

UNEDITED

The Land Bank Act, 1972

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Chapter 60 of *The Statutes of Saskatchewan, 1972*
(assented to May 5, 1972).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 60

An Act to facilitate the Acquisition and Disposition of Farm Land in Saskatchewan

(Assented to May 5, 1972)

SHORT TITLE

Short title

1 This Act may be cited as *The Land Bank Act, 1972*.

1972, c.60, s.1.

INTERPRETATION

Interpretation

2 In this Act:

“commission”

(a) “**commission**” means The Saskatchewan Land Bank Commission established by section 4;

“commission land”

(b) “**commission land**” means land acquired by the commission under section 9;

“farming”

(c) “**farming**” includes live stock raising, bee keeping, fur farming, dairying, tillage of the soil or any other activity undertaken to produce agricultural products;

“land”

(d) “**land**” includes any estate or interest in land;

“minister”

(e) “**minister**” means the Minister of Agriculture.

1972, c.60, s.2.

PURPOSES OF ACT

Purposes

3 The purposes of this Act include the provision of assistance:

(a) to residents of Saskatchewan to enable them to establish or maintain family farms in Saskatchewan by increasing the opportunities for them to acquire land for farming;

(b) to increase the opportunities for owners of farm land in Saskatchewan to dispose of their farm land at fair and just prices.

1972, c.60, s.3.

THE SASKATCHEWAN LAND BANK COMMISSION

Constitution

4(1) There is hereby established a commission to be called The Saskatchewan Land Bank Commission which shall consist of not less than three members appointed by the Lieutenant Governor in Council.

(2) Subject to subsection (3), a member may be appointed as a member of the commission on a full-time basis or on a part-time basis.

(3) At least two of the members of the commission shall be appointed on a full-time basis and where an appointment of a member of the commission does not indicate whether the member is appointed on a full-time basis or on a part-time basis the member shall be deemed to have been appointed on a full-time basis.

1972, c.60, s.4.

Corporate body, powers of

5(1) The commission is a body corporate with perpetual succession and a common seal with capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it on behalf of Her Majesty, as if the right or obligation had been acquired or incurred on its own behalf, and also in respect of any liabilities in tort to the extent to which the Crown is so subject by reason of *The Proceedings against the Crown Act*.

(2) The commission is for all its purposes an agent of Her Majesty in the right of Saskatchewan and its powers under this Act may be exercised only as an agent of Her Majesty.

(3) The commission may, on behalf of Her Majesty, contract in its corporate name without specific reference to the Crown or Her Majesty.

(4) All property, whether real or personal, and all money acquired, administered, possessed or received by the commission is the property of Her Majesty in right of Saskatchewan and shall for all purposes including taxation of whatever nature and description, be deemed to be the property of Her Majesty.

(5) The head office of the commission shall be at such place as may be designated by the commission.

1972, c.60, s.5.

Procedure for business of commission

6(1) The Lieutenant Governor in Council may designate one of the full-time members of the commission as chairman and one other full-time member of the commission as vice-chairman.

(2) If the chairman is absent or is unable to act or if the office of chairman is vacant, the vice-chairman may exercise all the powers and shall perform all the duties and functions of the chairman.

(3) Where a member of the commission is unable to perform the duties of his office by reason of absence, other than a temporary absence, incapacity or for any other reason, the minister may appoint a person to be a member of the commission, upon such terms and conditions as the minister may prescribe, in the place of the member who is unable to perform those duties for a term not exceeding four months.

(4) A majority of the members of the commission shall be a quorum of the commission for the transaction of business and in the event of an equality of votes on any matter before the commission, the chairman or person acting as the chairman has a casting vote.

(5) A member of the commission shall receive such remuneration for his services and allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.

1972, c.60, s.6.

Professional and technical personnel

7(1) The commission may appoint or engage such professional and technical personnel as may be required for the purposes of this Act and may determine their salaries and other remuneration.

(2) The commission may employ such officers and other employees as it considers necessary for the purpose of its operations and for the purpose of giving effect thereto and determining the duties, powers and conditions of employment and remuneration of persons employed under this section, the commission shall be deemed to be an agency within the meaning of clause (a) of section 2 of *The Public Service Act*, and the persons employed shall be deemed to be members of the public service within the meaning of clause (o) of section 2 of that Act.

(3) *The Public Service Superannuation Act* applies to the full-time members of the commission and to the persons employed under subsection (2).

1972, c.60, s.7.

POWERS AND DUTIES OF COMMISSION

Control, etc., of commission land

8 Subject to this Act and the regulations, the commission shall have the control and management of all commission land not leased under this Act.

1972, c.60, s.8.

Acquisitions, etc., of chattels and land

9 The commission may purchase, lease, accept by way of gift or otherwise acquire any chattels or any land that is used or is capable of being used for farming and that the commission considers necessary in carrying out the provisions of this Act.

1972, c.60, s.9.

Disposition of land to commission

10(1) A person who is desirous of disposing of land may notify the commission of his intention.

(2) A notification under subsection (1) shall be in a form prescribed by the commission and, in addition to such information as the commission may require, shall set out:

- (a) whether the person wishes to reserve any part of the land from the disposition;
- (b) whether the person wishes to lease from the commission all or any part of the land;

- (c) whether the person will propose in negotiations for the disposition of the land that a condition of the disposition will require the commission to lease all or any part of the land to any person designated by the person desirous of disposing of the land;
- (d) the preferred manner of payment.

1972, c.60, s.10.

Certain terms of agreements to purchase

11 The commission shall provide in an agreement for the purchase of land under section 9 that at the option of the seller any consideration therefor shall be given in one or more of the following ways:

- (a) periodic payments of cash to the vendor;
- (b) by assignment to the vendor of bonds or securities issued by the commission;
- (c) by the purchase of an annuity in the name of the vendor or his nominee;
- (d) by cash.

1972, c.60, s.11.

Lease of lands from commission

12(1) Subject to subsections (2) and (3) of this section and subsection (2) of section 14, the commission upon application may enter into an agreement to lease commission land to:

- (a) an individual:
 - (i) who has declared his intention of making, or continuing to make, farming his principal occupation during the lease;
 - (ii) whose net income does not exceed such amount as may be fixed by the Lieutenant Governor in Council;
 - (iii) whose net worth does not exceed such amount as may be fixed by the Lieutenant Governor in Council;
 - (iv) who has declared his intention to establish, or to maintain, his residence in Saskatchewan during the lease; and
 - (v) who is a Canadian citizen or has landed in Canada and resides in Saskatchewan with an intention of residing permanently in the province;
 - (vi) who, when two or more applicants meet the requirements of clauses (i) to (v) is determined by the commission to be the applicant achieving the highest point total pursuant to a formula prescribed by the regulations for the purpose of such determination;
- (b) a partnership all the partners of which meet the requirements of clause (a);
- (c) a corporation all the shareholders of which meet the requirements of clause (a);
- (d) an association incorporated or registered under *The Co-operative Production Associations Act, 1967*, or *The Co-operative Associations Act* all the members of which meet the requirements of clause (a).

(2) For the purposes of clauses (b), (c) and (d) of subsection (1), the spouse of a person who is a partner, shareholder or member as mentioned therein shall be deemed to meet the requirements of clause (a) of subsection (1) to the same extent as the person.

(3) The commission shall, with respect to commission land acquired by it pursuant to an agreement that requires the commission to lease the land to the vendor, or to the son, daughter, grandson, granddaughter, great grandson, or great granddaughter of the vendor, or to the spouse of any one of them, upon application, enter into an agreement to lease the commission land to that person if the person meets the requirements of subclauses (i) to (v) of clause (a) of subsection (1) of section 12.

1972, c.59, s.12.

Refusal to lease if applicant unsuitable

13 The commission may refuse to enter into an agreement to lease commission land under section 12 notwithstanding that a determination has been made pursuant to subclause (vi) of clause (a) of that section if in the opinion of the commission the applicant who has achieved the highest point total under that clause is unsuitable to farm the land.

1972, c.60, s.13.

Termination of lease on death of lessee, lease to nominee

14(1) Where a lessee of commission land dies, the lease terminates:

- (a) thirty days after the date of his death if death occurs during the month of January, February or December;
- (b) on the thirty-first day of December of the year of his death where he dies on or after the first day of March but before the first day of December.

(2) Where a lessee of commission land dies or his lease expires or is terminated under section 31 and the lessee has expressed an intention in writing:

- (a) that his spouse continue farming the land, the commission shall upon application enter into an agreement to lease the land to the spouse;
- (b) that his son, daughter, grandson, granddaughter, great grandson, or great granddaughter, or the spouse of any one of them, continue farming the land, the commission shall upon application enter into an agreement to lease the land to the person if the person meets the requirements of subclause (i) to (v) of clause (a) of subsection (1) of section 12.

1972, c.60, s.14.

Rent determined in accordance with regulations

15 Rent payable pursuant to a lease of commission land shall be determined by the commission in accordance with the regulations, and may be varied by the commission before the first day of February in any year.

1972, c.60, s.15.

Consent of commission required to assignment or sublease of lease

16(1) No lessee of commission land shall sublet or assign the lease without obtaining the written consent of the commission to the sublease or assignment.

(2) The commission may prescribe terms and conditions to which a sublease or assignment of a lease shall be subject.

(3) No sublease or assignment is valid unless the sublease or assignment is in writing and has the consent of the commission endorsed thereon.

(4) The commission may terminate any lease for any reason set out in clause (a), (b) or (c) of section 28 notwithstanding that the commission had given its consent to a sublease or assignment of the lease.

1972, c.60, s.16

Withdrawal of consent where consent obtained by misrepresentation, etc.

17 Where, after the commission has consented to a sublease or assignment of a lease of commission land, the commission finds that the sublessor or the sublessee, in the case of a sublease, or the assignor or assignee, in the case of an assignment, has misrepresented or failed to disclose any material fact and that the sublease or assignment would not have been consented to if there had not been such misrepresentation or failure, the commission may, by notice in writing to the sublessor and the sublessee, or to the assignor and the assignee, as the case may require, withdraw its consent to the sublease or assignment and thereupon the sublease or assignment is invalid.

1972, c.60, s.17.

Sale of leased land

18 Where commission land has been leased for at least five years to a lessee who is domiciled in Saskatchewan, the commission may upon application sell the land to the lessee.

1972, c.60, s.18.

Payment of purchase price of land sold

19 Every agreement pursuant to which commission land is sold to a lessee under section 18 shall be subject to a condition that the purchaser shall pay the entire purchase price for the land under the agreement to the commission within a period, not exceeding six months, to be prescribed by the commission.

1972, c.60, s.19.

Lease of certain land and buildings, etc.

20(1) Notwithstanding section 12 but otherwise subject to this Act and the regulations, the commission may upon application enter into an agreement to lease:

- (a) any commission land on which a farm yard is situated;
- (b) the residential or other buildings and any structures and improvements in the farm yard;
- (c) the land surrounding the farm yard and used in connection therewith, not exceeding five acres; and
- (d) any land necessary for reasonable access to the farm yard.

(2) Rent payable pursuant to an agreement entered into under subsection (1) shall be determined by the commission in accordance with the regulations and may be varied by the commission before the first day of February in any year.

1972, c.60, s.20.

Sale of certain land and buildings, etc.

21(1) Notwithstanding section 18, the commission may upon application sell:

- (a) any commission land on which a farm yard is situated;
- (b) the residential or other buildings and any structures and improvements in the farm yard;
- (c) the land surrounding the farm yard and used in connection therewith, not exceeding five acres; and
- (d) any land necessary for reasonable access to the farm yard.

(2) The price of any building, structure, improvement, land or access road sold under subsection (1) shall be determined by the commission in accordance with the regulations.

1972, c.60, s.21.

Loans by commission for capital improvements

22 Subject to the regulations, the commission may make loans to a lessee of commission land for the purpose of assisting the lessee with respect to the acquisition of capital improvements for the land or for any other land owned or leased by the lessee and farmed in connection with the commission land.

1972, c.60, s.22.

Interest on loans

23(1) Every loan made under section 22 shall bear interest at such rate as may be prescribed by the regulations.

(2) Every loan made under section 22 shall be secured by such security as is considered adequate by the commission.

1972, c.60, s.23.

Guarantee of loans

24 The Provincial Treasurer may, upon the recommendation of the commission, guarantee on behalf of Saskatchewan the repayment of the principal of and the interest on any loans made by chartered banks, credit unions or any agent of Her Majesty in right of Saskatchewan to farmers for the acquisition by the farmers of any capital improvements mentioned in section 22.

1972, c.60, s.24.

Removal of improvements

25 The commission may at the time a lease is entered into under section 12, or so soon thereafter as is practicable, remove from the land any improvements that were not included in the lease.

1972, c.60, s.25.

Power of commission to place, etc., improvements on land

26(1) Subject to subsection (2) and the regulations, the commission may make, place or construct on or bring onto, or cause to be made, placed or constructed on or brought onto, any land of the commission such capital improvements as it considers necessary or desirable for the efficient development or use of the land or other land in the vicinity, and pay for or purchase any capital improvements, made, placed or constructed on or brought onto any commission land by any person.

(2) The commission shall not make, place or construct on or bring onto, or cause to be made, placed or constructed on or brought onto, any commission land that has been leased under section 12 any capital improvements except with the written consent of the lessee.

1972, c.60, s.26.

Payment for improvements where land benefits

27 Where commission land benefits from capital improvements made, placed or constructed on or brought onto the land under *The Conservation and Development Act* the commission may pay the whole or any part of:

- (a) the cost of making, placing or constructing the improvements or of bringing them onto the land; and
- (b) the cost of operating and maintaining the improvements;

as in its opinion is fair and just in relation to the total costs of the improvements and the total benefit derived by the commission land from the improvements.

1972, c.60, s.27.

Termination of lease by commission for default, etc.

28 Subject to section 29, the commission may terminate a lease of commission land where the lessee:

- (a) is in default in payment of any rent or any other amount to be paid by him under the lease;
- (b) is in default under the lease by reason of the breach or non-performance of any covenant, proviso, condition or stipulation in the lease that is to be observed or performed by the lessee;
- (c) is in default in payment of the principal of, or interest on, loans made by the commission under section 22 or loans the repayment of which are guaranteed by the Provincial Treasurer under section 24;
- (d) is no longer principally engaged in farming.

1972, c.60, s.28.

Procedure for termination of lease

29 Where the commission proposes to terminate a lease of commission land under section 28, the commission shall:

- (a) send written notice by registered mail to the lessee that the lease will terminate on a specified date not less than thirty days after the date on which the notice is sent unless the lessee complies with clause (c);
- (b) set out the reasons for the proposed termination of the lease and the section of the Act under which the termination is authorized;

(c) set out in the notice mentioned in clause (a) the steps that may be taken by the lessee to remedy the situation giving rise to the proposal of the commission to terminate the lease;

(d) where the lessee fails to comply with clause (c), on any day after the day specified in the notice mentioned in clause (a) send the former lessee and the council of the rural municipality, the Minister of Municipal Affairs or the minister to whom is assigned the administration of *The Northern Administration Act*, as the case may require, written notification by registered mail of termination of the lease.

1972, c.60, s.29.

Termination of lease in case of misrepresentation, etc.

30 Where the commission is satisfied that a person has obtained a lease of commission land by means of fraud, misrepresentation or failure to disclose a material fact in the application for the lease and the lease would not have been entered into if there had not been such fraud, misrepresentation or failure to disclose, or if the lease agreement has been entered into in error or by mistake, the commission may send the person written notice by registered mail advising that the lease will terminate on a specified date.

1972, c.60, s.30.

Termination of lease on request of lessee

31(1) When the commission receives written notification from the lessee indicating the lessee's intention of terminating the lease, the commission may send written notice by registered mail to the lessee that the lease will terminate on a specified date not less than thirty days after the date on which the notice is sent.

(2) Unless the commission receives, on or before the date specified in the notice mentioned in subsection (1) a written request from the lessee that the lease not be terminated, the lease terminates on the date specified in the notice.

1972, c.60, s.31.

Termination of lease for nonpayment of tax

32(1) When the whole or any portion of the tax levied under *The Rural Municipality Act, 1972*, *The Local Improvement Districts Act* or *The Northern Administration Act* against a lessee in respect of commission land is due and owing for more than one year after the thirty-first day of December of the year in which the tax was levied, the council of the rural municipality, the Minister of Municipal Affairs or the minister to whom is assigned the administration of *The Northern Administration Act*, as the case may be, may request the commission in writing to terminate the lease of the lessee.

(2) A request under subsection (1) to terminate a lease shall contain sufficient particulars to inform the commission of the amount of tax due and owing, the year in which the tax was levied and the reasons, if known, for the tax remaining unpaid.

(3) The commission upon receipt of a request under subsection (1) shall send notice by registered mail to the lessee advising that the lease of commission land may be terminated by the commission if the tax due and owing in respect of the land is not paid within thirty days after the notice is sent or if arrangements satisfactory to the commission in respect of such payment have not been made within that time.

(4) Where the lessee of commission land to whom a notice has been sent under subsection (3) does not, within the time limited by that section pay the tax due and owing in respect of the land or make arrangements in that regard satisfactory to the commission, the commission may send written notice by registered mail to the lessee that the lease will terminate on a specified date not less than thirty days after the date on which the notice is sent.

(5) The commission shall not, in any year, terminate a lease under subsection (4) where the request to terminate the lease is received by the commission after the thirty-first day of January of that year.

1972, c.60, s.32.

Payment of tax by commission

33(1) Where a lease of commission land is terminated under this Act, or the commission intends to terminate a lease of commission land under this Act, and tax mentioned in subsection (1) of section 32 is due and owing in respect of the land, the commission may pay the tax on behalf of the person liable to pay it to the extent of arrears for two years or may guarantee the payment of the tax to that extent.

(2) Where under subsection (1) or pursuant to a guarantee under that subsection the commission pays tax due and owing in respect of commission land, the commission may recover as a debt due and owing from the person on whose behalf the tax was paid the amount paid by the commission.

(3) Where commission land is unoccupied or the agreement pursuant to which the land is leased does not provide for the payment of tax mentioned in section 32, the commission may pay a grant in lieu of tax.

1972, c.60, s.33.

Commission may continue farming operations in certain cases

34(1) When a lessee of commission land:

- (a) has abandoned the land;
- (b) dies and any part of the land that in the opinion of the commission ought to be cropped or summerfallowed is not cropped or summerfallowed;
- (c) dies and a crop growing on the land is not harvested;

the commission or a person authorized by the commission may, upon an order of a judge of the district court at the judicial centre nearest to which the land is situated, enter upon the land and crop or summerfallow any part thereof or harvest and thresh the crop growing thereon, and the amount expended in doing so may be recovered, as a debt due to the commission, from the lessee, or if the lessee is deceased, from his estate.

(2) An application for an order under subsection (1) shall be served on such persons as the judge may direct.

(3) The commission may sell any crop grown or harvested under subsection (1) and the amount expended in doing so may be recovered as a debt due to the commission from the lessee, or if the lessee is deceased, from his estate.

(4) The commission may fix an amount as the value of any crop harvested under subsection (1) if it has not sold the crop within sixty days of completion of the harvesting of the crop.

1972, c.60, s.34.

Payment of debts of lessee, etc.

35 The commission may pay certain debts of the lessee or his estate in an amount not exceeding the amount of the proceeds of the sale under subsection (3) of section 34 and any amount fixed under subsection (4) of section 34 in the following order of priority:

- (a) wages or other remuneration not exceeding three months' wages or remuneration due and owing to an employee of the lessee;
- (b) any tax due and owing in respect of the commission land held under the lease;
- (c) any debt due and owing to the commission by the lessee;
- (d) any loan guaranteed under section 24;
- (e) any other debt due to the Crown;

and any amount remaining shall be paid to the lessee or, if the lessee is deceased, to his personal representative.

1972, c.60, s.35.

Interest in respect of certain arrears

36 Where a lessee is in arrears in the payment of rent to the commission in respect of a lease or is in arrears in repayment of the principal of or interest on loans received from the commission, interest may be charged on the amount in arrears at the rate of interest prescribed by the regulations.

1972, c.60, s.36.

Schedule of fees

37 The commission may establish a schedule of fees to be paid to the commission for the preparation of leases and other documents, for appraisals and evaluations of land and for copies of documents of the commission.

1972, c.60, s.37.

RECOVERY OF RENT AND OTHER CONSIDERATION UNDER LEASE**Right of entry and seizure of goods, etc.**

38(1) When any rent or other consideration payable pursuant to a lease entered into with the commission under this Act is in arrears the commission, or a person authorized in writing by the commission to do so, may enter upon the land leased to the lessee and seize any goods and chattels and any crops, whether standing or harvested, of the person liable to pay such rent or other consideration, wherever they may be found, and any goods or chattels and any crops, whether standing or harvested, found upon the lands in question, for the rent or consideration in arrears and shall sell the same.

(2) The commission may recover as a debt due and owing any rent or other consideration payable pursuant to a lease entered into with the commission under this Act.

(3) Subsections (1) and (2) do not alter, limit or otherwise affect any right that the commission may otherwise have to recover any rent or other consideration in arrears by distress, action or otherwise, and the remedies given by subsections (1) and (2) are in addition to, and not in substitution for, any such right.

1972, c.60, s.38.

Certain amounts recovered as a debt

39 When any amount of the principal or interest on any loan made under section 22 is due and owing, the amount may be recovered by the commission in the same manner as any rent or other consideration due and owing may be recovered under section 38.

1972, c.60, s.39.

Right of lessee in respect of improvements, disposition, etc.

40(1) Every lessee of commission land has an equitable right in respect of any buildings, fences, dams, dugouts and other improvements including, without limiting the generality of the foregoing, such improvements as clearing and breaking, summerfallowing and the sowing of a perennial forage or seed crop, constructed, erected, placed, made or done on, or brought onto, the land by the lessee or purchased by him, to the extent of the value thereof notwithstanding that such improvements may be affixed to the realty.

(2) The equitable right mentioned in subsection (1) is subject to any tax due and owing in respect of the land and any debts due and owing by the lessee:

(a) to the commission;

(b) to the rural municipality where the land is in a rural municipality, or to the Minister of Municipal Affairs where the land is in a local improvement district or to the minister to whom for the time being is assigned the administration of *The Northern Administration Act* where the land is in the Northern Saskatchewan Administration District;

(c) in respect of any amount paid by the Provincial Treasurer pursuant to a guarantee under section 24.

(3) The lessee ceases to have any right in respect of any improvements mentioned in subsection (1) where an amount equal to the value thereof, fixed pursuant to the regulations, has been paid to him or applied against the tax and debts mentioned in subsection (2).

(4) Notwithstanding anything in any Act or in the common law, improvements mentioned in subsection (1) shall not be sold, removed, hypothecated or otherwise disposed of or encumbered without the written consent of the commission, and any sale, removal, hypothecation or other dealing with such improvements without the written consent of the commission is invalid.

(5) After the expiration or termination of a lease of commission land or after such date subsequent to the expiration or termination as is set out in the lease, the commission may sell or cause to be sold such improvements at such price as it deems fair and just and shall distribute the proceeds of the sale by paying any tax and debts mentioned in subsection (2) and paying the remainder of the proceeds, if any, to the former lessee.

(6) Where, after the expiration or termination of a lease of commission land, the commission does not have a record of the former lessee being indebted in respect of any taxes or debts mentioned in subsection (2), the commission may authorize the former lessee to remove any moveable improvements which authorization shall lapse after six months from the date on which it was given.

1972, c.60, s.40.

FINANCE

Fund, created, etc.

41(1) There is hereby established a fund to be called The Saskatchewan Land Bank Fund which shall be under the direction and control of the commission.

(2) The commission shall place to the credit of the fund all money received by it.

(3) Subject to section 42, all money credited to the fund shall be deposited in a chartered bank designated by the Provincial Treasurer or in a credit union under *The Credit Union Act, 1972*, or any former *Credit Union Act*, and designated by the Provincial Treasurer and whose members are authorized to use negotiable orders.

(4) The commission shall pay out of the fund all money required for the purposes of this Act.

1972, c.60, s.41.

Investment power

42 The commission may from time to time invest any part of the money of the fund not immediately required for the purposes of this Act in securities set out in section 34 of *The Treasury Department Act*.

1972, c.60, s.42.

Borrowing powers of Provincial Treasurer

43(1) The Lieutenant Governor in Council may authorize the Provincial Treasurer from time to time to raise by way of loan upon the credit of the province such sums of money, within the borrowing limitation prescribed by section 48, as the Lieutenant Governor in Council considers necessary for the purposes of this Act.

(2) Loans authorized under subsection (1) shall be raised in accordance with *The Saskatchewan Loans Act*, and may be borrowed for any term or terms not exceeding thirty years.

(3) Money raised under this section shall be paid into the consolidated fund and the balance, after deduction and payment of discount and commission applicable to the loan, shall be advanced by the Provincial Treasurer to the commission for the purposes of this Act by way of advances in such amounts, at such times, and upon such terms as may be determined by the Lieutenant Governor in Council.

(4) The commission shall reimburse the Provincial Treasurer for all charges and expenses incurred in raising money under this section.

1972, c.60, s.43.

Loans for temporary purposes

44(1) With the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, the Provincial Treasurer may, without any other or further authority or appropriation than is provided by this section, make loans out of the consolidated fund to the commission for any of its temporary purposes.

(2) The aggregate of loans outstanding under this section shall not at any time exceed \$10,000,000.

(3) A loan made under subsection (1) is repayable within a period not exceeding twelve months from the day on which the loan is made.

1972, c.60, s.44.

Borrowing power of commission

45(1) The commission may with the approval of the Lieutenant Governor in Council, borrow from time to time such sums of money, within the borrowing limitation prescribed by section 48, as the commission considers necessary for the purposes of this Act, and including, without limiting the generality of the foregoing:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised or securities issued by the commission under this Act;
- (b) the repayment in whole or in part of advances made by the Provincial Treasurer to the commission;
- (c) the payment of the whole or any part of any loan or any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the commission;
- (d) the payment of the whole or any part of any other liability or indebtedness of the commission.

(2) For the purpose of the borrowings mentioned in subsection (1) the commission may issue such bonds, debentures or other securities, bearing such rate or rates of interest and being payable as to principal and interest at such time or times, in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the commission with the approval of the Lieutenant Governor in Council may determine.

(3) The bonds, debentures and other securities referred to in subsection (2) may be issued in such amounts as will realize the net sums required for the purposes of the commission, and a recital or declaration in the resolution or minute of the commission authorizing the issue of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of this Act is conclusive evidence of that fact.

(4) The commission may with the approval of the Lieutenant Governor in Council sell or otherwise dispose of such bonds, debentures or other securities on such terms and conditions as is considered advisable, or may with the like approval charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security, or may do any of these things.

- (5) The Lieutenant Governor in Council may appoint the Provincial Treasurer or any other person to be the agent of the commission for the purpose of negotiating any loans under this section, and the Provincial Treasurer or the agent may arrange all details and do, transact and execute all such deeds, matters and things as may be necessary during the conduct of negotiations or for the purpose of obtaining the loans.
- (6) Any securities dealt with as collateral security pursuant to subsection (4) when re-delivered to the commission or to its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which those securities may have been given as collateral, or when the commission again becomes entitled to the securities, may be treated by the commission as unissued and may, subject to the approval of the Lieutenant Governor in Council, and to the borrowing limitation prescribed by section 48, be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the commission considers necessary, or at its option be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the securities had not been previously issued.
- (7) Bonds, debentures and other securities issued by the commission under this section shall be in such form or forms and shall be executed in such manner as the commission may by resolution or minute determine.
- (8) The commission may by resolution or minute provide that the seal of the commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed, and that any signature upon any bonds, debentures or other securities, and upon the coupons if any attached thereto, may be engraved, lithographed, or printed or otherwise mechanically reproduced thereon.
- (9) The seal of the commission when mechanically reproduced as provided by subsection (8) shall be of the same force and effect as if manually affixed, and such mechanically produced signatures shall for all purposes be valid and binding upon the commission, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of the security or before the issue thereof.
- (10) Subject to the approval of the Lieutenant Governor in Council and within the borrowing limitation prescribed by section 48, the commission may also from time to time borrow by way of temporary loans from any chartered bank or from any credit union, person or other corporation such sums, upon such terms, for such purposes, and upon such conditions as the commission may determine, by way of bank overdraft or line of credit, or by the pledging of security for such temporary loans of notes, bonds, debentures or other securities of the commission pending the sale thereof or in lieu of selling the same, or in such other manner as the commission may determine; and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of temporary loans may be executed in such manner as the commission may determine.

Interest, etc., charge on revenues

46 All interest and instalments of principal and all sinking funds and other debt service charges in respect of the securities mentioned in section 45 are a first charge on the revenues of the commission.

1972, c.60, s.46.

Guarantee by Lieutenant Governor in Council

47(1) The Lieutenant Governor in Council may, on such terms as may be stated in the order in council passed for the purpose, guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the commission and of any loans, temporary or otherwise, obtained by the commission.

(2) The form and manner of any guarantee mentioned in subsection (1) shall be such as the Lieutenant Governor in Council may approve.

(3) A guarantee mentioned in subsection (1) shall be signed by the Provincial Treasurer or such other officer or officers as may be designated by the Lieutenant Governor in Council, and on being so signed the Province of Saskatchewan becomes liable for the payment of the principal and interest of the bonds, debentures, securities and loans guaranteed according to the tenor thereof.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with this section.

(5) The Lieutenant Governor in Council may make such arrangements as may be necessary for supplying the money required to implement any guarantee mentioned in subsection (1) and to advance the amount necessary for that purpose out of the consolidated fund.

1972, c.60, s.47.

Limitation on borrowing power

48(1) Neither the Provincial Treasurer nor the commission shall any money by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise under the authority of this Act where such borrowings would cause the aggregate principal amount of the outstanding bonds, debentures or other securities and outstanding loans to exceed the aggregate principal amount of \$100,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act and:

(a) sums advanced to the commission by the Provincial Treasurer under subsection (3) of section 43, being sums already included in such aggregate principal amount as borrowings by the Provincial Treasurer under subsections (1) and (2) of section 43;

(b) sums borrowed by the commission by way of temporary loan that have been repaid by the commission otherwise than out of the proceeds of the sale of securities of the commission issued for such purpose;

(c) sums borrowed by the commission by the issue and sale of securities to the extent that the net proceeds thereof have been applied or are to be applied to the repayment of outstanding temporary loans of the commission;

(d) sums borrowed by the commission for any of the purposes referred to in clauses (a), (b) and (c) of subsection (1) of section 45;

- (e) securities of the commission hypothecated or pledged by the commission as collateral security for borrowings of the commission by way of temporary loan;
 - (f) sums borrowed by the Provincial Treasurer and advanced to the commission to the extent that the sums so advanced are to be applied by the commission for any of the purposes referred to in clauses (c) and (d) of this subsection.
- (2) Sums raised or authorized to be raised by the Provincial Treasurer by way of loan under the authority of sections 2 and 3 of *The Saskatchewan Loans Act* for any of the objects or purposes therein mentioned shall not in any way limit or restrict the borrowing powers of the Provincial Treasurer and the commission under the authority of this Act.
- (3) For the purpose of computing the aggregate principal amount mentioned in subsection (1), one dollar in lawful money of the United States of America may be deemed to be the equivalent to one dollar in lawful money of Canada, and the net sum borrowed by the issue and sale of securities payable in the currency of any country other than Canada or the United States of America may be deemed to be the equivalent of an amount in Canadian dollars calculated at the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time on the business day next preceding the date on which the Lieutenant Governor in Council authorizes or approves the issue of the securities.

1972, c.60, s.48.

SUMMARY PROCEEDINGS FOR POSSESSION

Application for order for possession of land wrongfully occupied

49 When a lessee refuses or fails to cease using, possessing or occupying commission land that in the opinion of the commission he is wrongfully or without lawful authority using, possessing or occupying, or refuses or fails to deliver up possession of any commission land after his right to use, possess or occupy the land has been terminated, the commission may apply to a judge of the district court acting at the judicial centre nearest to which the land is situated for an order for possession.

1972, c.60, s.49.

Order for possession

50(1) The judge to whom the application is made may, upon the request of the applicant and evidence satisfactory to the judge that the lessee is wrongfully or without lawful authority using, possessing or occupying the land, make an order, to be called an order for possession, for the summary removal of the lessee from the land directing him to vacate it forthwith and to cease using, possessing or occupying it and to deliver up possession of it.

(2) If an order for possession is not made under subsection (1) the applicant may obtain from the judge a summons directed to the lessee calling upon him forthwith to vacate and cease using, possessing or occupying the land, or to deliver up possession thereof, as the case may be, or, within twenty-one days after service of the summons and upon seven days' notice in writing to the applicant named therein and to the local clerk of the district court at the judicial centre nearest to which the land is situated, to show cause why an order should not be made for his removal from the land, and to compel him to vacate it, and to cease using, possessing or occupying it, or to deliver up possession of it, as the case may be.

(3) It shall be sufficient service of the summons if a copy thereof is left with a grown up person found on the land, and another copy is put up in some conspicuous place thereon, or, where no grown up person is found on the land, if a copy is put up in two conspicuous places thereon.

(4) If, upon the day for showing cause, the person to whom the summons is addressed does not show good cause to the contrary, the judge shall, upon request of the applicant, make an order for possession.

(5) An order for possession may be directed to the sheriff or a bailiff, constable or any other person, and it shall be executed by the person to whom it is directed and delivered for that purpose.

1972, c.60, s.50.

Execution of warrant

51 The officer or person to whom an order for possession is directed and delivered shall forthwith remove the lessee from the land, and also all members of his family, all his employees, servants or labourers, or tenants or members of their families, or their employees, servants or labourers, or otherwise who, under his authority or direction or permission, are using or occupying the land, and may also remove from the land any goods and chattels of the lessee found thereon; and in the execution of the order the officer or person to whom it is directed shall have and may exercise all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

1972, c.60, s.51.

Service in case of termination

52 In a case of termination of a lease, where the order for possession directs any person who is not in possession or occupancy of the land to deliver up possession thereof, the order shall be sufficiently executed if a copy of it is left with a grown up person on the land and another copy is put in some conspicuous place thereon, or, where no grown up person is found on the land, if a copy is put up in two conspicuous places thereon; and service of the order for possession in the manner mentioned shall confirm the termination and make it irrevocable.

1972, c.60, s.52.

Costs

53 Subject to this Act, where jurisdiction is given to a district court judge hereunder he shall have the same jurisdiction as to costs and otherwise as in matters in court under his jurisdiction.

1972, c.60, s.53.

Buildings to become property of commission

54 When an order for possession is made, all buildings and erections upon the land affected thereby, whether affixed thereto or not, shall become the property of the commission, provided that the minister in his discretion, and upon such terms as to time of removal, costs or otherwise as he deems fit, may grant a permit for the removal of the same.

1972, c.60, s.54.

Penalty

55 Any person remaining upon commission land or returning thereto, or assuming any right of possession or occupancy or use thereof, after having been ordered to vacate them, under this Act, or after having been removed therefrom under an order for possession, is on summary conviction before a district court judge, or provincial magistrate, or two or more justices of the peace, liable to a fine not exceeding \$300 or to imprisonment for a term not exceeding six months.

1972, c.60, s.55.

Order of minister

56(1) The commission may by notice in writing directed to any person using, possessing or occupying any commission land without having had at any time authority to do so, order the person to vacate and cease using, possessing or occupying the land, within such period of time as may be set out in the notice.

(2) Any person who refuses or neglects to vacate and cease using, possessing or occupying commission land pursuant to the notice is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and in default of payment to imprisonment for a term not exceeding thirty days.

(3) If such person after conviction continues to use, possess or occupy the land he is guilty of an offence and liable from time to time on summary conviction to a fine not exceeding \$10 for each day during which the offence continues and in default of payment to imprisonment for a term not exceeding sixty days.

1972, c.60, s.56.

ADVISORY COUNCIL**Organization**

57(1) The minister shall appoint an Advisory Council consisting of not less than seven members the majority of whom shall be farmers or representatives of farm organizations.

(2) The minister shall designate one of the members of the council as chairman and one other member as vice-chairman.

(3) The council shall meet upon the request of the minister or upon the call of the chairman.

(4) The council may advise the minister or the commission with respect to any matter under this Act.

(5) The council shall advise the minister or the commission with respect to any matter under this Act referred to it by the minister or the commission.

(6) The members of the council shall receive an honourarium for their services in such amount as the minister may determine and such allowances for travelling and other expenses as the minister may prescribe.

1972, c.60, s.57.

LAND BANK COMMITTEES

Organization

- 58(1)** The commission shall divide the province into such number of areas for the purpose of the administration of this Act as the minister may designate.
- (2) The minister may by order establish a Land Bank Committee within one or more of the areas mentioned in subsection (1).
- (3) A land bank committee shall consist of not more than five persons who are resident in the area and a majority of whom are farmers or representatives of farm organizations.
- (4) Subject to subsection (5), the members of a committee shall be:
- (a) appointed by the minister;
 - (b) appointed in such manner and by such persons or farm organizations as the minister may by order designate;
 - (c) elected in such manner and by such persons or farm organizations as the minister may by order designate; or
 - (d) appointed and elected in the manner set out in clauses (a), (b) or (c) or any combination of those clauses.
- (5) Where a committee is to include members elected under subsection (4), a majority of the membership shall be elected members.
- (6) A committee may advise the minister, the commission or the Advisory Council with respect to any matter under this Act.
- (7) A committee shall perform such duties and functions with respect to the administration of this Act as the minister may by order prescribe.
- (8) The members of a committee shall receive an honourarium for their services in such amount as the minister may determine and such allowance for travelling and other expenses as the minister may prescribe.

1972, c.60, s.58.

APPEAL BOARD

Organization

- 59(1)** Subject to subsection (2), the Lieutenant Governor in Council may on the recommendation of the minister appoint an Appeal Board consisting of three members, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman.
- (2) The minister shall, prior to making a recommendation to the Lieutenant Governor in Council with respect to the persons to be appointed as members of the Appeal Board, consult with the commission, the Advisory Council, the Land Bank Committees, if any, and any farm organizations in the province that the minister considers appropriate in that respect.
- (3) Two members of the board constitute a quorum.

(4) Where the board is unable to reach a majority decision on any matter before the board, and all members have rendered a decision on the matter, the decision of the chairman is the decision of the board.

(5) Each member of the board shall receive such remuneration for his services and allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.

1972, c.60, s.59.

Appeal

60(1) A person aggrieved by a decision of the commission under section 12, 13, 16, 17, 18, 20, 21, 25, 27, 28, 30, 31, 32 or subsection (4) of section 40 may appeal the decision to the Appeal Board.

(2) The board shall, upon receipt from a person intending to appeal a decision of the commission of a notice of appeal setting out with sufficient particulars the decision of the commission being appealed and the grounds of the appeal, set a time, not less than thirty days after the receipt of the notice of appeal and a place for hearing the appeal and shall give the person bringing the appeal ten days' notice of the time and place set for the hearing of the appeal.

(3) Except as provided by subsection (2), the practice and procedure of an appeal under this section shall be such as may be prescribed by the regulations.

1972, c.60, s.60.

Order of appeal board

61 Upon hearing an appeal, the Appeal Board may make such order in the matter as the board considers just including referring the matter back to the commission for further consideration or for determination or making such order as the board considers ought to have been made by the commission in the matter.

1972, c.60, s.61.

Appeal on matter of law

62(1) There is an appeal to a judge of the district court on a matter of law in respect of a decision of the commission made under any of the sections of this Act mentioned in section 60 or an order of the Appeal Board made under section 61.

(2) The practice and procedure on an appeal under subsection (1) shall be such as may be prescribed by the judge to whom the appeal is taken.

(3) The decision of the judge on an appeal under subsection (1) is final and there is no further appeal.

1972, c.60, s.62.

Stay of operation of certain decisions of commission

63(1) The taking of an appeal under section 61 or 62 does not stay the operation of the decision of the commission or the order of the Appeal Board made in respect thereof.

(2) The Appeal Board or judge, upon an appeal of a decision of the commission made under section 25 or 32 may stay the operation of the decision of the commission and may prescribe terms and conditions to which the stay shall be subject.

1972, c.60, s.63.

MISCELLANEOUS

Agreements with Government of Canada

64 In order to better carry out the provisions of this Act or to achieve the purposes thereof the minister may, subject to the approval of the Lieutenant Governor in Council enter into such agreements with the Government of Canada as the minister considers advisable.

1972, c.60, s.64.

Commission may require further information

65 The commission may at any time require further information or material to be submitted by an applicant for a lease of commission land, by a person applying to purchase commission land or any improvements on commission land or by a person who has submitted material to the commission under this Act or the regulations and may require verification by affidavit or otherwise of any information or material so submitted or previously submitted.

1972, c.60, s.65.

Notices under Act or regulations

66(1) Any notice required by this Act to be sent to a lessee of commission land or to any other person shall be deemed to have been sent to the lessee or other person if sent to the agent, assignee or other representative of the lessee or other person.

(2) If a person to whom notice is to be sent under this Act or the regulations is dead and letters of administration to his estate or letters probate of his will have not issued out of any court in Saskatchewan, the notice may be sent to any person or persons as may appear from the records of the commission to have an interest in the estate of the deceased and to the official administrator for the judicial centre nearest to which the commission land or other property to which the notice relates is situated.

(3) A notice under this Act or the regulations is sufficient if signed by any officer of the commission by the direction or with the authority of the commission, and shall be deemed to have been duly sent if sent by registered mail, postage prepaid, to the latest known address as shown by the records of the commission of the person to whom the notice is to be sent.

(4) A notice sent by registered mail as described in subsection (3) shall be deemed to have been sent on the date of the postmaster's receipt for the envelope containing the notice.

1972, c.60, s.66.

REGULATIONS

Regulations

67 For the purpose of carrying out the provisions of this Act according to their intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations, not inconsistent with any other provisions of this Act:

- (a) prescribing a formula for the purpose of subclause (vi) of clause (a) of section 12;
- (b) prescribing a formula or otherwise establishing the basis upon which land shall be appraised, the rental or price of commission land shall be set or the value of land shall be fixed;
- (c) prescribing the procedure for advertising commission land or chattels for sale or lease;
- (d) prescribing procedures for the commission in the consideration of applications received under the Act and in the entering of agreements by the commission to lease or sell commission land, chattels or improvements;
- (e) prescribing terms and conditions for any lease or sale of commission land, chattels or improvements including the manner and extent of any variation of the rent payable under a lease or class or classes of leases of commission land;
- (f) respecting the management and control of commission land;
- (g) prescribing the method of determining the eligibility of applicants to lease commission land or to purchase land leased from the commission;
- (h) respecting the making and securing of loans to lessees and the repayment of such loans;
- (i) prescribing the interest payable in respect of purchases by the commission under this Act, in respect of loans made to lessees and in respect of any other debts due and owing to the commission or arrears of rents;
- (j) providing for varying, waiving, postponing or rescheduling of interest or rent or the payment of interest or rent;
- (k) prescribing the method of determining net income and net worth and fixing the amount of each for the purpose of section 12;
- (l) establishing a formula to be used by the commission in calculating rents and other consideration for commission land, chattels or improvements which formula shall take into account the productive capacity of the land, marketability of the crops, value of land, interest rates and such other factors as the Lieutenant Governor in Council considers relevant and advisable;
- (m) prescribing procedures for appeals to the Appeal Board and the conduct of the hearing of appeals.

Regulations have force as if enacted in Act

68 Any regulations made under section 67 have the same force and effect as if enacted herein.

1972, c.60, s.68.

ANNUAL REPORT

To Legislative Assembly

69(1) The commission shall submit annually to the Lieutenant Governor in Council:

- (a) a report respecting the operations of the commission for the immediately preceding fiscal year;
- (b) a financial statement showing the business of the commission for that fiscal year, in such form as may be required by the Treasury Board.

(2) The report shall be laid before the Legislative Assembly within fifteen sitting days from the commencement of the session next following the end of the fiscal year for which the report is made, but the commission is not required to submit its annual report less than ninety days after the end of its fiscal year.

1972, c.60, s.69.

APPROPRIATION

Payment of administrative and other costs

70(1) Sums required for the payment of the remuneration for and allowances to persons engaged in carrying out this Act and for other administrative costs in carrying out this Act shall be paid out of sums appropriated by the Legislature for the purpose.

(2) Sums required for the acquisition of land and for such other purposes as may be determined by the Lieutenant Governor in Council may be paid from sums appropriated by the Legislature for the commission.

1972, c.60, s.70.

COMING INTO FORCE

Coming into force

71 This Act or any of the provisions of this Act come into force on a or days to be fixed by proclamation of the Lieutenant Governor.

1972, c.60, s.71.