

Wei Wai Kum First Nation Land Code Laws

*Wei Wai Kum Land Code Additions Law
(2016), March 2016*

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WHEREAS the Wei Wai Kum First Nation has occupied, managed and benefited from our territories since time out of memory;

AND WHEREAS the Wei Wai Kum First Nation recognizes our responsibility to protect the land and its resources for future generations and to protect the rights of the Wei Wai Kum First Nation and our members;

AND WHEREAS the Wei Wai Kum First Nation values the need to respect, protect and promote our heritage, culture and traditions as the driving force of our success and destiny while understanding that these practices may change and require contemporary expression;

AND WHEREAS the Members of the Wei Wai Kum First Nation have in common inherent rights, customs, and traditions and the inherent right to self-government which are recognized and affirmed by Section 35 of the *Constitution Act*, 1982;

AND WHEREAS Wei Wai Kum First Nation chose to assume control of its reserve lands and resources pursuant to the *First Nation Land Management Act*, S.C. 1999, c. 24 by entering into the Individual Agreement on First Nation Land Management between the Campbell River Indian Band and Her Majesty the Queen in Right of Canada, and by adopting the Wei Wai Kum First Nation Land Code;

AND WHEREAS Wei Wai Kum has reached a settlement with the City of Campbell River in certain court actions with respect to lands which were improperly surrendered at the turn of the 20th century (the “Settlement”);

AND WHEREAS as part of the Settlement, on December 17, 2015 certain lands were added back to Wei Wai Kum’s reserve lands via the federal addition to reserve process;

AND WHEREAS certain encumbrances had remained on some of the lands after they had been added to Wei Wai Kum’s reserve lands, which encumbrances were satisfactorily removed on March 16, 2016, as evidenced by a Notice of Registration from BC Land & Title Survey of same date;

AND WHEREAS Wei Wai Kum is satisfied that the conditions set out in Section 5.2(b) of the Land Code are now met with respect to the lands and wishes to make them subject to the Land Code;

AND WHEREAS pursuant to section 11 of the Land Code, Council called a meeting of Members on March 5, 2016 to receive their input;

AND WHEREAS Section 5.4 of the Land Code provides that after having held such meeting of Members, Council may declare the lands to be subject to this Land Code by enacting a Law;

NOW THEREFORE, this *Wei Wai Kum Land Code Additions Law (2016)* is hereby enacted as a Law of the Wei Wai Kum First Nation.

PART 1. NAME

- 1.1 This Law may be cited as the *Wei Wai Kum Land Code Additions Law (2016)*.

PART 2. PURPOSE

- 2.1 The purpose of this Law is to make the Lands subject to the Land Code.

PART 3. INTERPRETATION

Definitions

- 3.1 For the purposes of this Law, the following definitions apply:

“Land Code” means the Wei Wai Kum First Nation Land Code, which came into force and effect on June 25, 2012, as amended from time to time;

“Lands” means the lands that are made subject to the Land Code under Part 4 of this Law.

Interpretation provisions of Land Code Apply

- 3.2 The interpretation provisions of the Land Code apply to this Law.

Land Code Definitions

- 3.3 For greater certainty, definitions in the Land Code apply to the capitalized terms in this Law, except as otherwise expressly provided in this Law.

PART 4. DECLARATION

Lands which become subject to the Land Code

- 4.1 The following Lands are made subject to the Land Code as of the date this Law comes into force:

Lot 1 Campbell River Indian Reserve No. 11 Sayward District Plan
VIP89432, PID 029-124-034

Lot 2 District Lot 1486 and Campbell River Indian Reserve No. 11 Sayward
District Plan VIP89432, PID 029-124-115

PART 5. AMENDMENTS

Substantive Amendments

- 5.1 Substantive amendments to this Law can only be made in accordance with Part 7 of the Land Code.

Minor Amendments

- 5.2 Despite paragraph 5.1 of this Law, Council may adopt minor amendments to this Law by Resolution at a duly convened meeting.

Examples of Minor Amendments

- 5.3 For the purposes of paragraph 5.2, minor amendments include:
- (a) amendments to correct typographical errors,
 - (b) amendments required to reference any relevant new or amended Wei Wai Kum First Nation Law;
 - (c) amendments ordered by any court of competent jurisdiction; or
 - (d) amendments which serve to clarify the Law, where there is no reasonable dispute about the intention underlying the original provision.

PART 6. GENERAL PROVISIONS

Interpretation

- 6.1 Headings in this Law are for reference purposes only and do not form part of the Law.

Severability

- 6.2 In the event that all or any portion of any Part, section or paragraph of this Law are found by a court of competent jurisdiction to be invalid, such sections are severable, and the remaining portions or sections remain in full force and effect.

Internal References

6.3 Internal references refer to this Law, references to a Part (e.g. Part 1), section (e.g. section 1.1), paragraph (e.g. paragraph 3.4(a)) is a reference to the specified Part, section, or paragraph of this Law, except where otherwise stated.

PART 7. COMING INTO FORCE

Date Law Comes into Force

7.1 This Law shall come into force and effect on the date it is enacted by Council Resolution after complying with the requirements of Section 7 of Part 2 of the Land Code.

THIS LAW IS HEREBY ENACTED by a quorum of Council at a duly convened meeting held on the _____ day of _____, 2017 at _____, British Columbia.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

A quorum consists of 5 Council Members