

SNL1991 CHAPTER 36

LANDS ACT

Amended:

1993 c53 s19; 1996 cR-10.1 s39; 1996 c27; 2000 c11; 2001 c20;
2001 c42 s26; 2001 cN-3.1 s2; 2004 cL-3.1 s44; 2009 c30 s9;
2010 c31 s11; 2016 c53; 2023 c14

CHAPTER 36

**AN ACT TO REVISE AND CONSOLIDATE THE LAW
RESPECTING CROWN LANDS , PUBLIC LANDS AND OTHER LANDS OF THE PROVINCE**

(Assented to December 11, 1991)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Lands Act* .

1991 c36 s1

Definitions

2. In this Act

- (a) "court" means the Supreme Court of Newfoundland and Labrador;
- (b) "Crown lands" means
 - (i) all lands within the province, except
 - (A) lands that may be in the use or occupation of a department of the government of the province or of an officer or servant of a department as an officer or servant,
 - (B) those lands that may, before the enactment of this Act, have been lawfully set apart or appropriated for a public purpose, and

- (C) lands lawfully alienated from the Crown,
- (ii) lands referred to in subsection 21(1) and subsection 22(2),
- (iii) lands considered to be Crown lands under [section 55](#), and
- (iv) lands declared to be abandoned lands under Part II;
- (c) "department" means the department presided over by the minister;
- (d) "division" means the Crown Lands Administration Division of the department;
- (e) "judge" means a judge of the Supreme Court;
- (f) "lands" means all lands within the province and includes lands covered by water;
- (g) "minister" means the minister appointed under the [Executive Council Act](#) to administer this Act;
- (h) "prescribed" means prescribed by the regulations; and
- (i) "surveyor" means a surveyor who is a registered member of the Association of Newfoundland Land Surveyors of the Province of Newfoundland under the [Land Surveyors Act, 1991](#) .

1991 c36 s2; 1996 c27 s1; 2001 cN-3.1 s2; 2016 c53 s1; 2023 c14 s1

Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the [Labrador Inuit Land Claims Agreement Act](#) and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues or renews a lease, licence, easement or grant the minister may add to that lease, licence, easement or grant terms and conditions that the holder of the lease, licence, easement or grant must comply with in order to ensure compliance with the provisions, terms and conditions of the [Labrador Inuit Land Claims Agreement Act](#) .

2004 cL-3.1 s44; 2023 c14 s2

PART I CROWN LANDS

Lease of Crown land

3. The minister may issue a lease to a person of an area of Crown land for the period and upon those terms and conditions and subject to the payment of those rents, royalties or other charges that the minister may set out in the lease.

1996 c27 s2

Grants of Crown lands

4. (1) The minister may issue a grant to a person of an area of Crown lands not exceeding 30 hectares subject to those terms and conditions and subject to the payment of the consideration that the minister may set out in the grant.

(2) The minister may, subject to the approval of the Lieutenant-Governor in Council, issue a grant to a person of an area of Crown lands in excess of 30 hectares subject to those terms and conditions and subject to the payment of the consideration that the minister may set out in the grant.

2016 c53 s2

Easement

5. The minister may issue an easement to a person in, over, or upon Crown lands for the purpose and for the period and upon those terms and conditions that the minister may set out in the easement.

1991 c36 s5; 2001 c20 s1

Licence to occupy

6. (1) The minister may issue a licence for occupancy of an area of Crown land subject to those terms and conditions and subject to the payment of those fees, rentals and other charges that the minister may set out in the licence.

(2) [Rep. by 1996 c27 s3]

(3) A licence issued by the minister under this section shall not be construed as a warranty that the title of the lands that are the subject of the licence lies in the Crown.

1991 c36 s6; 1996 c27 s3

Reservation of shoreline

7. (1) Where Crown lands that border on a lake, pond, river, the seashore or foreshore are granted, leased or licensed under this Part, it is considered, in the absence of an express grant, lease or licence of those Crown lands, that a strip of Crown lands not less than 15 metres wide around and adjoining the lake, pond, seashore or foreshore or along each bank of the river was not intended to pass and did not pass to the grantee, lessee or licensee.

(2) A grant, lease or licence of a strip of Crown lands around and adjoining a lake, pond, seashore or foreshore or along each bank of a river that is otherwise reserved under subsection (1) may be issued by the minister under the following circumstances:

- (a) where an applicant demonstrates that a grant, lease or licence of the land is necessary for the purpose of an industrial undertaking and the grant, lease or licence would not cause undue injury to the rights of others;
- (b) to enable a person to carry on aquaculture;
- (c) where a structure that is being used as a residence and was erected before the coming into force of this section intrudes on the reservation, to the extent of the intrusion only; and
- (d) for the purpose of giving a licence only for the construction of boat houses, wharves, slipways, airplane hangers, recreational trails or other structures for recreational purposes prescribed by the minister to the extent that they intrude on the reservation.

(3) A grant, lease or licence under subsection (2) does not convey exclusive hunting or fishing rights, except as provided by the *Aquaculture Act*, to the grantee, lessee or licensee.

(4) A grant, lease or licence issued under paragraph (2)(c) or (d) shall not permit a grantee, lessee or licensee to restrict access to the reservation on the part of the general public by erecting a fence or by other means.

(5) The department shall publish the following information with respect to an application made under this section on its website within 5 days of the date the application is received:

- (a) the exception under which the application is being made;
- (b) a description of the lands in respect of which the application is being made; and
- (c) notice that a person who wishes to object to the application must file the objection with reasons for it with the minister within 30 days from the date the notice is posted on the department's website.

(6) An applicant for a grant, lease or licence under subsection (2) shall publish a notice of the application

- (a) in the *Gazette* within 21 days of submitting the application; and
- (b) in any other location the minister considers necessary.

(7) The notice required by subsection (6) shall state the information listed in subsection (5) and any other information prescribed by the minister.

(8) The minister may include in a grant, lease or licence issued under subsection (2) those terms and conditions that the minister considers necessary.

(9) An application under this section is not required where a person makes an application for a grant under subsection 36(3) or 36(4) in respect of lands which include a strip of Crown lands around and adjoining a lake, pond, seashore or foreshore or along each bank of a river that is otherwise reserved under subsection (1).

[2016 c53 s3](#); [2023 c14 s3](#)

Reservation of Crown lands

8. (1) The minister may, by order, reserve and set apart Crown lands not exceeding 100 hectares in area for the purpose and the period set out in the order.

(2) The minister may, with the approval of the Lieutenant-Governor in Council, by order, reserve and set apart Crown lands in excess of 100 hectares in area for the purpose and the period set out in the order.

(2.1) Where a reservation of Crown lands has been ordered under subsection (1) or (2), the minister may set fees for the purpose and administration of the reservation.

(3) [Rep. by [2016 c53 s4](#)]

(4) [Rep. by [2016 c53 s4](#)]

[1991 c36 s8](#); [2016 c53 s4](#); [2023 c14 s4](#)

Free grants

9. (1) The minister may grant, free of charge, but subject to the payment of an appropriate administration fee, an area of Crown lands not exceeding 10 hectares for the site of

- (a) a school; or
- (b) an undertaking by a city or a municipality as those terms are defined in the [Municipalities Act, 1999](#) which is in the public interest other than economic development.

(2) The minister may, subject to the approval of the Lieutenant-Governor in Council, grant free of charge, but subject to the payment of an appropriate administration fee, an area of Crown lands in excess of 10 hectares for a purpose set out in subsection (1).

(3) In this section, "school" means a school other than a private school as defined in the *Schools Act, 1997*.

1991 c36 s9; 2016 c53 s5

Survey and registration of plan

10. (1) Crown lands in respect of which an application for a grant, lease or easement, made under this Part, has been approved in accordance with this Part, shall be surveyed to the satisfaction of the minister by a surveyor, and a plan together with the other information that the minister may require shall be registered in the division on or before the expiry of 12 months after the date of approval of the application.

(2) Crown lands in respect of which an application for a licence made under this Part has been approved in accordance with this Part shall, if required by the minister, be surveyed to the satisfaction of the minister by a surveyor, and a plan together with the other information that the minister may require shall be registered in the division on or before the expiry of 12 months after the date of approval of the application.

(3) Notwithstanding subsections (1) and (2), the minister may, on receipt of a request in writing made by an applicant or a person acting on behalf of the applicant before the expiry of the 12 month period immediately following the date of approval of the application, extend the time for registering the plan of the survey to a maximum of 18 months from the date of approval of the application.

(4) Where a plan of the survey of Crown lands and other information required under subsections (1) and (2) are not received in the division within the time limits set out in subsections (1) and (2) or as extended by subsection (3), the application is considered to have been cancelled by the applicant.

(5) A person does not acquire an interest in Crown lands by reason only that an application for a grant, lease, licence or easement of Crown lands has been approved subject to the completion of the survey and plan required by this section.

1991 c36 s10; 2016 c53 s6

Report of adverse claim

11. (1) A surveyor who is authorized to carry out a survey of Crown lands for the purposes of this Part shall fully investigate whether there exists an adverse claim with respect to the lands.

(2) A surveyor shall communicate the results of an investigation conducted under subsection (1) to the division and where the investigation reveals no evidence that an adverse claim exists, the surveyor shall so certify.

(3) Where, after a surveyor has certified under subsection (2) that there is no adverse claim to the Crown lands that have been the subject of the investigation and the minister incurs an expense as a result of an adverse claim to the lands being established, the minister may recover from the surveyor as a debt due the Crown the expenses incurred.

1991 c36 s11; 2016 c53 s7

Cancellation of application

12. (1) Where a person who has made an application for a grant, lease, licence or easement of Crown lands receives a title document from the minister and the person does not sign and return the document together with the amount of the fee payable with respect to the application to the minister within 90 days from the date of receipt by that person of the document, the application is considered to have been cancelled by that person.

(2) Notwithstanding subsection (1), the minister may extend the time for the return of a title document and the payment of an applicable fee referred to in subsection (1) for a further 90 days upon written application being made to the minister by the applicant or a person acting on behalf of the applicant before the expiry of the period of 90 days referred to in subsection (1).

Payment of fees

13. (1) A grant, lease, licence or easement shall not be issued except on the payment of the appropriate fees.

(2) All fees, prices, rentals, royalties or other payments payable in respect of a grant, lease, licence or an easement under this Part shall be paid to the Consolidated Revenue Fund.

When grant, etc. effective

14. (1) Notwithstanding a law to the contrary, a grant, lease, licence or easement under this Part shall not become effective until delivery is effected to the grantee, lessee, licensee or person to whom the easement is granted or to a person for or on behalf of the grantee, lessee, licensee or person to whom the easement is granted notwithstanding that the grant, lease, licence or easement has been signed and sealed by the minister.

(2) Until delivery is effected the grant, lease, licence or easement may be cancelled, amended or otherwise dealt with by the minister or the Lieutenant-Governor in Council.

Reservation of minerals, etc.

15. (1) A grant, lease, licence or easement issued under this Part does not convey a right to minerals, petroleum or quarry materials.

(2) In this section

(a) "minerals" means minerals as defined in the *Mineral Act* ;

(b) "petroleum" means petroleum as defined in *The Petroleum and Natural Gas Act*; and

(c) "quarry materials" means quarry materials as defined in the *Quarry Materials Act, 1998*.

Title not affected

16. Nothing contained in this Part shall be construed to affect the rights of persons holding a grant, lease, licence or easement issued under the authority of an Act before the passing of this Part.

Correction of error

17. (1) Where because of a false survey or an error, a parcel of Crown lands contains less than the area of land mentioned in the grant, lease, licence or easement of it, the minister may order to be repaid to the person who is beneficially entitled to the land at the time the discrepancy becomes known to the minister that part of the price or fee paid to the Crown for that parcel of land as will bear to the price or fee the proportion that the area of land found to be deficient bears to the total area mentioned in the grant, lease, licence or easement.

(2) No compensation shall be paid under subsection (1) unless the minister is informed of the discrepancy in the area of land granted, leased or licensed or in respect of which an easement has been issued within 5 years of the date of the grant, lease, licence or easement or unless the deficiency is equal to or greater than 1/4 of the area described as granted, leased, licensed or made subject to an easement.

Inconsistent grants

18. (1) Where, through error, more than 1 grant, lease or licence inconsistent with each other has been issued for the same Crown lands, the minister may return the purchase money, fee or rental to the person to whom it is due.

(2) Where

- (a) through error, more than one grant, lease or licence inconsistent with each other has been issued for the same Crown lands; and
- (b) the Crown lands have passed from the original grantee, lessee or licensee or have been improved before the discovery of the error

the minister may, in substitution, assign lands or grant a certificate entitling a person to acquire Crown lands of a value and to an extent that the minister considers just and equitable under the circumstances.

(3) [Rep. by [2016 c53 s8](#)]

(4) A claim shall not be entertained under subsection (1) or (2) unless it is made within 5 years from the date of issuance of the grant, lease or licence.

[1991 c36 s18](#); [2016 c53 s8](#)

Error in grant, etc.

19. (1) Where a grant, lease, licence or easement

- (a) has been issued to or in the name of the wrong party;
- (b) contains a clerical error, misnomer, or wrong or defective description of the Crown lands intended to be granted, leased, licensed or made subject to an easement; or
- (c) omits a condition of issuance included in the approval of an application

the minister may direct the defective grant, lease, licence or easement to be cancelled and a correct one to be issued in its place.

(2) The corrected grant, lease, licence or easement referred to in subsection (1), shall relate back to the date of the one so cancelled and be of the same effect as if issued at the date of that cancelled grant, lease, licence or easement.

[1991 c36 s19](#)

Waiver of conditions

20. (1) The minister may waive a condition contained in a grant of Crown lands issued under this Part or a previous Act where the area of land involved does not exceed 30 hectares.

(2) The Lieutenant-Governor in Council may waive a condition contained in a grant of Crown lands issued under this or a previous Act where the area of land involved is in excess of 30 hectares.

(3) Where a grant of Crown lands was issued on the condition that they be used for an agricultural purpose, the minister shall first obtain the approval of the Minister of Forestry and Agriculture before waiving that condition as provided for in subsection (1).

[1991 c36 s20](#); [2016 c53 s9](#)

Road reservation

21. (1) The minister may, with the approval of the Minister of Works, Services and Transportation, declare an area of land that has been reserved as a highway within the meaning of [paragraph 18\(a\)](#) of *The Department of Works, Services and Transportation Act*, but on which a highway has not been constructed, to be Crown lands.

(2) Where the minister declares lands to be Crown lands under subsection (1), the lands may be dealt with under this Part as if they had always been Crown lands.

1991 c36 s21

Exchange of lands

22. (1) The minister may, subject to the approval of the Lieutenant-Governor in Council, exchange Crown lands for freehold lands.

(2) Freehold lands that are acquired as a result of an exchange of lands shall be vested in the Crown under the administration and control of the minister and may be dealt with under this Part as if they had always been Crown lands.

1991 c36 s22

Omission not waiver

23. A provision of this Act or another Act for reversion to and revesting in the Crown of lands or a right to lands, now or later vested or existing, conferred by grant, lease or licence, or by another method under this or another Act shall have effect, notwithstanding an acceptance of rent or other money by or on behalf of the Crown in respect of the lands or right, and notwithstanding another act or omission which might be construed as a waiver of a term, condition, covenant, agreement or right of forfeiture, except a waiver in writing conveyed to the holder of the lands or right by the express authority of the minister or Lieutenant-Governor in Council, whichever was the issuer of the grant, lease or licence.

1991 c36 s23

Inspections

24. (1) It is a condition of the issuance of a grant, lease, licence or easement under this Part that a person authorized by the minister in writing may enter onto the lands granted, leased, licensed or subject to an easement for the purpose of determining whether the terms of the grant, lease, licence or easement are being complied with.

(2) A person who refuses to permit the entry of a person onto lands for the purpose of determining whether the terms of a grant, lease, licence or easement are being complied with is guilty of an offence and liable on summary conviction to a fine of not less than \$500 or imprisonment not exceeding 3 months.

1991 c36 s24

Where minister claims land

25. (1) Where the minister is made aware of an adverse claim with respect to lands that the minister believes are Crown lands, the minister may serve a notice on the adverse claimant personally or by certified mail or, where the adverse claimant cannot be found or is avoiding service, the minister may publish a notice in a newspaper having general circulation in the area in which the lands are located informing the adverse claimant that the minister claims the lands in question as Crown lands.

(2) Unless an adverse claimant, who has been served with a notice or with respect to whom a notice has been published under subsection (1), makes an application under *The Quieting of Titles Act* to have the adverse claimant's title judicially investigated within 60 days of the service, receipt or advertisement of the notice a claim that the adverse claimant may have is barred and the claimant has no right to make an application

under *The Quieting of Titles Act*, or this or another Act or law in respect to the lands that are the subject of the notice.

1991 c36 s25; 2023 c14 s5

Extension

26. Where the minister considers it appropriate to do so, the minister may extend the time limits set out in subsection 25(2) for a further 60 days upon written application for an extension being made to the minister by an adverse claimant before the expiry of the period of 60 days referred to in that subsection.

1991 c36 s26

Notice of application

27. Where an adverse claimant makes an application under [section 25](#), the adverse claimant shall immediately serve notice of the application on the minister.

1991 c36 s27; 2023 c14 s6

Boundaries

28. (1) The holders of lands whether or not the lands are held under an assurance from the Crown shall, at all times, either keep up or maintain boundary markers at all corners and angles of the lands held by them and keep the boundary lines through the woods connecting all the corners and angles open and clear to a width of at least one metre.

(2) The absence of a boundary marker shall, subject to an existing law relating to trespass by cattle, be a good defence in an action of trespass brought or taken by the holder of the lands.

(3) The minister may order a survey of the lands referred to in subsection (1) where the minister is satisfied that the boundary markers which marked the boundaries of the original survey of the lands are no longer in existence, or where in the opinion of the minister it is necessary or desirable to make a survey.

(4) Where, in the opinion of the minister, a survey under subsection (3) is necessary because of the failure of a holder to comply with subsection (1), the minister may require the holder to bear the cost of that survey, and may sue for it as if it were a debt due the Crown by the holder.

(5) In this section, "boundary marker" means a fence, post, mound, monument, line, iron bar or pin.

2016 c53 s10

Land considered granted

29. (1) Where lands that have been granted, leased or licensed or in respect of which an easement has been granted can no longer be located by means of a survey and a person who claims to be beneficially entitled to the lands applies to the minister, the minister may declare an area of lands to be the lands that had been granted, leased or licensed or in respect of which an easement has been granted.

(2) Where the minister declares an area of lands to have been the subject of a grant, lease, licence or easement under subsection (1), the lands are considered to have been the lands conveyed from the date of the original grant, lease, licence or easement.

(3) A declaration of the minister under this section shall be registered in the Registry of Deeds.

1991 c36 s29

Unauthorized use of Crown lands

29.1 (1) A person shall not

- (a) refuse or neglect to vacate or abandon possession of Crown lands where that person lawfully entered into possession or occupation of the Crown lands and forfeited the right to possession or occupancy;
- (b) be in possession of Crown lands except in accordance with this Part or another Act permitting occupation or possession of Crown lands for the purposes of that Act;
- (c) enclose, mark off or take possession of Crown lands except in accordance with this Part or another Act permitting occupation or possession of Crown lands for the purposes of that Act;
- (d) place, erect or build a structure on Crown lands in respect of which there is not in effect a grant, lease or licence issued under this Part or place, erect or build a structure on Crown lands for which the person is not the holder of a grant, lease or licence in effect under this Part; or
- (e) clear Crown lands or build a road on Crown lands in respect of which there is not in effect a grant, lease or licence issued under this Part.

(2) In this section, "structure" includes a building, house, cottage, cabin, wharf, dock, boathouse, slipway, tent platform, shelter, enclosure, wall, fence, barrier, gate, trailer, bus, mobile home or other motor vehicle converted for the purpose of habitation, natural or other objects arranged by a person to create a structure, the materials that may be used to place, erect or build a structure and the contents of a structure.

[2016 c53 s11](#); [2023 c14 s7](#)

Court order

30. Where a person contravenes paragraph 29.1(1)(a) or (b), the minister may apply to a judge for, and the judge, upon proof to the judge's satisfaction that the lands were so forfeited and should properly revert to the Crown, or that the person is in possession of Crown lands except in accordance with this Part or another Act permitting occupation or possession of Crown lands for the purposes of that Act, shall order the grantee, lessee, licensee or person in possession, to deliver up the lands to the Crown and to restore the lands to a condition satisfactory to the minister.

[2016 c53 s12](#) [2023 c14 s8](#)

Offence

31. (1) A person who contravenes paragraph 29.1(1)(c) is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 or to a term of imprisonment not exceeding 3 months or to both the fine and imprisonment.

(2) An information or complaint with respect to an offence committed under subsection (1) may be laid or made on or before a day 12 months from the day when the offence first came to the notice of the minister.

[2016 c53 s12](#)

Removal of structure

32. (1) Where a structure is placed, erected or built on Crown lands in contravention of paragraph 29.1(1)(d), the minister may, by written notice, require the person who placed, erected, built, occupies or uses the structure to do one or more of the following within 30 days after service of the notice upon the person:

- (a) remove the structure from the Crown lands;
- (b) demolish the structure;
- (c) otherwise dispose of the structure; or

(d) restore the Crown lands to a condition satisfactory to the minister.

(2) Notwithstanding subsection (1), the minister may remove, demolish or otherwise dispose of a structure on Crown lands

(a) in respect of which there is not in effect a grant, lease or licence issued under this Part; or

(b) that was placed, erected or built on Crown lands by a person who is not the holder of a grant, lease or licence issued under this Part,

and restore the Crown lands to a condition satisfactory to the minister without notice under subsection (1) where the structure is a hazard to public health or safety.

(3) A notice referred to in subsection (1) may be served on the person to whom it is addressed by delivering it to the person or by leaving it at the person's last or most usual place of residence with a person present there at the time.

(4) Where the identity of the person to whom a notice referred to in subsection (1) is directed is not known or the person cannot be found, the minister may post the notice with respect to the structure on the structure and may publish it in a newspaper having general circulation in the area in which the lands are located.

(5) A person upon whom a notice under subsection (1) has been served who fails to remove, demolish or otherwise dispose of the structure or restore the Crown lands to a condition satisfactory to the minister within 30 days of service of the notice is liable on summary conviction to a penalty of \$25 for each day that the structure remains on the Crown lands.

(6) Where a notice referred to in subsection (1) has been served, posted or published and the structure has not been removed, demolished or otherwise disposed of or the Crown lands have not been restored to a condition satisfactory to the minister within 30 days of the service, posting or publishing, the minister or a person acting under the authority of the minister may do one or more of the following:

(a) remove the structure from the Crown lands;

(b) demolish the structure;

(c) otherwise dispose of the structure; or

(d) restore the Crown lands to a condition satisfactory to the minister.

(7) Where a structure is removed, demolished or otherwise disposed of or the Crown lands are restored to a condition satisfactory to the minister under subsection (2) or (6), the costs and expenses of the removal, demolition, disposition and restoration may be recovered by the minister as a debt due the Crown against the person who placed, erected, built, maintained, occupied or used the structure.

(8) The minister may, upon application by a person who claims to be the owner of the structure made before the expiry of the time period provided in this section, extend the period for compliance with this section to a period not to exceed 6 months.

2016 c53 s12

Stop order

33. (1) Where lands are being cleared or a road or structure is being placed, erected or built on lands in contravention of paragraph 29.1(1)(d) or (e) and the minister is of the opinion that the lands are Crown lands, the minister may order the person responsible to stop clearing, placing, erecting, building or depositing materials and to restore the lands to a condition satisfactory to the minister.

(2) An order made under this section shall be signed by the minister and shall be served on the person to whom it is addressed either personally or by certified mail or, where the person engaged in clearing, placing, erecting, building or depositing the materials is not known, by posting a notice on the lands in question.

Appeal

34. (1) A person who feels aggrieved by an order made under [section 33](#) may, within 14 days of the service or posting of the order, appeal to the court and the court may make whatever order with respect to the matter that appears just.

(2) Where an appeal has been commenced under subsection (1), the employee shall not begin to carry out the order under [section 33](#) until the appeal has been heard or otherwise disposed of.

(3) Notwithstanding subsection (2), a stop order remains in effect and a person who disobeys it is subject to a penalty for a contravention under subsection 35(2).

1991 c36 s34

Where order not obeyed

35. (1) Where an order made under [section 33](#) is not complied with within the time set out in the order, and a period of 14 days has passed from the time of service or posting of the notice and an appeal has not been commenced, heard or otherwise disposed of under [section 34](#), the minister may carry out the restoration ordered and the cost of the restoration may be recovered by the Crown as a debt from the person on whom the order was served.

(2) Every person on whom an order made under [section 33](#) has been served who refuses or fails to comply with the order is guilty of an offence and liable on summary conviction to a fine of not less than \$25 for every day of refusal or failure to comply, and in default of payment to a period of imprisonment not exceeding 3 weeks.

1991 c36 s35; 2016 c53 s13

Adverse possession abolished

36. (1) Notwithstanding a law or practice to the contrary, no period of possession of Crown lands after December 31, 1976, counts for the purpose of conferring upon a person an interest in the lands so possessed unless the period is permitted to count as against the Crown for the constitution of that interest under or by virtue of an Act of the province, or as a condition of a grant, lease, licence or other document validly made or issued by or on behalf of the Crown under that Act.

(2) The period of possession of Crown lands prior to January 1, 1977, which would, by the application of the law pertaining to the acquisition of an interest in land based upon open, notorious and exclusive possession existing prior to the enactment of this section, have been necessary to confer upon a person an interest in that land is considered to be, and always to have been, 20 continuous years immediately prior to January 1, 1977.

(3) The Lieutenant-Governor in Council may, upon being satisfied that

(a) a person has acquired an interest in Crown lands under subsection (2); and

(b) the lands have been in continuous use for agricultural, business or residential purposes or for a purpose referred to in [section 9](#) for a 20 year period immediately prior to January 1, 1977,

instruct the minister to issue a grant to that person in respect of those lands, and that grant may be issued subject to those charges, exceptions or qualifications that the Lieutenant-Governor in Council may direct.

(4) Where the Crown lands affected by this section contain 30 hectares or less, the minister may issue a grant, upon being satisfied that

(a) a person has acquired an interest in Crown lands under subsection (2); and

(b) the lands have been in continuous use for agricultural, business or residential purposes or for a purpose referred to in [section 9](#) for a 20 year period immediately prior to January 1, 1977,

and the grant may be issued subject to those charges, exceptions or qualifications that the minister may decide.

[1991 c36 s36](#); [2016 c53 s14](#)

Copies of grants, etc.

37. (1) Duplicates of all grants, leases, licences or easements and copies of surveys shall be kept and recorded in the division.

(2) The records referred to in subsection (1) shall be open to the inspection of the public in a format acceptable to the minister, during normal business hours, upon the payment of a fee set by the minister.

(3) A person may obtain a copy of a grant, lease, licence or easement kept in the division upon the payment of a fee set by the minister.

[2016 c53 s15](#)

Proof

38. Copies of records, plans, books or papers, belonging to or deposited in the division, attested under the signature of the Director of Crown Lands Administration, shall be competent evidence in a court of law in all cases in which the original records, plans, books or papers would be in evidence.

[1991 c36 s38](#)

Certificate of minister

39. (1) Where, in the opinion of the minister, lands are Crown lands, the minister may issue a certificate stating that the lands described in the certificate are Crown lands and may file the certificate with the Registrar of the Supreme Court, the Provincial Court and another court of competent jurisdiction.

(2) A certificate issued by the minister under subsection (1) shall be received by a court as, in the absence of evidence to the contrary, proof that the lands described in the certificate are Crown lands.

[1991 c36 s39](#); [2001 c20 s3](#)

Conflict of interest

40. (1) Except with the consent of the Lieutenant-Governor in Council, the following persons shall not acquire, either alone or with another, a grant, lease, licence or easement under this Part:

- (a) a deputy minister of the department;
- (b) an assistant deputy minister of the department;
- (c) an employee responsible for communications for the department;
- (d) an employee of the Lands Branch of the department; and
- (e) a spouse or cohabiting partner.

(2) In this section,

- (a) "cohabiting partner" means a person who cohabits in a conjugal relationship outside of marriage with a person referred to in paragraph (1)(a), (b), (c) or (d); and

- (b) "spouse" means a person who is married to a person referred to in paragraph (1)(a), (b), (c) or (d).

2016 c53 s16

Lieutenant-Governor in Council regulations

41. The Lieutenant-Governor in Council may make regulations

- (a) respecting lands reserved under [section 8](#) including the uses to which those lands may be put and the conditions under which those lands may be used; and
- (b) generally for the giving of effect to the purpose of this Part.

2016 c53 s17

Ministerial regulations

41.1 The minister may make regulations

- (a) setting out the structures for recreational purposes for which a grant, lease or licence may be issued under paragraph 7(2)(d);
- (b) setting out the other information required under subsection 7(7); and
- (c) generally for the giving of effect to the purpose of this Part.

2016 c53 s17

General penalty

42. Where no other penalty is specifically provided, a person found on summary conviction to have committed an offence against a provision of this Part is liable to a fine not exceeding \$1,000.

1991 c36 s42

PART II ABANDONED LANDS

Definition

43. In this Part, "abandoned lands" includes lands granted, leased or licensed under Part I of this Act or a former Act respecting Crown lands and lands unlawfully occupied that have been for at least 20 years unused and unoccupied by the original grantee, lessee or licensee or by a person lawfully claiming under the original grantee, lessee or licensee or person in unlawful occupation.

1991 c36 s43

Reversion to Crown

44. Where

- (a) it appears to the minister that lands within the province are abandoned lands; and
- (b) no person lawfully entitled to the lands or an interest in them can be found in the province

the minister may begin proceedings to revest those lands in the Crown.

1991 c36 s44

Minister to issue notice

45. (1) To begin proceedings under [section 44](#) the minister shall issue a notice

(a) calling upon all persons having or claiming an interest in the lands described in the notice to show cause why the lands should not be vested in the Crown; and

(b) notifying all persons that if

(i) no claim is filed with the minister within the time fixed in the notice, which shall be not less than 3 months from the date of 1st publication of the notice in the *Gazette* , or

(ii) the claims filed are not substantiated,

the Lieutenant-Governor in Council may declare that the title of the lands is vested in the Crown.

(2) The notice shall contain

(a) a general description of the lands sufficient to identify them;

(b) a copy of the grant, lease or licence if one was issued and can be found together with other information in the possession of the division in relation to the lands; and

(c) the name of the last known owner.

(3) A notice under this section shall be published in the *Gazette* within the period fixed for filing claims and in any other location prescribed by the minister.

[1991 c36 s45](#); [2016 c53 s18](#)

Where claim filed

46. (1) A person claiming lands that are the subject of proceedings under this Part shall file the claim with the minister.

(2) Where the minister considers that a claim has been substantiated or that the lands in respect of which the claim is made have not been abandoned, the minister may discontinue the proceedings under this Part.

(3) Where the minister discontinues proceedings, the minister shall publish a notice to that effect in the *Gazette* .

[1991 c36 s46](#)

Claim referred to court

47. In all other cases where the minister receives a claim the minister shall, upon proper notice to the claimant, refer the claim to the court for a determination.

[1991 c36 s47](#)

Order vesting land

48. (1) Where no claim is filed within the time limit or where a claim referred to the court is rejected by the court, the Lieutenant-Governor in Council may, by order, declare that the title to the lands is vested in the Crown.

(2) An order made under subsection (1) shall

- (a) state the belief of the minister that the lands have been abandoned;
 - (b) state that proceedings have been taken in conformity with this Part; and
 - (c) contain particulars showing
 - (i) the date of the 1st publication of the notice in the *Gazette* ,
 - (ii) other publications of the notice,
 - (iii) the date of the original grant, lease or licence from the Crown if one was issued and the original grantee, lessee or licensee, if known,
 - (iv) the name of the last known owner of the lands, and
 - (v) a description of the lands.
- (3) An order made under subsection (1) shall be registered in the division and in the Registry of Deeds.
- (4) Upon the registration of an order the lands shall be considered to be and to have been vested in the Crown from the date of the 1st publication of the notice in the *Gazette* as if the lands had never been granted, leased or licensed by the Crown.
- (5) An order made under subsection (1) or a certified copy of it shall be accepted in a court as proof of the matters mentioned in it.

1991 c36 s48

Rep. by 2016 c53 s19

49. [Rep. by 2016 c53 s19]

2016 c53 s19

Deposit

50. A person, on filing a claim under this Part, shall deposit with the minister a sum that the minister may by regulation prescribe which shall be returned if the claim is sustained; but if the claim is rejected the minister may retain the sum for the province.

1991 c36 s50

Costs

51. No costs for or against the Crown shall be allowed in a hearing under [section 47](#) but the minister may allow to a successful claimant an amount to cover expenses.

1991 c36 s51

Inspection

52. A person who makes a claim to lands under this Part shall permit a person appointed by the minister for the purpose to enter onto the lands with respect to which the claim has been made for the purpose of conducting an inspection.

1991 c36 s52

Regulations

52.1 The minister may make regulations

- (a) directing other locations for the publication of notices under subsection 45(3);
- (b) setting the deposit required under [section 50](#); and
- (c) generally for the giving of effect to the purpose of this Part.

[2016 c53 s20](#)

**PART III
TRANSFER OF THE ADMINISTRATION AND CONTROL OF LANDS OF THE
CROWN**

Transfer to Canada

53. (1) The minister may, subject to the approval of the Lieutenant-Governor in Council, transfer, either forever or for a lesser term, to the Crown in right of Canada, the administration and control of the entire or a lesser interest of the Crown in right of the province in Crown lands including, lands to which Part I or *The Mineral Act, 1976* applies, and the transfer may be made subject to those conditions, restrictions or limitations that the Lieutenant-Governor in Council considers advisable.

(2) Where the Crown lands that may be transferred under subsection (1) contain not more than 30 hectares, the minister may, by order, transfer those lands, either forever or for a lesser term, to the Crown in right of Canada, subject to those conditions, restrictions or limitations that the minister considers advisable and, for the purposes of this section, the order has the same effect as an order of the Lieutenant-Governor in Council.

[1991 c36 s53](#); [2016 c53 s21](#)

Transfer of land to other ministers

54. The minister may by order transfer, either forever or for a lesser term, to another minister of the Crown specified in the order, the administration and control of the entire or a lesser interest of the Crown in an area of Crown lands, and the transfer may be made subject to those conditions, restrictions or limitations that the minister considers advisable.

[2016 c53 s22](#)

Lands reconveyed to Crown

55. Where lands leased, granted, licensed or disposed of under Part I or a predecessor Act or transferred under this Part or a predecessor Act are conveyed to and vested in or transferred to or acquired by the minister, those lands shall be considered to be Crown lands and may be granted, leased, licensed, transferred, disposed of or dealt with under Part I or this Part in the same manner as other lands to which Part I or this Part applies.

[2001 c20 s4](#)

**PART IV
SPECIAL MANAGEMENT AREAS**

Definitions

56. In this Part, "special management area" means a special management area constituted under [section 57](#).

[1991 c36 s56](#)

Special management areas established

57. (1) The Lieutenant-Governor in Council may, by order, designate an area of the province to be a special management area and the area shall be limited in the order.

(2) The Lieutenant-Governor in Council may by a further order cancel or amend an order made under subsection (1).

1991 c36 s57

Administration

58. The minister may, with the approval of the Lieutenant-Governor in Council, designate another minister of the Crown who shall be responsible for the administration of a special management area order and those regulations that the minister may specify, made under this Part.

1991 c36 s58

Prohibition against conveying

59. (1) The Lieutenant-Governor in Council may, with respect to lands within a special management area, by regulation, prohibit, without limitation of time, or for the period, or make subject to the conditions or restrictions, that may be prescribed in the regulation,

- (a) the conveying, leasing or licensing of those lands, whether privately owned or not, or the conveyance of other rights in respect of those lands;
- (b) the erection, construction or placing of a building, structure or thing in, on or over those lands; or
- (c) the application of those lands for agricultural, commercial, industrial, recreational, residential or other purposes.

(2) In a regulation made under subsection (1), a prohibition or restriction may be varied in its application to different lands or areas in the same special management area.

(3) Subsection (1) applies in respect of all lands whether held by a person under a grant, lease, licence, conveyance or other instrument or by other means.

(4) A regulation made under paragraph (1)(a) shall not apply to assurances of rights in land by an executor, administrator or trustee in the performance of duties or to assurances made in good faith to members of the family, including relations by marriage, of the person making that assurance.

1991 c36 s59; 2009 c30 s9; 2023 c14 s9

Regulations

60. The Lieutenant-Governor in Council may make further regulations

- (a) providing for giving effect to a regulation made under subsection 59(1);
- (b) providing, where a condition or restriction has been applied under subsection 59(1), for the issuing of licences or permits and designating the persons who shall issue the licences or permits;
- (c) prescribing the form of licences or permits and applications for licences or permits; and
- (d) generally for giving effect to the provisions of this Part.

1991 c36 s60

Registration grants, etc.

61. Every grant, lease, licence, conveyance or other assurance executed or delivered in relation to lands located within a special management area shall be registered, together with proof of the minister's permission, which the minister may give, to grant, lease, licence or convey those lands, by the grantee, lessee, licensee or other person in whose favour the grant, lease, licence, conveyance or other assurance is executed or delivered, in the Registry of Deeds not later than 30 days after the execution or delivery of the grant, lease, licence, conveyance or other assurance.

1991 c36 s61; 2023 c14 s10

Offence

62. (1) A person who fails to comply with or otherwise contravenes this Part or the regulations or an order made under the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and in default of payment to imprisonment for a period not exceeding 3 months.

(2) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (1) shall not operate as a bar to further prosecution under this Part for the continued failure on the part of that person so to comply.

(3) In addition to the penalty prescribed under subsection (1), the Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person

- (a) to remove or restore to its former state a building, structure or thing erected or placed in, on or over the land; or
- (b) to restore the land dealt with

contrary to this Part or the regulations or an order made under the regulations, and, if that person refuses or fails to carry out an order made under this subsection within the time prescribed by the Provincial Court judge, the Provincial Court judge may designate a person to carry it out, and the cost of carrying out the order shall be borne by and may be recovered as a debt from the person.

(4) A grant, lease, licence, conveyance or other assurance executed or delivered contrary to this Part or the regulations shall be declared void by the court upon the application of the Attorney General.

(5) An application made under subsection (4) shall be made within 12 months of the registration of the grant, lease, licence, conveyance or other assurance in the Registry of Deeds and notice of the application shall be given to the parties concerned.

1991 c36 s62

PART V SURVEY MARKERS

Definition

63. In this Part, "control survey marker" means a marker that is installed in the ground by authority of the minister and the location of which is, or is proposed to be, derived from the Geodetic Survey of Canada.

1991 c36 s63

Entry on land

64. (1) A person authorized by the minister may

- (a) enter upon all lands in the province for the purpose of installing; and
- (b) install

control survey markers.

(2) A surveyor, when engaged in the performance of duties as a surveyor, may

(a) enter upon all lands in the province for the purpose of making observations to or from a control survey marker; and

(b) install on the lands so entered a temporary survey marker on a traverse from a control survey marker; but that temporary survey marker shall be removed immediately upon completion of the work upon which the surveyor is engaged.

(3) A surveyor, when engaged in the performance of the duties of a surveyor, may pass over, measure along and ascertain the bearings of a section line or government line, and, for those purposes, may pass over all lands in the province.

(4) A person acting under subsection (1) or a surveyor acting under subsection (2) or (3) shall exercise reasonable precautions to prevent fires and restore all lands concerned, as nearly as reasonably possible, to the condition existing before the person acted under subsection (1) or the surveyor acted under subsection (2) or (3).

(5) A person acting under subsection (1) or a surveyor acting under subsection (2) or (3), shall be liable to pay compensation for an injury or damage caused by the person or surveyor while so acting.

(6) The amount of the compensation payable under subsection (5) may, in default of agreement between the parties, be fixed by a judge who may also determine the time and the manner of payment.

(7) A party who desires to have the amount of the compensation fixed by a judge under subsection (6) may apply to the judge and before doing so the party shall give to all interested persons 10 days' notice in writing of the application or the longer period of notice that the judge may order.

(8) An order of a judge made under subsection (6) is final and binding upon all the parties.

(9) Notwithstanding subsection (8), where the amount of compensation fixed under subsection (6) exceeds \$1,000, either party may appeal to the Court of Appeal from the order of the judge.

(10) A judge before whom a proceeding is taken under subsection (6) may order the person from whom the compensation is claimed to give security for the payment of an amount which may be fixed and may, pending the termination of the proceeding prohibit that person from further acting under subsection (1), (2) or (3).

(11) [Rep. by [2016 c53 s23](#)]

[1991 c36 s64](#); [2016 c53 s23](#); [2023 c14 s11](#)

Interfering with surveyor

65. (1) A person who interrupts, molests or hinders a surveyor while in the discharge of duties, or knowingly or wilfully pulls down, defaces, alters or removes a mound, post, monument or control survey marker erected, planted or placed in a survey under this Part is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or imprisonment for a period not exceeding 3 months.

(2) Nothing in subsection (1) affects a civil remedy which a surveyor or another party may have against a person referred to in subsection (1).

[1991 c36 s65](#); [2023 c14 s12](#)

PART VI SETTING ASIDE, ALTERING OR AMENDING CROWN GRANTS

Definitions

66. In this Part, "Crown grant" means

- (a) a grant, lease, or licence of occupation, absolute, limited or conditional, of or relating to the Crown or public lands of the province; and
- (b) a licence, lease or grant of mining or other rights or an interest of or in lands in the province granted by or issuing from the Crown or from the government of the province, or a department of the government of the province.

1991 c36 s66

Application to court

67. A person who has or claims to have an interest in lands in the province, or rights or privileges arising from or appurtenant to lands, that are or are claimed to be held, conveyed or otherwise affected by a Crown grant, who claims

- (a) that the Crown grant is void or voidable, or has been or ought to be forfeited;
- (b) that a defect, irregularity, omission, or error has occurred in or relating to the Crown grant, the right or title of the Crown to make the Crown grant, or the right or claim of the grantee or holder of the Crown grant to obtain or retain it;
- (c) that another act, matter or thing has been done or suffered by which the Crown grant, or a part, provision, or condition of that grant should be set aside, declared void, struck out, altered or amended;
- (d) that a clause, condition or provision should be added, or the name of a grantee or other party added, struck, out or altered; or
- (e) other relief against or in relation to the Crown grant,

may apply to the court.

(2) The application shall set out as briefly as possible

- (a) the nature of the claim;
 - (b) the facts, circumstances or other grounds upon which the claim is made, or relief sought; and
 - (c) the nature of the relief sought.
- (3) The application shall be verified by affidavit.

1991 c36 s67

Notice to Attorney General

68. Notice of the application must be served upon the Attorney General at least 60 days prior to the making of the application.

1991 c36 s68

Parties

69. A person whose interests are, may be, or are sought to be in any way affected by the order of the court or other relief sought by the application

- (a) shall be made a party to the proceedings under the application; and
- (b) must be served with a copy of the application in the same manner and subject to the same consequences as in other causes or matters.

1991 c36 s69

Default order

70. In the case of default of a defence, an order may be had as in other cases.

1991 c36 s70

How case proceeds

71. Upon a defence being filed and served, the case may be proceeded with in all respects and in the same manner as in other cases to a final order.

1991 c36 s71

Powers of court

72. The court may, at any stage of the proceedings on the application or upon the hearing of the application, make the order or decision, or grant the other relief in relation to the subject matter of the application that might be given, granted in, under or by virtue of another proceeding in relation to a deed, conveyance, contract or document, other than a Crown grant.

1991 c36 s72

Rights of grant holder unaffected

73. (1) Where an application is made under [section 67](#), the holder of the Crown grant that is the subject of the application is not subject to the terms and conditions of the Crown grant, including a provision requiring an expenditure of money, from the date of filing of the application to the date a final decision is given by the court.

(2) A Crown grant does not become forfeit nor is it otherwise affected by the non-expenditure of money or the non-performance of the terms and conditions of the grant during that period.

1991 c36 s73

PART VI.1 GENERAL

2016 c53 s24

Collection of debt

73.1 (1) Where there is a debt owed to the Crown under this Act, the minister may issue a certificate stating the amount due and remaining unpaid to the Crown and the name of the person by whom it is payable, and file the certificate with the court.

(2) When a certificate is filed with the court under subsection (1) it is of the same effect and all proceedings may be taken on the certificate as if it were a judgment of the court for the recovery of the amount stated in the certificate against the person named in the certificate.

(3) A person named in the certificate filed under this section may, within 30 days after the certificate is filed, apply to a judge for a review, on a question of law or jurisdiction, of the certificate.

(4) On application under subsection (3), the judge may make an amendment to the certificate that is necessary to make the certificate accord with the judge's decision.

(5) There is no appeal from a decision of a judge made under this section.

(6) A certificate filed under this section may also be filed in the judgement enforcement registry on the expiration of the 30 day period referred to in subsection (3) in accordance with Part III of the *Judgment Enforcement Act* and be enforced in accordance with that Act.

2016 c53 s24

Statutory review

73.2 The minister shall, every 5 years, conduct a review of this Act and the regulations and consider the areas which may be improved.

2016 c53 s24

PART VII CONSEQUENTIAL AMENDMENTS REPEAL AND COMMENCEMENT

Acts amended

74. (1) *Subsection 9(2) of The Aquaculture Act* is amended by striking out the words "*The Crown Lands Act*" and substituting the words "*The Lands Act*".

(2) Schedule A of *The Department of Environment and Lands Act, 1989* is repealed and the following substituted:

Schedule A

1. *The Crown Lands Act*
2. *The Environmental Assessment Act*
3. *The Land Surveyors Act*
4. *The Lands Act*
5. *The National Parks (Lands) Act*
6. *The Newfoundland Geographical Names Board Act, 1974*
7. *The Pesticides Control Act, 1983*
8. *The Provincial Parks Act*
9. *The Reservation of Lands to the Crown Act*
10. *The Waste Material (Disposal) Act, 1973*
11. *The Waters Protection Act*
12. *The Well Drilling Act*
13. *The Wild Life Act*
14. *The Wilderness and Ecological Reserves Act*.

(3) Schedule A of *The Department of Forestry and Agriculture Act, 1989* is amended by adding immediately after Item 15 the following:

15.1 The Lands Act

(4) Paragraph 10(1)(b) of *The Mineral Act, 1976* is amended by striking out the words "*The Crown Lands Act* " and substituting the words "*The Lands Act* ".

(5) Subsection 40(1) of *The Newfoundland and Labrador Housing Corporation Act* is amended by striking out the words "*The Crown Lands Act* " and substituting the words "*The Lands Act*".

(6) Paragraph 12(3)(b) of *The Quieting of Titles Act* is repealed and the following substituted:

(b) that subsection 36(2) of *The Lands Act* applies to the lands affected by the application.

(7) Paragraph 3(a) of *The Reservation of Lands to the Crown Act* is amended by striking out the words "*The Crown Lands Act*" and substituting the words "*The Lands Act*".

1991 c36 s74

Repealed Act

75. The following Acts are repealed:

- (a) *The Abandoned Lands Act* ;
- (b) *The Administration and Control of the Lands of the Crown (Transfer) Act* ;
- (c) *The Crown Grants (Proceedings) Act* ;
- (d) *The Development Areas (Lands) Act* ;
- (e) *The Labrador Lands (Reservation) Act* ;
- (f) [Rep. by 1993 c53 s19]; and
- (g) *The Veterans Land Settlement Act* .

1991 c36 s75; 1993 c53 s19

Crown Lands Act

76. (1) Part I, being sections 5 to 21, of *The Crown Lands Act* is repealed.

(2) Sections 102 to 129, inclusive, and sections 132 to 135, inclusive, of *The Crown Lands Act* are repealed.

1991 c36 s76

Commencement

77. This Act or a Part or a section of this Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council. (In force - Apr. 1/92)

1991 c36 s77