
INDIAN CUT-OFF LANDS DISPUTES ACT

CHAPTER 218

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Definitions

- 1 In this Act:

“**council of the band**” has the same meaning as in the *Indian Act* (Canada);

“**cut-off lands**” means lands that had before 1916 been appropriated by the government for the use and benefit of Indians but that, under the *Indian Affairs Settlement Act*, S.B.C. 1919, c. 32, the *British Columbia Indian Lands Settlement Act*, S.C. 1920, c. 51, and the report of the Royal Commission on Indian Affairs in the Province of British Columbia of June 30, 1916, as approved by Dominion Privy Council Order 1265 of July 19, 1924 and British Columbia Order in Council 911 of July 26, 1923, ceased to be so appropriated, but “cut-off lands” does not include any lands in the Railway Belt or Peace River Block;

“**Indian Band**” means a band as defined by the *Indian Act* (Canada).

Agreements resolving claims

- 2 If, under an Act of Canada, express provision is made for either
- (a) an Indian Band, or
 - (b) the council of an Indian band

to enter into an agreement for the purposes of resolving and extinguishing claims asserted by the Indian Band and the council of the band against the government or against the government and Canada in respect of cut-off lands and by that agreement to bind both

- (c) all present and future members of the Indian Band, and
- (d) the council of the Indian Band and its successors

the minister may enter into an agreement with the Indian Band, the council of the band, or both, and the government of Canada for the purposes of resolving and extinguishing the claims.

Section 3

Provisions to be included in agreement**3** An agreement

- (a) may include provisions for a disposition of land under the *Land Act*, a transfer of land to Canada in accordance with section 4 or a payment of money, or all or any of them, by the government in respect of the cut-off lands claims, and
- (b) must include provisions for the release, discharge and extinguishment of all claims against British Columbia by present and future members of the Indian Band and by the council of the band and its successors in respect of cut-off lands.

Transfers of land**4** If an agreement provides for a transfer of land to Canada, it must be made by a transfer of administration, control and benefit of the land under section 31 of the *Land Act* for the use and benefit of the Indian Band, and must be subject to

- (a) the same exceptions and reservations as those contained in the order of the Lieutenant Governor in Council, numbered 1036 of 1938, and
- (b) any lease or other interest existing in the land at the date of transfer.

Money to be paid out of consolidated revenue fund**5** If an agreement provides for the payment of money, the money must be paid to Canada out of the consolidated revenue fund for the use and benefit of the Indian Band.

Legislative History

INDIAN CUT-OFF LANDS DISPUTES ACT

RSBC 1996, chapter 218

Section	History
1	1982-50-1.
2	1982-50-2.
3	1982-50-3.
4	1982-50-4.
5	1982-50-5.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The “Section” column identifies the affected provisions of the Act. The “Citation” column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The “Section” column identifies all sections of the Act in force on December 31, 1996. The “History” column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of “year-chapter-section”.