



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 38

(2006, chapter 40)

An Act to amend the Act respecting the lands in the domain of the State and other legislative provisions

**Introduced 18 October 2006
Passage in principle 9 November 2006
Passage 7 December 2006
Assented to 12 December 2006**

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EXPLANATORY NOTES

This bill amends the Act respecting the lands in the domain of the State to provide for the implementation of a new register called the Register of the domain of the State. It determines the content of the register, specifying which information it must contain, including natural resource development rights, territories with special legal status, restrictions on use, acquisitions and alienations.

The bill imposes on the registrar the obligation to register the transactions relating to the lands in the domain of the State that are published in the land register. It also authorizes the establishment of fees for consultation and use of the register.

Lastly, the bill amends the Act respecting the Ministère des Ressources naturelles et de la Faune and the Act respecting land survey to specify the responsibilities of the Surveyor-General of Québec, a position held by the Minister.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land survey (R.S.Q., chapter A-22);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

Bill 38

AN ACT TO AMEND THE ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Sections 14 to 16 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) are repealed.

2. Section 17 of the Act is amended

(1) by replacing “the Minister” in the first and second paragraphs by “the Surveyor-General of Québec”;

(2) by adding the following paragraph after the second paragraph:

“The documents prepared by the land surveyor must be filed in the office of the Surveyor-General of Québec.”

3. Division IV of Chapter II of the Act is replaced by the following division:

“DIVISION IV

“REGISTER OF THE DOMAIN OF THE STATE

“**26.** As Surveyor-General of Québec, the Minister shall establish and update a public register called the “Register of the domain of the State”, in the form and containing the particulars the Minister determines, in which alienations and acquisitions of land and immovable rights, names of parties, transfers of authority, administration and other rights, natural resource development rights, special legal status under an Act, restrictions on use, management delegations and land surveys are registered.

Insofar as such data is available, the Register is also to include information on the private or public character of lands, the name of the government department or public body having authority over the lands, and the geographical location and geometric representation of land divisions.

“**27.** Except in the cases referred to in section 28, a minister or a public body designated by the Minister must immediately register any deed referred to in section 26, as well as the geographical location and the geometric

representation of the land concerned, determined in accordance with the instructions of the Surveyor-General of Québec.

“28. The registrar must send the Surveyor-General the information required to register the deeds of acquisition or alienation of lands or immovable rights by the State that are published in the land register, as well as any other deed concerning the State identified in a list drawn up jointly with the Surveyor-General.

“29. The Minister determines, by order, the fees payable to consult the Register, register a deed, right or special legal status, or obtain a copy or the attestation of an entry or piece of information in the Register.

A ministerial order under this section is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1).”

4. Section 71 of the Act is amended by striking out subparagraphs 1 and 2 of the first paragraph.

5. Sections 3, 15, 18 and 19 of the Act respecting land survey (R.S.Q., chapter A-22), amended by section 35 of chapter 3 of the statutes of 2006, are again amended by replacing “of the Minister of Natural Resources and Wildlife” by “of the Surveyor-General of Québec”.

6. Section 5 of the Act is amended by replacing “of the Minister having the control of surveys” by “of the Surveyor-General of Québec”.

7. Section 14 of the Act, amended by section 35 of chapter 3 of the statutes of 2006, is again amended by replacing “the Minister of Natural Resources and Wildlife” by “the Surveyor-General of Québec”.

8. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended

(1) by striking out paragraphs 9 and 17.5;

(2) by replacing “surveying,” in paragraph 17 by “the”;

(3) by replacing “to 17.5” in paragraph 17.6 by “, 17.4 and paragraph 3 of section 12.2”.

9. The Act is amended by inserting the following section after section 12.1:

“12.2. The functions and powers of the Minister, as Surveyor-General of Québec, consist in

(1) surveying the lands in the domain of the State and Québec’s borders;

(2) describing the limits of administrative territories and territories with special legal status, in cases under the Minister's authority;

(3) establishing and updating the Register of the domain of the State; and

(4) administering the Act respecting land survey (chapter A-22)."

10. Section 17.12.3 of the Act is amended by replacing "17.3 to 17.7 of section 12" by "17.3, 17.4, 17.6 and 17.7 of section 12 and paragraph 3 of section 12.2".

11. In any other Act and in any regulation, order in council or other document, unless the context indicates otherwise, a reference to the Terrier is a reference to the Register of the domain of the State.

12. This Act comes into force on 12 December 2006.