

DRAFT



## LAND LAW 2017/2018-004

### FIRST AMENDMENT TO THE MAGNETAWAN 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 Magnetawan 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 Magnetawan First Nation Land intended to produce income for Magnetawan 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 the application of subsections 36.1, 36.3, 36.4 and 36.5 to any charge, pledge or mortgage of the Interest or Licence;
- (b) in a lease of Magnetawan First Nation Land, subsection 89(1) of the *Indian Act*, as contemplated by subs. 38(3) of the *First Nations Land Management Act*; and
- (c) subject to a community approval vote under section 15, any other provision of this Land Code.

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

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 Subsection 28.3 and its marginal note are repealed and the following is substituted therefor:

#### **Certificate required for registration**

27.3 An instrument to which subsection 27.2 applies shall not be registered in the Magnetawan First Nation Lands Register unless it includes the certificate referred to in that subsection.



4. Subsection 29.3 and its marginal note are repealed and the following is substituted therefor:

**Contravention of Land Code**

29.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Magnetawan First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or Licence in Magnetawan 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 Magnetawan First Nations Lands Register**

5. Subsections 28.1, 28.2 and 28.3 of the Code shall be renumbered 28.2, 28.3 and 28.4, and the following shall be added as new subsection 28.1 with marginal note:

**In force resolution of Council required**

28.1 Notwithstanding subsection 50.2, the provisions of this Land Code relating to the separate Magnetawan First Nation Lands Register shall come into force upon a day to be fixed by resolution of Council.

**D. Part 8 Dispute Resolution optional**

6. 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**

7. The Land Code amendments herein shall come into force immediately upon enactment of this Land Law by Council:

[End]