



Province of Alberta

SPECIAL AREAS ACT

Revised Statutes of Alberta 2000
Chapter S-16

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Special Areas Act* that are filed as Alberta Regulations under the Regulations Act.

	Alta. Reg.	<i>Amendments</i>
Special Areas Act		
Application of Public Lands Act	310/2003	249/2009
Special Areas Disposition	137/2001	109/2003, 354/2003, 35/2007, 68/2008, 168/2008, 288/2009, 296/2009
Special Areas Service Fees	124/2000	109/2003, 354/2003, 35/2007, 68/2008, 169/2008, 193/2013

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Chapter S-16

Table of Contents

1	Definitions
2	Constitution of special area
3	Public land
4	Changes
5	Administration
6	Application of other Acts
7	Powers of Minister
8	Enforcement of order re farming methods
9	Vesting of title
10	Hamlets
11	Surveys, etc.
12	Control of highways
13	Closure to travel
14	Advisory committees
15	Expense allowance
16	Public land in special area
17	Community grazing areas
18	Lien for grazing lease or permit fees
19	Audit
20	Transfer of land
21	Tax recovery proceedings
22	Services of other departments
23	Exchange of privately owned land
24	Penalties
25	Regulations
26	Execution of leases, etc.
27	Prevalence of Act
28	Continuation of existing special areas
29	Special Areas Board
30	Powers and duties
31	Minutes and financial statements
32	Budget
33	Fiscal year

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Board” means the Special Areas Board;
- (b) “land” does not include mines and minerals;
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (d) “public land” means land belonging to the Crown in right of Alberta and under the administration of the Minister;
- (e) “special area” means a special area constituted under this Act.

RSA 1980 cS-20 s1;1984 c65 s2

Constitution of special area

2 The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*,

- (a) constitute as a special area any portion of Alberta not already contained in a city, town, village, municipal district, improvement district or special area,
- (b) constitute as a special area any portion of a city, town, village, municipal district or improvement district withdrawn from it by an order of the Minister or the Lieutenant Governor in Council, and
- (c) designate a special area by a distinctive number.

RSA 1980 cS-20 s2;1994 cM-26.1 s642(68);
1995 c24 s99(37)

Public land

3 All public land within a special area is under the administration of the Minister except that public land that is under the administration of another Minister or of a Crown corporation by virtue of an order of the Lieutenant Governor in Council or the provisions of any Act other than section 2(2) of the *Public Lands Act*.

RSA 1980 cS-20 s3

Changes

4 The Minister may at any time by order, notice of which changes must be published in *The Alberta Gazette*,

- (a) direct that a special area cease to be a special area,
- (b) alter the boundaries of a special area by adding to them or subtracting from them,
- (c) amalgamate any 2 or more special areas, or
- (d) alter the number of a special area.

RSA 1980 cS-20 s4

Administration**5** The Lieutenant Governor in Council may

- (a) by regulation declare that any provision of the *Public Lands Act* is to apply in a special area;
- (b) make any regulation or order with respect to public land in a special area that the Lieutenant Governor in Council is empowered to make under the *Public Lands Act* with respect to public land administered by the Minister responsible for the *Public Lands Act*;
- (c) by regulation declare that any regulations under the *Public Lands Act* are to apply in a special area;
- (d) make regulations providing for the charging of interest or penalties not exceeding 18% per year on arrears of rent under leases issued under this Act;
- (e) make orders and regulations for the administration of any special area or special areas in whole or in part that the Lieutenant Governor in Council considers proper and necessary for the rehabilitation or betterment of the special area or any part of it and the residents of it.

RSA 1980 cS-20 s5;1984 c65 s3;1986 cD-20.5 s17;
1994 cG-8.5 s95**Application of other Acts**

6(1) Except as expressly provided in this Act, Parts 9 to 12 and 15 of the *Municipal Government Act* and the *Weed Control Act* apply to every special area as if it were an improvement district.

(2) If any provision of the *Public Lands Act* or of any regulation under that Act is made applicable to special areas, a reference in it to the Minister of Environment and Sustainable Resource Development, the Deputy Minister of Environment and Sustainable Resource Development or the Department of Environment and Sustainable Resource Development is deemed to be a reference to the Minister, the Minister's Deputy Minister, the Minister's Department or the Special Areas Board, as the case may be.

RSA 2000 cS-16 s6;2013 c10 s29

Powers of Minister

7 The Minister may in respect of special areas generally or in respect of any specified special area or any part of it

- (a) direct that any public land, or interests in it, within a special area be dealt with in a manner that seems to the Minister to be for the benefit of the residents of the special area, or prohibit the dealing in it in a manner that seems to the Minister to be detrimental to the residents;
- (b) lease public land within a special area at rentals that seem fair and equitable;
- (c) set aside land for community purposes such as grazing reserves, hay reserves, water reserves and irrigation, and make any provisions for the administration of it that the Minister considers advisable;
- (d) receive the money payable in respect of any lease or any interest in public land or in respect of taxes or other revenues in a special area, deposit the money in a treasury branch or bank or other similar institution in a trust account to be called "The Special Areas Trust Account", and expend that money, or any part of it, as the Minister considers advisable for the following purposes or any of them:
 - (i) meeting any of the expenditures required or authorized under Part 15 of the *Municipal Government Act*;
 - (ii) the costs of administration;
 - (iii) the development of natural resources;
 - (iv) the carrying out of improvements within any special area;
 - (v) the rehabilitation of settlers within any special area;
 - (vi) meeting the requirements of the special areas;

- (e) order and require any owner or occupant of land to adopt any methods of farming or grazing, or farming and grazing, that the Minister considers necessary to prevent soil drifting, water erosion, over-grazing or any hazard that might jeopardize the economic security of residents of the special area;
- (f) exchange any public land within a special area for any other land situated within any special area;
- (g) promote approved farm cultural practices and efficient range management and any community effort and enterprise that might contribute to greater economic security of residents of the special area;
- (h) classify all lands within the special area for the purpose of utilizing them for the purpose to which they are considered by the Minister to be most adaptable;
- (i) promote measures for the development and conservation of any and all available natural resources within any special area for the purpose of giving greater stability of income to the residents of the special area;
- (j) promote greater stability and diversity of sources of income for residents of any special area to the end that they may become self-supporting;
- (k) acquire, by purchase or otherwise, any property whether real or personal that is requisite or incidental to the exercise of any powers conferred by this Act;
- (l) carry out and execute any scheme or plans for the rehabilitation or betterment of any special area and the residents of it;
- (m) dispose of, by public tender or otherwise, any real or personal property acquired by the Minister and no longer required for the purpose of or incidental to the exercise of any powers of administration in the special area;
- (n) enter into agreements with physicians for the supplying of medical care and attention to the residents of a special area;
- (o) do all other things that are requisite or incidental to the exercise of any power conferred by this Act.

RSA 1980 cS-20 s7;1994 cM-26.1 s642(68)

Enforcement of order re farming methods

8(1) A copy of any order made under section 7(e)

- (a) shall be published in The Alberta Gazette,
- (b) shall be filed in the land titles office, and
- (c) shall be served on the owner and occupant of any land affected by the order.

(2) On the filing of a copy of the order, the Registrar of Land Titles shall endorse a notification of the order on the certificate of title of every parcel of land that is affected by the order.

(3) If the owner or occupant of any land affected by the order fails to comply with the terms of the order, the Minister may carry out the terms of the order and the cost of so doing is payable on demand by the owner or occupant, as the case may be.

(4) Any sum owing to the Crown by an owner or an occupant pursuant to subsection (3)

- (a) is recoverable by action, or
- (b) is recoverable by distress on the goods and chattels of the person or persons liable,

and any sum or part of it that is not recovered by December 15 next following the date the costs were incurred shall be added to and form part of the ordinary taxes levied against the parcel of land.

RSA 1980 cS-20 s8;1996 c32 s5(46)

Vesting of title

9 Notwithstanding any other Act, any land within a special area the title to which is registered in the name of any municipality is hereby transferred to, and the title of it vested in, the Minister on behalf of the Crown.

RSA 1980 cS-20 s9

Hamlets

10(1) In this section, “parcel of land” means a parcel of land as defined in the *Municipal Government Act*.

(2) The Minister may designate as a hamlet any unincorporated community described in subsection (3) that is within the boundaries of a special area.

(3) An unincorporated community may be designated a hamlet if the community

- (a) consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,

- (b) has a generally accepted boundary and name, and
 - (c) contains parcels of land that are used for non-residential purposes.
- (4) The Minister may by order, in a particular case, make modifications to the requirements in subsection (3) if the Minister considers there is justifiable reason for doing so.
- (5) The designation of a hamlet must specify the hamlet's name and boundaries.

1994 cM-26.1 s642(68)

Surveys, etc.

11(1) Any surveyors, engineers, agents and workers employed by the Government may enter on and occupy any land in a special area for the purpose of making examinations and surveys

- (a) to carry out any work or undertaking approved by the Lieutenant Governor in Council as a work or undertaking for the rehabilitation or betterment of the special area, and
 - (b) to construct on it dams, ditches, weirs, spillways, roads and any other buildings, structures or erections necessary or incidental to the carrying out or maintenance of the work or undertaking.
- (2) Any land forming the site of the work or undertaking, or that is used or occupied in connection with it, is deemed to be the property of the Crown so long as it is required for the purpose of the work or undertaking.
- (3) When it is made to appear to the Minister that any right or property of any person has been detrimentally affected
- (a) by reason of any act or thing done pursuant to this section, or
 - (b) by the use or occupation of any land used or occupied in the exercise of any power conferred by this section,

the Minister may, after making the inquiries the Minister considers necessary, allow the person compensation in any amount that the Minister in the Minister's discretion thinks proper, and any compensation so allowed shall be paid out of money voted by the Legislature for the administration of this Act.

RSA 1980 cS-20 s10

Control of highways

12 Except for a highway that is a provincial highway under the *Highways Development and Protection Act*, every highway, road and street in a special area is subject to the direction, control and management of the Minister.

RSA 2000 cS-16 s12;2004 cH-8.5 s73

Closure to travel

13(1) Notwithstanding any other Act, the Minister may by order declare that all or any roads, trails and bridges in any special area be closed for the purpose of travel or use for the time that is specified in the order.

(2) On the making of an order under subsection (1) and so long as it remains in force, no action lies against anyone for damages arising out of the use of any road, trail or bridge specified in the order.

RSA 1980 cS-20 s12

Advisory committees

14(1) The Minister may by order provide for the constitution in any special area of an advisory committee consisting of the number of persons elected in the manner and by the persons and in the localities that the Minister prescribes, who hold office for the term that the Minister prescribes.

(2) The functions of a committee are to confer with and advise the Special Areas Board as to matters affecting the special area for which it is constituted, and it shall meet when called by the Board.

(3) The members of the committee shall be paid remuneration and expenses as determined by the Minister.

RSA 1980 cS-20 s13

Expense allowance

15(1) In this section, “remuneration” includes salaries, indemnities, honorariums and allowances.

(2) One third of the remuneration paid in 1999 and later years from The Special Areas Trust Account in accordance with section 7(d) to a member of an advisory committee is deemed to be an allowance for expenses that are incidental to the discharge of the member’s duties.

(3) Subsection (2) does not apply to a member's remuneration paid in a year if there is in force during all or any part of that year an order of the Minister establishing that a portion other than 1/3 of the member's remuneration is an allowance for expenses that are incidental to the discharge of the member's duties.

1999 c32 s21

Public land in special area

16 No public land situated in a special area shall be sold without the consent of the Minister.

RSA 1980 cS-20 s14;1990 c29 s25

Community grazing areas

17 For the purpose of controlling and regulating any part of an area set aside for a community grazing area, the Minister, with the approval of the Lieutenant Governor in Council,

- (a) may make any provision for the administration of it that the Minister considers proper, and
- (b) may prescribe
 - (i) the persons who may have animals on it,
 - (ii) the number, kind and description of animals that any person may place on it,
 - (iii) the fees payable in respect of any animals permitted to graze on it,
 - (iv) the times at which and the manner in which round-ups are to be made, and
 - (v) the rules relating to the impounding and dealing with stray animals on it.

RSA 1980 cS-20 s15

Lien for grazing lease or permit fees

18(1) Notwithstanding any other Act, all sums payable under a grazing lease or under a permit in respect of any animals run or grazed on any land comprised in a lease or any community pasture or any public land constitutes a first lien in favour of the Crown on each animal so run or grazed.

(2) The Minister may enforce the lien by the seizure and sale, in a manner and at a time the Minister considers proper, of those of the animals subject to the lien that are required to realize a sufficient sum to satisfy the full amount owing by the lessee or permittee.

(3) In addition to any other remedies that the Minister has, if default is made in the due payment of any sum owing by a lessee or permittee under any grazing lease or permit with respect to animals run or grazed under a grazing lease or permit or on any community pasture, the Minister may recover the sum by distress on any goods and chattels of the lessee or permittee wherever they might be found within Alberta, in the same manner and subject to the same conditions, exemptions and restrictions as if the amount so owing were taxes payable under the *Municipal Government Act*.

(4) All the provisions of the *Municipal Government Act* relating to distress apply, with all necessary modifications, to a distress under this section.

RSA 1980 cS-20 s16;1994 cM-26.1 s642(68)

Audit

19(1) As soon as possible in each year the Minister

- (a) shall prepare a statement of all revenues, expenditures, liabilities and assets of the special areas for the financial year ending on the immediately preceding December 31, and
- (b) shall submit the statement to the Auditor General for auditing.

(2) On receipt of the audited financial statement, the Minister shall forthwith submit it to the Legislative Assembly if it is then in session, or if it is not then in session, within 15 days after the opening of the next session.

RSA 1980 cS-20 s17

Transfer of land

20 The Minister may accept a transfer on behalf of the Crown of any land in a special area and any land so acquired is subject to the direction of the Minister as provided by this Act.

RSA 1980 cS-20 s18

Tax recovery proceedings

21 Notwithstanding any other Act, when title to any land situated in a special area has been acquired by the Minister under any Act relating to the recovery of taxes and all rights of any person to redeem the land have expired under the Act relating to the acquiring of the land,

- (a) the Act under which the land was acquired or Part 10, Division 8 of the *Municipal Government Act* shall no longer be applicable to the land as long as it is situated within a special area,

- (b) the land shall be considered public land for the purposes of this Act, and
- (c) any taxes owing in respect of that land shall be cancelled.

RSA 1980 cS-20 s19;1994 cM-26.1 s642(68)

Services of other departments

22 For the purpose of doing any act or thing authorized by this Act, the Minister may, with the consent of the Minister in charge of any department of the Government, have the benefit of the services of any officer or other employee of that department, and of the services of any member, officer or employee of any board or commission established under any statute.

RSA 1980 cS-20 s20

Exchange of privately owned land

23 When an exchange of privately owned land for public land is effected by the Minister and there are no encumbrances other than arrears of taxes or municipal or government liens on the privately owned land, the encumbrances, or any part of them, may be transferred to the public land so exchanged, and when a transfer of arrears of taxes is made the arrears shall be added to and become part of the taxes payable for the current year in respect of the land last mentioned.

RSA 1980 cS-20 s21

Penalties

24(1) A person who is required to comply with an order made pursuant to section 7(e) and who fails to comply with the order is guilty of an offence and liable to a fine of not more than \$25 for every day during which the offence continues.

(2) A person who contravenes any provision of this Act or the orders or regulations hereunder for the contravention of which no penalty is specifically provided is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to a term of imprisonment for not more than 2 months.

(3) All money accruing from fines or penalties under this Act belongs to and forms part of the general revenue of the special areas.

RSA 1980 cS-20 s22

Regulations

25 For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency in them, the Lieutenant Governor in Council may make regulations.

RSA 1980 cS-20 s23

Execution of leases, etc.

26 All leases, licences, permits and agreements issued or made pursuant to this Act may be executed on behalf of the Crown by the Minister or by any other person authorized for the purpose by the Minister in writing.

RSA 1980 cS-20 s24

Prevalence of Act

27 If any conflict arises between this Act and any other Act, this Act prevails.

RSA 1980 cS-20 s25

Continuation of existing special areas

28 Any special area constituted as a special area prior to the passing of this Act continues to be a special area.

RSA 1980 cS-20 s26

Special Areas Board

29(1) There is hereby established a corporation with the name "Special Areas Board" composed of the members appointed under this section.

(2) The Board is an agent of the Crown in right of Alberta.

(3) The Board shall consist of not more than 4 members appointed by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may prescribe a term of office for each member of the Board.

(5) The Lieutenant Governor in Council shall designate one of the members to be chair of the Board.

(6) The chair of the Board is the chief executive officer of the Board.

(7) The members of the Board may be

- (a) paid remuneration for their services, and
- (b) reimbursed for reasonable travelling and living expenses necessarily incurred by them in the performance of their duties

at the rates prescribed by the Minister.

RSA 2000 cS-16 s29;2013 c23 s13

Powers and duties

30(1) The Board shall exercise those powers and perform those functions and duties assigned to it by the Minister.

(2) The Minister may delegate to the Board or the chair of the Board any power, duty or function relating to special areas conferred or imposed on the Minister by this or any other Act, other than the power to make orders under section 14 or to consent to the disposal of land under section 16.

(3) The Board may appoint any officers and employees required for exercising its powers and performing its functions and duties and may prescribe their duties, remuneration and other terms of employment.

1984 c65 s4

Minutes and financial statements

31(1) A copy of the minutes of each meeting of the Board shall be forwarded to the Minister.

(2) The Board shall provide the Minister with financial statements at the times and containing the information that the Minister prescribes.

1984 c65 s4

Budget

32(1) In each fiscal year the Board shall prepare its budget for the next following fiscal year.

(2) A budget prepared under subsection (1) shall be submitted to the Minister in the form and on or before the date prescribed by the Minister.

(3) If the Minister approves the budget of the Board for a fiscal year, the Minister may authorize the Board to expend money out of The Special Areas Trust Account in accordance with section 7(d).

1984 c65 s4

Fiscal year

33 The fiscal year of the Board is the calendar year.

1984 c65 s4



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