

## CHAPTER 14

## Land Amendment Act, 1979

[Assented to July 31, 1979.]

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

1. The Land Act, S.B.C. 1970, c. 17, is amended in section 2
  - (a) by adding the following after the definition of "corporation":  
"Crown"  
means Her Majesty the Queen in right of the Province; ,
  - (b) by repealing the definition of "Crown grant" and substituting the following:  
"Crown grant"  
means an instrument in writing, conveying Crown land in fee simple; ,
  - (c) by repealing the definition of "Crown land" and substituting the following:  
"Crown land"  
means land, whether or not it is covered by water, or any right, interest or estate in land, vested in the Crown; ,
  - (d) by repealing the definition of "disposition" and substituting the following:  
"disposition"  
means the act of disposal or an instrument by which the act of disposal is effected or evidenced, or by which a right, interest or estate in Crown land is transferred, disposed of or affected, or by which the Crown divests itself of or creates any right, interest or estate in Crown land; ,
  - (e) in the definition of "ministry" by striking out "Ministry of the Environment" and substituting "ministry of the minister",  
and
  - (f) by inserting after the definition of "public road" the following definition:  
"registrar"  
means the Registrar under the Land Registry Act.
  
2. The following section is added after section 5:

Administration of  
Crown land

5.1 The minister has the administration of all Crown land except land specifically under the administration of any other minister, department, branch or agency of the government.

3. Section 21 is amended in subsection (1) by striking out "8" and substituting "9".
4. Section 23 is amended in subsection (1) by striking out "rate of eight per cent per annum" and substituting "prescribed rate".
5. Section 36 is amended
  - (a) in subsection (1) by striking out "temporarily" and ", but not exceeding a term of ten years", and
  - (b) in subsection (2) by striking out "this" and substituting "that".
- 5.1 Section 46 is amended by repealing subsections (1), (2) and (3) and substituting the following:
  - (1) A disposition conveying Crown land in fee simple may be in a form prescribed by the minister.
  - (2) Where
    - (a) in a Crown grant timber is reserved to the Crown, and
    - (b) the timber so reserved is not held by any other person under licence, lease, permit, sale or other instrument from the Crown,the minister may issue a supplementary grant of the timber to the registered owner of the land and the supplementary grant may be in a form prescribed by the minister.
6. Section 47 is repealed and the following substituted:

Exceptions and reservations

47. (1) A disposition of Crown land under this or another Act
  - (a) is subject to the exceptions and reservations of rights and privileges contained in Form 3 of the Schedule, and
  - (b) conveys no right, title or interest to
    - (i) minerals as defined in the Mineral Act,
    - (ii) coal,
    - (iii) petroleum as defined in the Petroleum and Natural Gas Act, or
    - (iv) gas,that may be found in or under the land.(2) Subsection (1) applies whether or not express words are used in the disposition, but is subject to subsection (3).
  - (3) A disposition of Crown land under another Act that expressly authorizes the disposition on terms different from those referred to in subsection (1), may be made on those terms.
  - (4) A disposition of Crown land may, by express words, except or reserve to the Crown rights and privileges more extensive than those referred to in subsection (1) (a).

7. The following section is inserted in Part VIII before section 85:

Payment for  
Crown grants

84. (1) Notwithstanding section 45, the minister may authorize the execution of a Crown grant even though all money payable to the Crown in respect of it has not been paid, so long as the payment of the money has been secured to the satisfaction of the minister.

(2) Where a Crown grant is executed under subsection (1), the minister may send to the registrar for the land registration district in which the land granted is situated, a certificate in prescribed form containing

- (a) a description of the land satisfactory to the registrar,
- (b) a statement of the principal sum payable in respect of the grant,
- (c) the rate of interest payable,
- (d) the terms of repayment,
- (e) the name, address and occupation of the person by whom the money is payable, and
- (f) an application, in a form that complies with the Land Registry Act, to register the certificate as a charge in the Land Registry Office.

(3) A certificate under subsection (2) shall be deemed to be a mortgage to which the Short Forms of Mortgages Act applies, and on receipt of the certificate, the registrar shall, without fee, register it as a charge against the title to the land described in it.

(4) Registration of the certificate under subsection (3) creates a legal mortgage

- (a) of the land described in the certificate,
- (b) by the person named in it as mortgagor,
- (c) to the Crown as mortgagee,
- (d) on terms prescribed under this Act for such mortgages, and
- (e) on such other terms as may be stated in the certificate.

(5) The general law as between mortgagor and mortgagee applies to a mortgage created under this section, and the Crown may enforce the mortgage by proceedings in a court for

- (a) foreclosure,
- (b) payment of the mortgage debt,
- (c) possession,
- (d) judicial sale, and
- (e) the appointment of a receiver and

by any other remedy ordinarily available to a mortgagee for the enforcement of his mortgage security.

(6) On payment of the mortgage debt, the minister shall send a certificate of discharge to the registrar on receipt of which the registrar shall cancel the registration of the charge.

8. Section 98 is repealed and the following substituted:

Control of  
Crown land

98. (1) Land acquired by a ministry on behalf of the Crown shall be administered by the minister of that ministry.

(2) Notwithstanding anything in this Act, the Lieutenant Governor in Council may transfer, on terms and conditions he considers appropriate, the administration of Crown land to any ministry of the Government.

(3) A power under any Act, other than the Ministry of Lands, Parks and Housing Act, to dispose of the fee simple in Crown land as defined in this Act, shall be exercised in compliance with this Act.

(4) Notwithstanding any other Act, a transfer by the Lieutenant Governor in Council of the administration of Crown land to the minister authorizes him to exercise his powers in relation to that land under this Act or any other Act under his administration.

(5) Subsection (3) does not apply to a disposition made by the Lieutenant Governor in Council under the Highway Act or by the Minister of Municipal Affairs under the Municipal Act.

9. The Land Amendment Act, 1976, S.B.C. 1976, c. 27, is amended by repealing section 8.