

**44 Sections of the *Indian Act* that Cease to Apply to First Nations with Land Codes in Force Pursuant to the Framework Agreement on First Nation Land Management and *First Nations Land Management Act***

The Framework Agreement on First Nation Land Management and the *First Nations Land Management Act* empower First Nations to move out from under the following provisions of the *Indian Act*:

18, 18.1, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32 [repealed], 33 [repealed], 34, 35, 37, 38, 39, 39.1, 40, 40.1, 41, 49, subsection 50(4), 53, 54, 55, 56, 57, 58, 59, 60, 61<sup>1</sup>, 62, 63, 64, 64.1, 65, 66, 67, 68, 69, 71, 93.

Any regulations made under section 57 of the Act no longer apply.

Any regulations made under sections 42 and 73 of the *Indian Act* no longer apply to the extent of any inconsistency or conflict with the Framework Agreement, the land code or First Nation laws.

Sec.	The impact of the inapplication of the 44 provisions of the <i>Indian Act</i> that cease to apply on the coming into force of a land code
<b>Reserves</b>	
<b>18</b>	Minister no longer authorizes use of reserve lands for community purposes.
<b>18.1</b>	The land code sets out the general rules applicable to the occupancy of First Nation land.
<b>19</b>	Minister no longer directs road construction and determines road location, authorizes surveys, or creates lots or subdivisions, within reserve boundaries.
<b>Possession of Lands in Reserves</b>	
<b>20</b>	Ministerial approval not required for allotment, possession, or occupation of First Nation land. Minister no longer issues Certificates of Possession or Occupation, etc.
<b>22</b>	Ministerial approval and rules regarding individual holdings no longer required as the land code sets out the general rules applicable to the use and occupancy of First Nation land, including the granting or expropriation of interests or rights in First Nation land.
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<sup>1</sup> **Green numbers** are sections that ceased to apply after the 2018 legislative amendments

<b>28</b>	Minister no longer issues permits, and the land code sets out the general rules applicable to the use and occupancy of First Nation land.
<b><i>Trespass on Reserves</i></b>	
<b>30</b>	This statutory offence and penalty for trespass no longer applies as the First Nation now has the discretion to create such an offence.
<b>31</b>	
<b><i>Roads and Bridges</i></b>	
<b>34</b>	Superintendent no longer has the power to instruct band to maintain roads, bridges ditches and fences on the land. Minister can no longer remedy such neglect and recoup the cost from funds held by Canada.
<b><i>Lands Taken for Public Purposes</i></b>	
<b>35</b>	The Governor in Council no longer has the authority to consent to the taking or use of reserve land by a province, a municipal or local authority, or a corporation, that has the power expropriate, take or use land without the consent of the owner.
<b><i>Surrenders and Designations</i></b>	
<b>37</b>	Surrenders and designations provisions no longer apply. Alienation of First Nation land is restricted except where exchanged for other land in accordance with the FNLM. The rules and procedures respecting occupancy of First Nation land, land use, zoning, etc. are set out in the land code.
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<b>39.1</b>	
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<b>40.1</b>	
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<b><i>Distribution of Property on Intestacy</i></b>	
<b>49</b>	Approval of Minister no longer required for estate transfers and section 50 sales of individual holdings.
<b>50(4)</b>	
<b><i>Management of Reserves and Surrendered and Designated Lands</i></b>	
<b>53</b>	Minister no longer has authority to manage or sell surrendered lands or lease designated lands. Particulars of surrendered and designated lands no longer entered in the Surrendered and Designated Lands Register.
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<b>57</b>	Governor General's authority to make regulations in respect of timber surrenders and mineral surrenders no longer required.
<b>58</b>	Uncultivated or unused lands provisions no longer apply.
<b>59</b>	Adjustment of contracts provisions no longer apply.
<b>60</b>	Authority of Governor in Council to grant right to Band to exercise control and management of reserve lands no longer required.

<b>Management of Indian Moneys</b>	
<b>61</b>	Capital and revenue moneys collected, received or held for the use and benefit of a band are transferred to operational First Nations and no longer managed by Canada under the Indian Act (note: First Nations with a land code in force prior to December 13, 2018, can request that their capital moneys be transferred to them along with their revenue moneys).
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<b>Farms</b>	
<b>71</b>	Minister no longer empowered to operate reserve farms.
<b>Removal of Materials from Reserves</b>	
<b>93</b>	Restrictions and other rules and procedures (including any potential offences and penalties) respecting the removal of sand and gravel, hay and timber, etc. to be set out in the land code as opposed to the <i>Indian Act</i> .

## Regulations

Regulations made under section 57 of the *Indian Act*; and

Regulations under sections 42 and 73 of the *Indian Act* to the extent that they are inconsistent with the Framework Agreement on First Nation Land Management, a First Nation's land code or its First Nation laws.

**The remainder of the *Indian Act* will continue to apply for all other purposes except to the extent that other *Indian Act* provisions do not apply as a result of other legislation (e.g. *First Nations Fiscal Management Act*).**