

Wei Wai Kum First Nation Land Code Laws

Land Registry and Certification Law
November 25, 2013

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WHEREAS the Wei Wai Kum First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

AND the Wei Wai Kum First Nation has taken over control and management of Wei Wai Kum Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Wei Wai Kum Land Code* effective the 31st day of January, 2013;

AND under the *Wei Wai Kum Land Code*, Wei Wai Kum Council is authorized to pass various laws relating to lands including laws relating regulation and use of Wei Wai Kum Lands and fees for registration of interests under the Code;

AND Council wishes to implement procedures and fees relating to the registration of Interests in Wei Wai Kum Lands;

NOW THEREFORE this *Wei Wai Kum Land Registry and Certification Law, 2013* is hereby enacted at a duly convened meeting 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 Registry and Certification Law, 2013*.

PART 2. PURPOSE

2.1 The purpose of this Law is to implement procedures and fees relating to the registration of Interests in Wei Wai Kum Lands.

PART 3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of the Reserves and Wei Wai Kum Lands as defined in the *Wei Wai Kum Land Code*.

PART 4. DEFINITIONS

4.1 Unless otherwise stated in this Law, for the purposes of this Law, terms have the same definitions as set out in the *Land Code*.

4.2 The following definitions apply in this Law.

“Applicant” means a person who submits or who is required to submit an application for registration or recording in relation to Wei Wai Kum Lands;

“Federal Regulation” means the federal *First Nations Land Registry Regulations*, SOR/2007-231; and

“Register” means the First Nations Land Register located in the First Nations Land Registry office in Gatineau, Quebec, and “register” means to record in this Register.

PART 5. NO DUPLICATE REGISTER

5.1 In accordance with sections 8.4 and 29.1 of the Land Code, Council hereby directs that:

- (a) no duplicate register shall be maintained by Wei Wai Kum but Wei Wai Kum shall retain a copy of all laws, documents, instrument and transaction that are registered; and
- (b) all relevant laws, documents instruments and transactions shall be registered in the Register.

PART 6. REGISTRATION

6.1 All Applicants are must follow the requirements set out in the Federal Regulation in addition to those set out in this Law.

6.2 Neither Wei Wai Kum nor any Wei Wai Kum employee or contractor involved in registering laws, Interests, documents, instruments or transactions:

- (a) are responsible for ensuring the validity and accuracy of anything submitted for registration;
- (b) shall be responsible or liable for ensuring that a document which affects or purports to affect Wei Wai Kum Land:
 - (i) is validly made;
 - (ii) complies with the Land Code;
 - (iii) complies with the Federal Regulation;
 - (iv) should be registered or recorded; or
 - (v) will be accepted for registration or recording.

Application to register or record

6.3 Any person may apply to the Wei Wai Kum Lands Office for the registration or recording in the Registry of a document that affects Wei Wai Kum Land:

- (a) in person, by submitting the document and a completed application for registration;
- (b) by mailing the document and a completed application for registration; or
- (c) electronically, if permitted by Wei Wai Kum regulation and the Federal Regulation.

First Nation Lands Manager to Sign Certificate

6.4 The Council shall appoint by Council Resolution the Lands Manager and/ or another Wei Wai Kum employee or contractor to issue certificates in accordance with this Law.

Application to be Submitted to Wei Wai Kum Lands Department

- 6.5 Prior to submitting an application for registration or recording a document in the Register, an Applicant shall apply to the Wei Wai Kum Lands Department for a certificate.
- 6.6 A person submitting a request for a certificate to Wei Wai Kum shall submit to the Wei Wai Kum Lands Department:
- (a) the application fee;
 - (b) where required at least three original copies of the document referred to in that application; and
 - (c) any other related surveys, documentation or supporting information required by law, including under the Federal Regulation, or requested by the Lands Manager.

Witnesses and Affidavits

- 6.7 Subject to subsection (a), a document submitted to the Lands Department for certification shall not be certified unless it is witnessed by at least one person who has attained 18 years of age and who is not a party to the document; but
- (a) Subsection 6.7 does not apply to:
 - (i) A land exchange under Part 17 of the Land Code;
 - (ii) A Wei Wai Kum Council Resolution;
 - (iii) A document under seal of a corporation; or
 - (iv) A document which has been approved by a Wei Wai Kum Council Resolution.
- 6.8 A document submitted to the Lands Department for certification and which is executed other than by means of a signature in writing shall not be certified unless it includes a statement accompanied by an affidavit attesting:
- (a) That the contents and effect of the document were sufficiently made known to the person executing the document; and
 - (b) That the person named in the document executed the document and appeared fully to understand its content and effect, and voluntarily executed the document or adopted the execution of it made on his or her behalf in the manner shown on the document.
- 6.9 An affidavit referred to in subsection 6.8 shall be executed in the presence of a person who is:
- (a) Authorized to receive a solemn declaration under section 41 of the Canada Evidence Act;
 - (b) A commissioner for the taking of oaths under section 108 of the Indian Act; or
 - (c) A commissioner for the taking of oaths authorized in accordance with the law of the province in which the affidavit was executed.
- 6.10 A document submitted to the Lands Manager for certification and executed by a guardian ad litem or an agent under a power of attorney shall not be certified unless:
- (a) The guardian or agent has executed the document on behalf of the principal by signing his or her own name and indication the principal on the document; and
 - (b) It is accompanied by:
 - (i) The original appointment of the guardian or the original power of attorney, as the case may be; or

- (ii) A copy of the original appointment of the guardian certified by the appropriate court or a copy of the original power of attorney, as the case may be.

6.11 The Lands Manager shall not issue a certificate if:

- (a) The application is incomplete or fails to meet the requirements of this Law;
- (b) The document in the application requires the approval of Wei Wai Kum or Council or a ratification vote by Wei Wai Kum Members, but the document has not received the required approval or ratification vote; or
- (c) The document is required to be in a form approved by Wei Wai Kum or set out in a Wei Wai Kum law, but it is not in the approved form.

Lands Manager to Decide whether to Certify

6.12 Subject to compliance with this Part 6, on receipt of an application and accompanying fees and documents for review or approval by Wei Wai Kum, the Lands Manager shall examine the application and accompanying documents and information and either:

- (a) Reject the application and inform the Applicant in writing of the reasons for the rejection and the steps or information or revisions required to remedy the defects;
or
- (b) Complete the certificate, attached to this Law as Schedule “A” and:
 - (i) affix the certificate by stamp to the application for registration or recording;
 - (ii) attach the certificate to the application for registration or recording; or
 - (iii) attach the certificate to the document to be registered or recorded; and
- (c) Send the application for registration or recording together with the certificate and the document referred to in the application to be registered or recorded to:
 - (i) The First Nation Lands Registry for registration or recording; or,
 - (ii) The person submitting the application, if requested in writing by that person, but in this situation, the Lands Manager must state in writing that the certificate is only valid for registration purposes for a specified period of time which may not exceed thirty (30) days.

6.13 A certificate signed by the Lands Manager and which is affixed to or attached to an application or document shall, subject to subsection 6.2, be deemed to be proof that document to be registered meets the conditions for registration set out in this Law.

No Validity Without Certification

6.14 No transaction relating to or purporting to deal with an Interest in Wei Wai Kum Lands is valid or of legal force and effect, and no document is valid, unless certified by Wei Wai Kum and registered in accordance with this Law.

PART 7. FORMS AND FEES

7.1 Council may, by resolution, approve forms to be used and set fees to be charged to in relation to this Law.

7.2 Any fee for the issue of a certificate shall be paid to the Wei Wai Kum First Nation Lands Office, by cash, certified cheque or other method approved by Council.

PART 8. GENERAL PROVISIONS

Interpretation


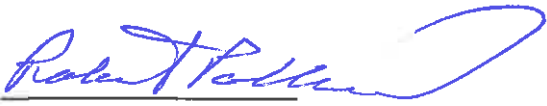

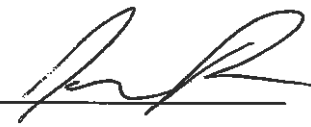


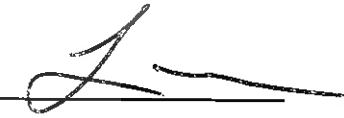



8.1 Headings in this Law are for reference purposes only and do not form part of the Law.

8.2 All provisions of this Law are severable. If a Court determines that any provision of this Law is invalid or inapplicable, the provision shall be severed from the Law and the remainder of the Law shall remain in force with any necessary revisions.

Date Law Comes into Force

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

BE IT KNOWN that this Law entitled *Wei Wai Kum Land Registry and Certification Law* is hereby enacted by a quorum of Council at a duly convened Council of the Wei Wai Kum First Nation held on January 27, 2014.

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|  |  Chief Robert Pollard | |
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|  |  |  |

A quorum consists of 5 Council Members

| |
|-------------------|
| Chronological No. |
| File Reference |

BAND COUNCIL RESOLUTION

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.

| | | | | | | | | |
|---------------------------------|----|---|----|----------|--------------------------|--|-------------------|----------|
| The Council of the | | | | | Wei Wai Kum First Nation | | Cash free balance | |
| | | | | | | | Capital Account | \$ _____ |
| Date of duly convened meeting ▶ | D | M | Y | Province | | | Revenue account | \$ _____ |
| | 27 | | 01 | 2014 | British Columbia | | | |

DO HEREBY RESOLVE:

TO APPROVE LAND REGISTRY AND CERTIFICATION LAW UNDER LAND CODE

WHEREAS:

- A. The Wei Wai Kum First Nation has taken back control and management of Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Wei Wai Kum Land Code* effective the 31st day of January, 2013;
- B. Under the *Wei Wai Kum Land Code*, Wei Wai Kum Council is authorized to pass various laws and policies relating to lands including laws and policies relating to regulation, registration and administration of Wei Wai Kum Reserve Lands and interests in lands under sections 27, 28, 29 of the Land Code;
- C. Wei Wai Kum First Nation is committed to developing fair and efficient processes for registering interests in Wei Wai Kum Reserve Lands; AND
- D. Wei Wai Kum First Nation staff and the Wei Wai Kum Lands Management Advisory Committee developed a draft Land Registry Law which was posted to the community on December 20, 2013 and no comments were received within the 30-day comment period set out in the *Wei Wai Kum Land Code*;

NOW THEREFORE the Council of the Wei Wai Kum First Nation, at a duly convened meeting, enacts as follows:

- 1. Council hereby approves and enacts the *Wei Wai Kum Land Registry and Certification Law*, a copy of which is attached, as a Wei Wai Kum law.

| | | |
|------------------------------------|--------------------------------|-----------------------------|
| Councillor Tony Roberts Jr. | Chief Bob Pollard | Councillor Dean Drake |
| Councillor Jason Price | Councillor Curtis Wilson | Councillor Dana Roberts |
| Councillor Priscilla Henderson | Councillor Marian Atkinson | |

A quorum for this Band consists of _____ Council Members

FOR DEPARTMENTAL USE ONLY

| | | | | | |
|-------------|-----------------------------------|-----------------|-------------|-----------------------------------|-----------------|
| Expenditure | Authority (Indian Act Section) | Source of funds | Expenditure | Authority (Indian Act Section) | Source of Funds |
|-------------|-----------------------------------|-----------------|-------------|-----------------------------------|-----------------|