

# Beaches and Foreshores Act

CHAPTER 33

OF THE

REVISED STATUTES, 1989

## An Act Respecting Foreshores and Beds of Rivers and Lake

### Short title

**1** This Act may be cited as the *Beaches and Foreshores Act*. R.S., c. 33, s. 1.

### Grant or lease of beach or foreshore

**2 (1)** The Governor in Council may, upon application therefor in writing to the Minister of Lands and Forests,

(a) give a grant from the Crown to any person of any ungranted flat, beach or foreshore upon the coast of the Province; or

(b) enter into a lease with any person of any such flat, beach or foreshore.

### Effect of grant

**(2)** Every such grant when issued shall vest absolutely the fee simple of the land conveyed thereby in the person receiving the same, subject to any control vested in the Parliament of Canada in respect to the navigation of any lands covered with water embraced in such grant.

### Parties and approval of lease

(3) Any lease made under this Section shall be between Her Majesty, represented by the Minister of Lands and Forests, and the person applying therefor, and shall before being issued be approved by the Governor in Council.

#### **Fishing right**

(4) Nothing in this Section shall authorize the granting or leasing of any fishing right or privilege in any river or fresh water lake of the Province. R.S., c. 33, s. 2.

#### **Price or rental terms**

3 The price to be paid for grants of land capable of being granted under this Act, and the rental terms and conditions of leases of such land, shall be fixed by the Governor in Council. R.S., c. 33, s. 3.

#### **Grant of water front**

4 No grant of a waterfront shall be issued to any other person than the owner of the land on which the waterfront abuts, without the consent in writing of the owner. R.S., c. 33, s. 4.

#### **Prohibited oyster cultivation**

5 (1) No person shall cultivate oysters upon any beach, flat, harbour, river, lake or foreshore without having obtained a lease of the land upon which oysters are so cultivated under this Act, and any oysters so cultivated on land unleased shall belong to the Crown, and may be leased with the land by the Crown at any time to any person.

#### **Limit of area**

(2) No lease of land for the cultivation of oysters shall include a greater area than five acres and the length of the area so leased shall not exceed twice the breadth thereof.

#### **More than one application**

(3) If more than one application is made for a lease of the same beach or flat, or for the same land upon any beach or flat, the Minister of Lands and Forests shall direct such beach or flat to be surveyed, and shall allot areas of the size and dimensions before mentioned to be allotted to the applicants in order of application. R.S., c. 33, s. 5.

#### **Fish trap or weir**

**6 (1)** The Governor in Council may, upon application in writing to the Minister of Lands and Forests, authorize the leasing of land upon which to establish a fish trap, or fish traps, a weir or weirs, on any part of the coast of the Province.

#### **Terms of lease**

**(2)** A lease, if granted, shall be between Her Majesty, represented by the Minister of Lands and Forests, and the person applying for the same and shall be upon such terms and conditions as the Governor in Council determines. R.S., c. 33, s. 6.

#### **Administration of Act**

**7** The Governor in Council may appoint such person or persons as are deemed necessary in order to carry out this Act. R.S., c. 33, s. 7.

#### **Disposition of money**

**8** All money paid for the issue of grants and for rentals upon leases under this Act shall be paid into the Consolidated Fund of the Province as part of the receipts from Crown lands. R.S., c. 33, s. 8.