

TOQUAHT NATION GOVERNMENT

MISCELLANEOUS AMENDMENTS ACT

TNS 3/2014



This law enacted on March 11th, 2014

Anne Mack

Signed _____
Anne Mack, ḥaʔwił of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 2014-03-31

Kristen Johnson

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Miscellaneous Amendments Act.

Oversight

1.2 The chairperson of Council is responsible for the oversight of this Act.

Application

1.3 This Act amends

- (a) the Interpretation Act TNS 17/2011,
- (b) the Government Act TNS 2/2011, and
- (c) the Land Act TNS 12/2011.

PART 2 - INTERPRETATION ACT AMENDMENTS

Interpretation Act amendments

2.1 The Interpretation Act TNS 17/2011 is amended as follows:

- (a) section 2.5(a) is amended by deleting the words “registry of laws” and replacing them with “registry of laws and official records”;
- (b) section 2.7(b) is amended by deleting the words “registry of laws” and replacing them with “registry of laws and official records”; and
- (c) section 3.3 is amended by deleting the definition of “registry of laws” and replacing it with the following:

“registry of laws and official records” means the registry of laws and official records established under the Government Act;

PART 3 - GOVERNMENT ACT AMENDMENTS

Government Act amendments

3.1 The Government Act TNS 2/2011 is amended as follows:

- (a) section 2.17(d)(vi) is amended by deleting the words “registry of laws” and replacing them with “registry of laws and official records”; and
- (b) Part 2 is amended by deleting section 2.19 and replacing it with the following:

Registry of laws and official records

- 2.19 (a) The registry of laws and official records is established.
- (b) The law clerk must deposit in the registry of laws and official records
- (i) the original copy of every enactment of Council, as soon as it has been signed by the H̄aʔwił,
 - (ii) the original copy of every enactment of the Executive as soon as it has been signed by the H̄aʔwił,
 - (iii) the original copy of every other Toquaht enactment,
 - (iv) the original copy of any amendments to the Maa-nulth Treaty made in accordance with 1.14.0 of Chapter 1 General Provisions of the Maa-nulth Treaty, and
 - (v) the original copy of any other document required or authorized under a Toquaht enactment to be deposited in the registry of laws and official records.
- (c) When the law clerk deposits the original copy of a Toquaht enactment or document in the registry of laws and official records, the law clerk must
- (i) make three copies of that Toquaht enactment or document,
 - (ii) certify each copy to be true,
 - (iii) if the enactment is legislation or a regulation, deliver in accordance with Toquaht law one of the certified copies to British Columbia and another, if requested, to Canada,

- (iv) keep the third certified copy available for public inspection at the Toquaht administrative office, and
 - (v) archive the original.
- (d) The law clerk
 - (i) must maintain an official continuing consolidation of each Toquaht enactment separate from the original of that Toquaht enactment, in which the law clerk records the effect on that Toquaht enactment of each amendment to it when that amendment comes into force, and
 - (ii) may provide a copy of the consolidated Toquaht enactment to any person for any purpose.
- (e) If the law clerk has certified a copy of a consolidated Toquaht enactment provided under subsection (d)(ii), any person may rely on it as a correct statement of that Toquaht enactment as of the date it was certified.
- (f) The law clerk may, in consultation with the chairperson, establish and maintain an electronic version of the registry of laws and official records.

PART 4 - LAND ACT AMENDMENTS

Land Act amendments

4.1 The Land Act TNS 12/2011 is amended as follows:

- (a) section 1.4 is amended by adding the following definition:

“provincial Crown land registry” means the registry continued under section 7 of the Land Act (British Columbia);
- (b) section 11.6 is amended by deleting “section 11.12” and replacing it with “section 11.20”; and
- (c) Part 11 is amended by adding the following section:

Deemed deposit of certain plans

- 11.23.1 (a) Subject to subsection (b) and despite any other provision in this Part, any survey plan completed in accordance with 2.5.1 of Chapter 2 Lands of the Maa-nulth Treaty and deposited in the provincial Crown land registry is deemed to be deposited in the lands registry office on the same date and at the same time as that survey plan was deposited in the provincial Crown land registry.
- (b) Despite any other provision in this Part, a survey plan completed in accordance with 2.5.1 of Chapter 2 Lands of the Maa-nulth Treaty and deposited in the provincial Crown land registry prior to April 1, 2011, is deemed to be deposited in the lands registry office at 12:01 AM on April 1, 2011.
- (c) The registrar must assign a serial number to each survey plan deemed to be deposited under this section.
- (d) For each survey plan deemed to be deposited under this section, the registrar must
 - (i) deposit a white print in the lands registry office, and
 - (ii) provide the director the number of white prints that may be necessary for the purpose of taxing authorities and the director.

PART 5 - GENERAL PROVISIONS

Commencement

5.1 This Act comes into force on the date it is enacted.