

Land Titles Repeal Act

1993, c. 41

[Assented to June 23, 1993]

An Act to provide for the repeal of the Land Titles Act and to amend other Acts in relation thereto

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title 1. This Act may be cited as the *Land Titles Repeal Act*.

INTERPRETATION

Definition of "Territory" 2. In this Act, "Territory" means Yukon or the Northwest Territories, as the case may require.
1993, c. 41, s. 2; 2002, c. 7, s. 196.

REPEAL OF LAND TITLES ACT

Repeal by order *3. (1) When the Commissioner in Council of a Territory has enacted a land titles ordinance to replace the *Land Titles Act*, the Governor in Council may, by order, repeal the *Land Titles Act* in respect of that Territory on a day fixed in the order to coincide with the day on which the ordinance comes into force.

* [Note: Order in force July 19, 1993, see SI/93-151.]

Condition precedent (2) Subject to subsection (3), an order shall not be made in respect of a Territory unless the Governor in Council is satisfied that the land titles ordinance enacted to replace the *Land Titles Act*

(a) establishes a system of land registration that is derived from the Torrens system of land registration;

(b) is similar in substance to that Act as it reads immediately before it is to be repealed in respect of that Territory; and

(c) includes

(i) in the case of the Northwest Territories, provisions having the same effect as subsections 55(1) to (4) of that Act,

(ii) in the case of Yukon, provisions having the same effect as sections 55 and 56 of that Act,

(iii) provisions for the grant of certificates of title for, and the registration of, easements as defined in subsection 80(2) of that Act, and

(iv) provisions prohibiting the registration of caveats affecting land in respect of which no certificate of title has been granted or applied for.

Waiver (3) The Governor in Council may, by order, waive the application of any condition imposed by subsection (2) in respect of a Territory.

Idem (4) The Governor in Council shall, by order, waive the application of any condition imposed by subsection (2) in respect of a Territory to the extent necessary to implement a land claims agreement with any aboriginal people of Canada.
1993, c. 41, s. 3; 2002, c. 7, s. 197.

Restriction	4. (1) Notwithstanding any other Act of Parliament, the Commissioner in Council of the Northwest Territories and the Legislature of Yukon may not, without the approval of the Governor in Council, repeal, amend or otherwise render inoperable any provision described in paragraph 3(2)(c).
Nunavut	(2) The restriction set out in subsection (1) applies to the Legislature for Nunavut in respect of those provisions of its laws that correspond to the provisions described in subparagraphs 3(2)(c)(i), (iii) and (iv). 1993, c. 41, s. 4; 2002, c. 7, s. 198.
Certificate as evidence against the Crown	5. (1) Subject to subsection (2), the land titles ordinance or the law of the Legislature of Yukon or for Nunavut that serves the purpose of the ordinance may provide that a certificate of title granted under the ordinance or law is conclusive evidence in all courts as against Her Majesty, subject to the same exceptions as were contained in the <i>Land Titles Act</i> as it read immediately before it was repealed in respect of the Territory.
Exceptions	(2) The exceptions referred to in subsection (1) may, with the approval of the Governor in Council, be varied, deleted or added to. 1993, c. 41, s. 5; 2002, c. 7, s. 199.
Payment	6. (1) When the <i>Land Titles Act</i> is repealed in respect of a Territory, the Minister of Finance shall pay to the Government of that Territory the proportion of the assurance fund continued by section 163 of that Act that is attributable at the time of the repeal to transactions relating to lands within that Territory.
Interest	(2) For the purposes of computing the amounts to be paid under subsection (1), interest accruing in respect of the assurance fund shall be apportioned to a Territory in the same ratio as amounts attributable to transactions are apportioned to that Territory.
Indemnification of Government of Canada	7. (1) Subject to subsections (2) and (5), the Government of a Territory to which an amount is paid under section 6 shall indemnify the Government of Canada against any claim, action or other proceeding for damages brought against the Government of Canada, or any employee or agent of the Government of Canada, and arising out of the administration of the land registration system in the Territory.
Limitation	(2) Where a proceeding referred to in subsection (1) arises out of the administration of the land registration system in the Territory before the <i>Land Titles Act</i> was repealed in respect of the Territory, the indemnity is limited to the amount paid under section 6 to the Government of the Territory.
Indemnification of Government of Territory	(3) Subject to subsections (4) and (5), the Government of Canada shall indemnify the Government of a Territory to which an amount is paid under section 6 against any claim, action or other proceeding for damages in excess of that amount brought against the Government of the Territory, or any employee or agent of the Government of the Territory, and arising out of the administration of the land registration system in the Territory before the <i>Land Titles Act</i> was repealed in respect of the Territory.
Limitation	(4) The indemnity under subsection (3) is limited to the amount by which the amount awarded in the proceeding exceeds the amount paid under section 6 to the Government of the Territory.
Exception	(5) A Government is not entitled to be indemnified under this section by the other Government if the Government has settled the claim, action or proceeding without the approval of the other Government.
Payment out of C.R.F.	(6) The amount of any indemnity under subsection (3) shall be paid out of the Consolidated Revenue Fund.

RELATED AMENDMENTS

8. to 18. [Amendments]