

Mi'kmaq Education Act

CHAPTER 17 OF THE ACTS OF 1998

as amended by

2004, c. 15; N.S. Reg. 129/2014; N.S. Reg. 137/2014



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CHAPTER 17 OF THE ACTS OF 1998
amended 2004, c. 15; N.S. Reg. 129/2014; N.S. Reg. 137/2014

**An Act Respecting Education
on Mi'kmaq Reserves in Nova Scotia**

Table of Contents

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

	Section
Short title.....	1
Purpose of Act.....	2
Interpretation.....	3
Application of Act.....	4
Laws applicable to reserves.....	5
Educational programs and services.....	6
Laws of a community.....	7
Power to amend Schedule.....	8
Proclamation.....	9
Schedule.....	

Short title

1 This Act may be cited as the *Mi'kmaq Education Act*. 1998, c. 17, s. 1.

Purpose of Act

2 The purpose of this Act is to give effect to the Agreement respecting the jurisdiction of the Mi'kmaq of the Province over education. 1998, c. 17, s. 2.

Interpretation

3 In this Act,

(a) “Agreement” means the agreement dated February 14, 1997, between “The Mi'kmaq Bands in Nova Scotia”, Her Majesty in right of Canada and Her Majesty in right of the Province;

(b) “band” means a band within the meaning of the *Indian Act* (Canada);

(c) “community” means a band that is named in the Schedule to this Act;

(d) “Minister” means the Minister of Education and Culture;

(e) “reserve” means a reserve of a band that is named in the Schedule to this Act. 1998, c. 17, s. 3.

Application of Act

4 This Act applies to a community for which a constitution is in effect. 1998, c. 17, s. 4.

Laws applicable to reserves

5 (1) A community may, to the extent provided by the Agreement, enact laws applicable on its reserve respecting primary, elementary and secondary education for residents of the reserve.

(2) Where there is a conflict between laws enacted pursuant to subsection (1) and any other law respecting primary, elementary or secondary education in the Province, the laws enacted pursuant to subsection (1) prevail. 1998, c. 17, s. 5.

Educational programs and services

6 (1) A community shall, to the extent provided by the Agreement, provide or make provision for primary, elementary and secondary education programs and services to all residents of its reserve.

(2) The educational programs and services provided by a community must be comparable to the programs and services provided by other education systems in Canada in order to permit the transfer of students to and from those systems without academic penalty, to the same extent as the transfer of students between those other educational systems. 1998, c. 17, s. 6.

Laws of a community

7 (1) Laws of a community enacted pursuant to subsection 5(1) shall be enacted in the manner provided by its constitution.

(2) Laws enacted pursuant to subsection 5(1) are not regulations within the meaning of the *Regulations Act*. 1998, c. 17, s. 7.

Power to amend Schedule

8 (1) The Governor in Council may, by order, add to the Schedule the name of a band if the council of the band has, in a manner consistent with the Agreement, authorized the Agreement to be signed on behalf of the band, the Agreement has been signed on behalf of the band and the council of the band has so notified the Minister.

(2) The Governor in Council may, by order, delete the name of a band from the Schedule if the council of the band has, in a manner consistent with the Agreement, authorized the withdrawal of the band from the Agreement and so notified the Minister.

(3) An order of the Governor in Council made pursuant to this Section has effect on and after the April 1st immediately following the July 1st immediately following the day the Minister is given notice pursuant to this Section. 1998, c. 17, s. 8.

Proclamation

9 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1998, c. 17, s. 9.

Proclaimed - April 28, 1999
In force - April 22, 1999

SCHEDULE

1. Acadia Band
2. Annapolis Valley Band
- 2A. Bear River Band
3. Chapel Island Band
4. Eskasoni Band
- [4A.] Gloosecap First Nation
5. Membertou Band
- [5A.] Paq'tnkek First Nation
6. Pictou Landing First Nation
7. Shubenacadie First Nation
8. Wagmatcook Band
9. Whycomomagh First Nation

1998, c. 17, Sch.; 2004, c. 15, s. 1; N.S. Reg. 129/2014; N.S. Reg. 137/2014.