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Land Law 2017/2018-002 First Amendment To The Shawanaga First Nation Land Code

PREAMBLE

In accordance with a ratification vote conducted on [date] in which a quorum of Eligible Voters cast votes and in which a 50% plus 1 majority of the votes cast approved the amendments contained in this Land Law, as certified by the report of the Verifier dated [date], Council is authorized to amend the Shawanaga First Nation Land Code dated 16 March 2015 as provided herein.

A. Exemptions from Land Code provisions to promote commercial activities

1. The following shall be added as a new definition, in alphabetical order, in subsection 2.2:

“**Commercial Purposes**” means a use of Shawanaga First Nation Land intended to produce income for Shawanaga First Nation or other persons having an interest or licence therein;

2. Subsection 32.3 of the Code shall be renumbered 32.4 and the following shall be added as new subsection 32.3 with marginal note:

Interests and Licences created for Commercial Purposes

32.3 An Interest or Licence which Council deems by resolution to be for Commercial Purposes may include exemptions from:

- (a) any or all of section 17 and subsections 36.2, the application of subsections 37.1, 37.5, 37.6, 37.7 and 37.8 to any charge, pledge or mortgage of the Interest or Licence; and
- (b) subject to a community approval vote under section 15, any other provision of this Land Code.

3. Subsection 37.4(c) is repealed and the following is substituted therefor:

- (c) a leasehold interest in Shawanaga First Nation Land may be charged, pledged or mortgaged, and is subject to any lender’s remedies at law or specified in such charge, pledge or mortgage, including, without limitation, attachment, levy, seizure, distress and the taking of possession of the leasehold Interest.



B. Clarification of effect of failure to comply with Land Code provisions

4. Subsection 28.3 and its marginal note are repealed and the following is substituted therefor:

Certificate required for registration

28.3 An instrument to which subsection 28.2 applies shall not be registered in the Shawanaga First Nation Lands Register unless it includes the certificate referred to in that subsection.

5. Subsection 30.3 and its marginal note are repealed and the following is substituted therefor:

Contravention of Land Code

30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Shawanaga First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or Licence in Shawanaga First Nation Land after the date this Land Code takes effect is unenforceable if it contravenes this Land Code.

C. In force date for provisions relating to the separate Shawanaga First Nations Lands Register

6. Subsections 29.1, 29.2 and 29.3 of the Code shall be renumbered 29.2, 29.3 and 29.4, and the following shall be added as new subsection 29.1 with marginal note:

In force resolution of Council required

29.1 Notwithstanding section 50, the provisions of this Land Code relating to the separate Shawanaga First Nation Lands Register shall come into force upon a day to be fixed by resolution of Council.

D. Part 8 Dispute Resolution optional

7. Subsections 41.4 and its marginal note are repealed and the following provision and marginal note are substituted therefor:

Other dispute resolution methods

41.4 Nothing in this Part shall be construed to prevail over the dispute resolution provisions of a written agreement or to limit the ability of any person to reach agreement to settle a dispute without recourse to this Part.

E. In Force Date

8. This Land Law shall come into force immediately upon enactment by Council:

[End]