations or as ordered by the Minister.

(3) The Minister is not liable for damage, loss or injury to a user arising in relation to the construction, repair, maintenance or lack of maintenance of a forest access road.

(4) The Minister may close a forest access road or any portion thereof to travel by a class of vehicle or by a person or class of persons for all or any part of the year.

(5) A forest access road may be closed pursuant to subsection (4) by the erection of a sign or barricade or such other manner as the Minister deems expedient.

(6) The Minister may grant a permit to travel on a forest access road which is closed subject to such terms and conditions as the Minister deems advisable.

(7) No person shall, without lawful authority

- (a) travel on a forest access road or portion thereof which is closed;

- (b) remove or deface a sign or barricade erected pursuant to this Act; or
- (c) barricade or post signs on a forest access road.

(8) In a prosecution pursuant to subsection (7), where a sign or barricade is posted or erected on a forest access road indicating that the forest access road or a portion of it is closed, it is *prima facie* deemed to have been posted or erected by the Minister. R.S., c. 114, s. 26.

Rights and obligations respecting forest access roads

27 (1) Any person, including those who hold a licence, permit, lease or other form of agreement with the Crown, may, with consent of the Minister,

- (a) construct a forest access road and works necessarily incidental thereto;
- (b) restrict travel over a forest access road;
- (c) abandon a forest access road and works necessarily incidental thereto;
- (d) require users of the forest access road to obtain a permit;
- (e) restrict the use of a forest access road to the public by the use of gates or by notice if material damage might result from such use or if such use might endanger life or property;
- (f) remove, at the expense of the owner thereof, a vehicle or equipment unlawfully found on or using the forest access road.

(2) The Minister is not liable for damage, loss or injury arising from the construction, repair or maintenance or lack thereof of a forest access road constructed by a person referred to in subsection (1).

(3) The Minister may enter into an agreement with a person who constructs a forest access road to open it to travel by the public generally or by a class thereof as may be agreed upon and such agreement may provide that the cost of constructing, reconstructing or maintaining the forest access road be shared in the proportions agreed upon.

(4) Where a forest access road built pursuant to this Section is abandoned, the person who constructed the road shall rehabilitate the area affected to a degree satisfactory to the Minister unless the Minister agrees to assume the responsibility for the forest access road and works necessarily incidental thereto. R.S., c. 114, s. 27.

Conditions for disposal of resources

28 Timber and other resources on Crown lands may be disposed by means of

- (a) a permit;
- (b) a licence;
- (c) a forest utilization licence agreement; or
- (d) such means as the Minister deems appropriate. R.S., c. 114, s. 28.

Cutting or removing resources prohibited

29 (1) No person shall cut or remove timber or other resources on or from Crown lands unless that person is expressly authorized to do so pursuant to this Act or the regulations.

(2) In addition to a penalty imposed for a violation of subsection (1), the court may order a person convicted of an offence pursuant to this Section to restore the land to a condition as near as practicable as it was before the offence was committed and pay an amount equal to twice the market value of the property cut, damaged or removed. R.S., c. 114, s. 29.

Fuelwood cutting area

30 (1) The Minister may designate an area of Crown lands as a fuelwood cutting area or as an area for a use the Minister deems appropriate.

(2) The Minister may issue a permit to remove timber and other resources from an area designated pursuant to subsection (1) provided they are to be used for domestic purposes and not for resale.

(3) No permit issued pursuant to this Section shall be for a period in excess of one year or renewed for a longer period than twelve months at any one time. R.S., c. 114, s. 30.

Sale of resources

31 (1) The Minister may offer timber or other resources from Crown lands for sale by tender, public auction or other means upon such terms as the Minister deems expedient.

(2) Subsequent to a sale pursuant to subsection (1), the Minister may issue a licence upon such terms and conditions as the Minister deems appropriate.

(3) No licence issued pursuant to this Section shall be granted for a longer period than two years or renewed for a longer period than twelve months at any one time. R.S., c. 114, s. 31.

Forest utilization licence agreements

32 (1) The Minister, with the approval of the Governor in Council, may enter into a forest-utilization licence agreement for the purpose of ensuring the best possible utilization of the forests of the Province and the timber thereon

with a person who owns or operates a wood-processing facility in the Province or who undertakes by agreement with the Minister to construct and operate a wood-processing facility in the Province.

(2) When entering into an agreement pursuant to subsection (1), the Minister shall consider whether

(a) the availability of primary forest products from Crown lands will unfairly influence the marketability of such products from privately owned lands; and

(b) the agreement will unfairly limit access to other primary forest products, including hardwood, on Crown land.

(3) An agreement pursuant to subsection (1) may include provisions for sub-licensing and must contain such terms and conditions as are deemed necessary by the Minister and, subject to subsection (4), may not be for a period longer than twenty years.

(4) An agreement pursuant to subsection (1) may provide that in every tenth year of the agreement it may be extended, with or without change or amendments to the terms and conditions under which it was granted, for ten years so that the term of the agreement after each extension is twenty years.

(5) Unless provided otherwise, an agreement renewed pursuant to subsection (4) is a continuation of the agreement originally issued and the agreement renewed continues and is deemed to have continued without interruption from the renewed date of the original agreement. R.S., c. 114, s. 32; 2012, c. 6, s. 3.

Rights conferred

33 (1) A permit, licence or licence agreement issued pursuant to this Act does not confer on the holder thereof an exclusive right to the Crown lands involved except such rights as are necessary to cut or remove the timber or other resources to which the permit, licence or licence agreement applies.

(2) Where a permit, licence or licence agreement is found to comprise timber or other resources included in an earlier permit, licence or licence agreement, the later permit, licence or licence agreement is void in so far as it conflicts with the earlier permit, licence or licence agreement and the person holding the later permit, licence or licence agreement has no claim against the Minister for indemnity or compensation by reason thereof.

(3) Subject to the payment of stumpage or other charges, property rights in the timber or other resources set out in the permit, licence or licence agreement vest in the holder thereof at the time the timber or other resources are cut or removed.

(4) Notwithstanding subsection (3), where timber or other resources are removed from Crown lands or are damaged or destroyed by a person

without lawful authority, the permit holder or licensee affected, as against such person and any other person except the Crown, is and is deemed to be the owner of the timber or other resources and in possession of the Crown lands affected for the purpose of maintaining an action with respect to such product. R.S., c. 114, s. 33.

Maintaining records

34 (1) Every permit holder or licensee shall keep such records as are required by the Minister and such records shall be open at all times to the inspection of the Minister or an auditor acting on behalf of the Crown.

(2) A person who fails to furnish such records or fails or neglects to comply with the terms and conditions of a permit, licence or licence agreement is guilty of an offence. R.S., c. 114, s. 34.

Payment and collection of charges

35 (1) A person who harvests or takes possession of timber or other resources on Crown lands under a permit, licence or licence agreement shall pay to the Crown stumpage or such other charges as may be determined by the Minister.

(2) Where stumpage or a charge is due and unpaid to the Crown by a person, interest at a rate determined by the Minister shall be paid by that person on the amount due and payable from time to time.

(3) Unpaid stumpage, charges or interest is a lien or charge upon timber cut or other resources removed by the permit holder or licensee under the authority of a permit, licence or licence agreement and upon a product manufactured from such timber or other resources in preference and priority to any and all fees, charges or claims in favour of another person whether arising before or after a lien or charge arises pursuant to this Section.

(4) A lien or charge arising pursuant to subsection (3) does not require registration or filing and attaches to any processed wood or other product into which the timber or other resources that are subject to the lien or charge may be converted.

(5) Where the timber or other resources or products into which they may be processed are sold under any order of foreclosure, sale or execution or under a legal process otherwise than by the Crown to satisfy its lien or charge, the amount of the lien or charge created pursuant to subsection (3) constitutes a first lien or charge on the proceeds of the sale and title thereof does not pass to the purchaser until the lien or charge is satisfied.

(6) Wherever a permit holder or licensee is in default under a term of the permit, licence or licence agreement issued pursuant to this Act, the Minister shall give to the permit holder or licensee then in default written notice to make payment of the amount in default and if the permit holder or licensee fails to pay the amount of stumpage, charges or interest then due, a conservation officer with a search warrant may search for, seize or impound timber or other resources or

products into which they may have been processed to satisfy the stumpage, charges or interest then outstanding.

(7) Where a product has been seized pursuant to subsection (6) and no claim to recover it has been made within thirty days from the date of seizure and the stumpage, charges or interest has not been paid, the timber or other resources or product into which it may have been processed is forfeited to and becomes the property of the Crown and may be sold or disposed of in any manner which the Minister deems expedient.

(8) The balance of the proceeds of any sale pursuant to subsection (7), after retaining all amounts due to the Crown shall be paid to the person entitled thereto or, in the case of a dispute as to whom the money is to be paid, it shall be paid into a court of competent jurisdiction and the court's decision with respect to payment shall be final. R.S., c. 114, s. 35.

Scaling standards

36 Where forest products harvested on Crown lands are required to be scaled, they shall be scaled in accordance with the *Scalers Act* and regulations made pursuant to that Act. R.S., c. 114, s. 36.

Certificate

37 (1) Where it appears to the Minister that a person, known or unknown, has acquired rights or claim by possession in or to Crown lands and the Minister so reports to the Executive Council, the Governor in Council may authorize and direct the Minister to issue a certificate to the effect that the Crown asserts no interest or claim to the land and upon the issuance of the certificate all interest or claim of the Crown to the land described therein ceases.

(2) A certificate pursuant to this Section purporting to bear the signature and seal of the Minister shall be registered in the registry of deeds for the registration district in which the land therein described is situate without proof of the signature. R.S., c. 114, s. 37.

Offences

38 (1) A person who without legal justification or without the permission of the Minister or a person authorized by the Minister, the proof of which rests upon the person asserting justification or permission,

(a) enters upon Crown lands where entry is prohibited by notice;

(b) engages in an activity which is prohibited on the Crown lands by notice; or

(c) dumps or deposits materials on or over Crown lands or causes, suffers or permits material to be dumped or deposited on or over Crown lands,

is guilty of an offence.

(2) A notice pursuant to this Section may be given orally, in writing or by sign.

(3) Where the notice is by means of a sign, the sign shall be posted so that it is clearly visible in daylight under normal conditions from the approach to each usual point of access to the Crown lands to which it applies.

(4) A notice pursuant to this Section may be given in respect of part of the Crown lands.

(5) A person who, without legal justification, removes a sign or notice posted on Crown lands is guilty of an offence.

(6) In addition to a penalty imposed pursuant to subsection (1), the court may order a person convicted of an offence pursuant to this Section to restore the land to a condition as nearly as practicable as it was before the offence was committed. R.S., c. 114, s. 38.

Removal of structure

39 (1) Where a structure is on Crown lands in respect of which there is not in effect a lease or permit issued pursuant to this Act or a structure is placed on Crown lands by a person who is not the holder of a lease or permit issued pursuant to this Act, the Minister may, by written notice, require the person who erected or occupies or uses the structure to remove it from Crown lands within sixty days after service of the notice upon that person.

(2) A notice given pursuant to subsection (1) may be served upon the person to whom it is directed by delivering it to that person personally or, where that person cannot conveniently be served personally, by leaving it at that person's last or most usual place of residence with a person who is apparently not under sixteen years of age.

(3) Where the identity of a person to whom a notice may be directed pursuant to subsection (1) is unknown to the Minister, the Minister may cause notice requiring the removal of the structure to be posted in a conspicuous place on the structure.

(4) A person upon whom a notice pursuant to subsection (1) has been served pursuant to this Section who fails to remove the structure from Crown lands within sixty days of service is guilty of an offence.

(5) Where a notice pursuant to subsection (1) has been served or posted and the structure has not been removed from Crown lands within sixty days of the service or posting, the Minister or any person acting by or under the Minister's authority may remove the structure, together with the contents contained therein or demolish the structure in any manner that the Minister considers expedient and the costs and expenses of the removal or demolition may be recovered by the Minister in a court of competent jurisdiction in any action for debt on behalf of

the Crown against any person who erected, occupied or used the structure. R.S., c. 114, s. 39.

Offences

40 (1) Except as authorized pursuant to this or any other Act or by the Minister, a person who

(a) cuts down or damages timber or other resources belonging to the Crown;

(b) removes from Crown lands timber or other resources of the Crown; or

(c) damages or removes property of the Crown,

is guilty of an offence.

(2) In addition to a penalty imposed for a violation of subsection (1), the court may order a person convicted of an offence pursuant to this Section to restore the land to a condition as near as practicable as it was before the offence was committed and pay an amount equal to twice the market value of the timber or other resources cut, damaged or removed. R.S., c. 114, s. 40.

Arrest

41 A conservation officer may arrest without a warrant a person whom the conservation officer

(a) finds committing an offence contrary to this Act or the regulations; or

(b) believes on reasonable and probable grounds is committing or has recently committed an offence contrary to this Act or the regulations. R.S., c. 114, s. 41.

Entry not trespass

42 (1) A conservation officer in the discharge of the conservation officer's duties and a person accompanying the conservation officer may enter upon and pass through privately owned land without being liable for trespass.

(2) A person entering upon privately owned land pursuant to subsection (1) is only liable for actual damages caused by such entry. R.S., c. 114, s. 42.

Prohibition

43 No person shall

(a) obstruct;

(b) cause another person to obstruct;

(c) incite another person to obstruct; or

(d) assault,

a conservation officer in the exercise of authority pursuant to this Act or regulations or a person assisting the conservation officer in the exercise of that authority. R.S., c. 114, s. 43.

Search

44 A conservation officer who has reasonable and probable grounds to believe there has been a violation of this Act or the regulations may

(a) without a search warrant, stop, enter and search a vehicle, railway car or aircraft; or

(b) with a search warrant, search a residence or structure. R.S., c. 114, s. 44.

Seizure

45 (1) A conservation officer appointed pursuant to this Act may seize anything, including a vehicle, that the conservation officer believes on reasonable and probable grounds may afford evidence of an offence pursuant to this Act or the regulations.

(2) Where timber or any other resources on Crown lands which have been cut down or removed without authority are found mixed with timber or other resources.

(a) other than from Crown lands; or

(b) authorized to be harvested on Crown lands,

a conservation officer may, with a search warrant, seize any or all such timber or resources.

(3) Where a conservation officer has seized timber or other resources in accordance with this Section, the conservation officer shall

(a) without delay, report the particulars of the seizure to the Department; and

(b) where the conservation officer has knowledge of the person who was in actual or apparent possession of the timber or other resources at the time of the seizure, give notice to that person of the seizure, either by personal service or by registered mail.

(4) Timber or any other resources seized by a conservation officer pursuant to this Section that is not otherwise property of the Crown becomes property of the Crown by the seizure and may be disposed of as the Minister considers appropriate. R.S., c. 114, s. 45.

Prima facie proof and copies as evidence

46 (1) In a prosecution or proceeding pursuant to this Act or the regulations in which proof is required with respect to

- (a) the issuance, cancellation, suspension or reinstatement of a permit, licence or licence agreement;
- (b) the identity of the person who is the permit holder or the licensee named in the permit;
- (c) the delivery, serving or mailing of a document or notice to be given by the Minister;
- (d) the receipt of a required return by the Department;
- (e) a previous conviction of a person pursuant to this Act or the regulations,

a certificate purporting to be signed by the Minister or the Registrar certifying with respect to the same is *prima facie* proof of the facts stated in the certificate and of the authority of the person who has signed the certificate without further proof of appointment or signature.

(2) A copy of a record, document, book or paper belonging to or deposited with the Department attested under the signature of the Minister or the Registrar is evidence in all cases in which the original record, document, book or paper could be evidence.

(3) In a prosecution or proceeding pursuant to this Act or the regulations, a plan or copy of a plan of land certified by the Minister or the Registrar to be a correct copy, according to the records of the Department, is receivable in evidence without proof of the signature of the person certifying the same and the designation of land on such plan as Crown lands or words to this effect is *prima facie* proof that the land so designated is land belonging to the Crown. R.S., c. 114, s. 46.

Civil action prohibited

47 No action in trespass or nuisance may be brought against the Crown or its agents for the doing of any act or the carrying out of any operation necessarily incidental to the exercise of a duty or power pursuant to the Act or the regulations except where such trespass or nuisance results in actual injury to the person or actual damage to property. R.S., c. 114, s. 47.

Liability

- 48 (1) Where
- (a) a person removes timber or other resources from Crown lands;
 - (b) the removal is not authorized by a permit, licence or licence agreement; and
 - (c) timber or other resources are not recovered or recoverable by the Department,

the person in charge of the cutting or removal operation and the person for whom the cutting or removal operation is being conducted are jointly and severally liable

for damages in an amount equal to twice the market value of the unrecovered timber or other products.

(2) Subsection (1) does not apply to a person who is ordered to make payment pursuant to subsection (2) of Section 29 or subsection (2) of Section 40. R.S., c. 114, s. 48.

Summary Proceedings Act

49 The *Summary Proceedings Act* and forms authorized thereunder apply to all prosecutions and proceedings pursuant to this Act and the regulations as far as they are applicable and are not inconsistent with this Act and the regulations. R.S., c. 114, s. 49.

Action by Crown

50 Where pursuant to this Act or an enactment, a notice relating to Crown lands is required to be given or an 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., c. 114, s. 50.

Regulations

- 51 (1) The Governor in Council may make regulations
- (a) respecting the oath or affirmation of office for conservation officers;
 - (b) respecting the acquisition of lands;
 - (c) respecting the registration of Crown lands;
 - (d) respecting the survey of Crown lands;
 - (e) respecting leasing and other dispositions of Crown lands;
 - (f) respecting the harvesting and removal of timber and other resources from Crown lands;
 - (g) respecting special areas set aside on Crown lands;
 - (h) respecting forest access roads on Crown lands;
 - (i) respecting permits, licences and forest utilization licence agreements on Crown lands;
 - (j) respecting forest management on Crown lands;
 - (k) respecting claims to Crown lands;
 - (l) respecting information returns to be completed with respect to Crown lands;
 - (m) respecting stumpage and other charges for timber and other resources removed from Crown lands;

- (n) respecting the posting and use of signs on Crown lands;
- (o) respecting the conduct of public auctions and sales pursuant to the Act;
- (p) prescribing minimum and maximum fines to be paid for violations of the regulations;
- (q) defining any word or expression used in this Act or the regulations and not defined therein;
- (r) respecting procedures and forms to be used;
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of the Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 114, s. 51.
