

Selection of *Indian Act* Provisions under “Possession of Lands in Reserves”

Last updated: June 26, 2012

These are the most frequently applied sections of the *Indian Act* with respect to individual land holdings. Additional provisions, such as those pertaining to Leases, Wills, Estates and Distribution of Property on Intestacies, may also be relevant to your lawful possession. To view the entire *Indian Act*, please visit the Public Library or <http://laws-lois.justice.gc.ca/eng/acts/I-5/index.html>.

This selection has been prepared for convenience of reference only and has no official sanction. For all purposes of interpreting and applying the law, users should consult the Acts as passed by Parliament, which are published in the "assented to" Acts service, Part III of the Canada Gazette and the Annual Statutes of Canada and available in most Public Libraries, or seek independent legal advice.

POSSESSION OF LANDS IN RESERVES

POSSESSION OF LANDS IN A RESERVE

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

CERTIFICATE OF POSSESSION

(2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein.

LOCATION TICKETS ISSUED UNDER PREVIOUS LEGISLATION

(3) For the purposes of this Act, any person who, on September 4, 1951, held a valid and subsisting Location Ticket issued under *The Indian Act, 1880*, or any statute relating to the same subject-matter, shall be deemed to be lawfully in possession of the land to which the location ticket relates and to hold a Certificate of Possession with respect thereto.

REGISTER (INDIAN LANDS REGISTRY SYSTEM)

21. There shall be kept in the Department a register, to be known as the Reserve Land Register, in which shall be entered particulars relating to Certificates of Possession and Certificates of Occupation and other transactions respecting lands in a reserve.

R.S., c. I-6, s. 21.

TRANSFER OF POSSESSION

24. An Indian who is lawfully in possession of lands in a reserve may transfer to the band or another member of the band the right to possession of the land, but no transfer or agreement for the transfer of the right to possession of lands in a reserve is effective until it is approved by the Minister.

R.S., c. I-6, s. 24.