

## SUMMARY TABLE OF CONTENTS

### Indian Act and Subordinate Regulations

<i>Indian Act</i> . . . . .	1
<i>Repealed Provisions of the Indian Act Frequently Referred To</i> . . . . .	59
<i>Regulations under the Indian Act</i>	
<i>Eskasoni Band Council Method of Election Regulations</i> . . . . .	63
<i>Calculation of Interest Regulations</i> . . . . .	64
<i>Disposal of Forfeited Goods and Chattels Regulations</i> . . . . .	66
<i>Indian Band Council Borrowing Regulations</i> . . . . .	68
<i>Indian Band Council Procedure Regulations</i> . . . . .	69
<i>Indian Band Election Regulations</i> . . . . .	73
<i>Indian Band Revenue Moneys Order</i> . . . . .	87
<i>Indian Bands Council Elections Order</i> . . . . .	100
<i>Indian Bands Council Method of Election Regulations</i> . . . . .	111
<i>Indian Bands Revenue Moneys Regulations</i> . . . . .	114
<i>Indian Estates Regulations</i> . . . . .	116
<i>Indian Mining Regulations</i> . . . . .	121
<i>Indian Referendum Regulations</i> . . . . .	134
<i>Indian Reserve Traffic Regulations</i> . . . . .	144
<i>Indian Reserve Waste Disposal Regulations</i> . . . . .	146
<i>Indian Timber Harvesting Regulations</i> . . . . .	149
<i>Indian Timber Regulations</i> . . . . .	152
<i>Order Exempting Bands from the Operation of Section 32 of the Indian Act</i> . . . . .	159
<i>Property Assessment and Taxation (Railway Right-of-Way) Regulations</i> . . . . .	160

### Constitutional and Imperial Enactments

<i>The Royal Proclamation of 1763</i> . . . . .	171
<i>Constitution Act, 1867</i> . . . . .	177
<i>Constitution Act, 1930</i> . . . . .	179
<i>Constitution Act, 1982</i> . . . . .	215
<i>Alberta Act</i> . . . . .	225
<i>British Columbia Terms of Union</i> . . . . .	233
<i>Manitoba Act, 1870</i> . . . . .	235

## Summary Table of Contents

<i>Northwest Territories Act</i> .....	243
<i>Nunavut Act</i> .....	251
<i>Yukon Act</i> .....	267
<b>Other Federal Statutes and Regulations</b>	
<i>An Act for the Settlement of Certain Questions Between the Governments of Canada and Ontario Respecting Indian Reserve Lands</i> .....	
	279
<i>British Columbia Indian Cut-Off Lands Settlement Act</i> .....	283
<i>British Columbia Indian Lands Settlement Act</i> .....	285
<i>Budget Implementation Act, 2000</i> .....	287
<i>Regulation under the Canadian Environmental Assessment Act</i>	
<i>Inclusion List Regulations</i> .....	293
<i>Canada National Parks Act</i> .....	307
<i>An Act to Confirm an Agreement Between the Government of Canada and the Government of the Province of New Brunswick Respecting Indian Reserves</i> .....	
	309
<i>An Act to Confirm an Agreement Between the Government of Canada and the Government of the Province of Nova Scotia Respecting Indian Reserves</i> .....	
	315
<i>Claim Settlements (Alberta and Saskatchewan) Implementation Act</i> .....	321
<i>Corrections and Conditional Release Act</i> .....	327
<i>Criminal Code</i> .....	329
<i>Cultural Property Export and Import Act</i> .....	333
<i>Canadian Cultural Property Export Control List</i> .....	335
<i>Department of Indian Affairs and Northern Development Act</i> .....	337
<i>Firearms Act</i> .....	339
<i>Aboriginal Peoples of Canada Adaptations Regulations (Firearms)</i> . . . .	340
<i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> .....	345
<i>First Nations Commercial and Industrial Development Act</i> .....	375
<i>First Nations Elections Act</i> .....	381
<i>First Nations Elections Regulations</i> .....	393
<i>First Nations Financial Transparency Act</i> .....	405
<i>First Nations Fiscal Management Act</i> .....	409
<i>First Nations Property Assessment and Taxation (Railway Rights-of-Way) Regulations</i> .....	
	463
<i>First Nations Goods and Services Tax Act</i> .....	473
<i>First Nations Jurisdiction over Education in British Columbia Act</i> .....	505
<i>First Nations Land Management Act</i> .....	513

## Summary Table of Contents

<i>First Nations Oil and Gas and Moneys Management Act</i> . . . . .	545
<i>First Nations Oil and Gas Environmental Assessment Regulations</i> . . . . .	563
<i>Fisheries Act</i> . . . . .	583
<i>Aboriginal Communal Fishing Licences Regulations</i> . . . . .	584
<i>Indian Act Amendment and Replacement Act</i> . . . . .	587
<i>Indian Lands Agreement (1986) Act</i> . . . . .	591
<i>Specific Agreement Confirmation Regulations</i> . . . . .	594
<i>Indian Oil and Gas Act</i> . . . . .	601
<i>Indian Oil and Gas Regulations, 1995</i> . . . . .	619
<i>Labrador Inuit Land Claims Agreement Act</i> . . . . .	649
<i>Maanulth First Nations Final Agreement Act</i> . . . . .	657
<i>Migratory Birds Convention Act, 1994</i> . . . . .	663
<i>Mi'kmaq Education Act [Federal]</i> . . . . .	705
<i>National Housing Act</i> . . . . .	709
<i>Nuclear Fuel Waste Act</i> . . . . .	715
<i>Nunavik Inuit Land Claims Agreement Act</i> . . . . .	717
<i>Pictou Landing Indian Band Agreement Act</i> . . . . .	721
<i>Qalipu Mi'kmaq First Nation Act</i> . . . . .	723
<i>Safe Drinking Water for First Nations Act</i> . . . . .	725
<i>Specific Claims Tribunal Act</i> . . . . .	733
<i>Tlicho Land Claims and Self-Government Act</i> . . . . .	751
<i>Tsawwassen First Nation Final Agreement Act</i> . . . . .	791
<i>Westbank First Nation Self-Government Act</i> . . . . .	801
<i>Other Federal Regulations</i>	
<i>Order Respecting the Remission of Income Tax in</i>	
<i>Relation to Certain Lands in the Yukon Territory</i> . . . . .	807
<i>Indians and Bands on Certain Indian Settlements Remission Order</i> . . . . .	809
<i>Indian Income Tax Remission Order [March 1993]</i> . . . . .	811
<i>Technical Information Bulletin B-039 — GST/HST</i>	
<i>Administrative Policy — Application of GST/HST to Indians</i> . . . . .	815

### Provincial Statutes and Regulations

#### ALBERTA

<i>First Nations Sacred Ceremonial Objects Repatriation Act</i> . . . . .	829
<i>Government Organization Act</i> . . . . .	833
<i>Indigenous Relations Grant Regulation</i> . . . . .	838

Summary Table of Contents

**BRITISH COLUMBIA**

*First Nations Education Act* . . . . . 841  
*First Peoples' Heritage, Language and Culture Act* . . . . . 849  
*Indian Cut-off Lands Disputes Act* . . . . . 855  
*Indian Self Government Enabling Act* . . . . . 857  
*Maa-Nulth First Nations Final Agreement Act* . . . . . 873  
*Musqueam Reconciliation, Settlement and Benefits Agreement Implementation Act* . . . . . 897  
*Nisga'a Final Agreement Act* . . . . . 903  
*Treaty Commission Act* . . . . . 939  
*Treaty First Nation Taxation Act* . . . . . 945  
*Tsawwassen First Nation Final Agreement Act* . . . . . 951

**NEW BRUNSWICK**

*Mining Act* . . . . . 959

**NORTHWEST TERRITORIES**

*Aboriginal Custom Adoption Recognition Act* . . . . . 961

**NOVA SCOTIA**

*Mi'kmaq Education Act* . . . . . 965  
*Indian Lands Act* . . . . . 967

**ONTARIO**

*Child, Youth and Family Services Act, 2017* . . . . . 973  
*Indian Welfare Services Act* . . . . . 1007  
*Police Services Act* . . . . . 1009  
*Smoke-Free Ontario Act* . . . . . 1011

**QUEBEC**

*Civil Code of Québec* . . . . . 1039

**SASKATCHEWAN**

*The Treaty Land Entitlement Implementation Act* . . . . . 1041

**Treaties**

The Jay Treaty, 1794 — Treaty of Amity Commerce and Navigation . . . . . 1043  
Robinson Treaty (Ojibewa Indians of Lake Superior) . . . . . 1047  
Robinson Treaty (Ojibewa Indians of Lake Huron) . . . . . 1049

## Summary Table of Contents

Treaty No. 1 — Between Her Majesty the Queen and the Chippewa and Cree Indians of Manitoba and country adjacent with adhesions . . . . .	1051
Treaty No. 2 — Between Her Majesty the Queen and the Chippewa and Cree Indians of Manitoba and country adjacent with adhesions . . . . .	1055
Treaty No. 3 — Between Her Majesty the Queen and the Saulteaux Tribe of the Ojibeway Indians at the Northwest angle on the Lake of the Woods with adhesions . . . . .	1059
Treaty No. 4 — Between Her Majesty the Queen and the Cree and Saulteaux Tribes or Indians at Qu'Appelle and Fort Ellice . . . . .	1065
Treaty No. 5 — Between Her Majesty the Queen and the Saulteaux and Swampy Cree Tribes of Indians at Beren's River and Norway House with adhesions . . . . .	1069
Treaty No. 6 — Between Her Majesty the Queen and the Plains and Wood Cree Indians and other tribes of Indians at Fort Carlton, Fort Pitt and Battle River . . . . .	1075
Treaty No. 7 — Between Her Majesty the Queen and the Blackfeet and other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort MacLeod . . . . .	1081
Treaty No. 8 . . . . .	1085
Treaty No. 9 — The James Bay Treaty . . . . .	1089
Treaty No. 10 . . . . .	1093
Treaty No. 11 . . . . .	1097
Indian Treaty — Between His Majesty the King and the Chippewa Indians of Christian Island, Georgina Island and Rama . . . . .	1101
Indian Treaty — Between His Majesty the King and the Mississauga Indians of Rice Lake, Mud Lake, Scugog Lake and Alderville . . . . .	1105
Nisga'a Treaty . . . . .	1109
<b>Declaration</b>	
United Nations Declaration on the Rights of Indigenous Peoples . . . . .	1133
Index . . . . .	1145



## TABLE OF CONTENTS

	<b>INDIAN ACT</b>	
	<b>SHORT TITLE</b>	
1	Short title . . . . .	1
	<b>INTERPRETATION</b>	
2	Definitions . . . . .	1
	<b>ADMINISTRATION</b>	
3	Minister to administer Act . . . . .	4
	<b>APPLICATION OF ACT</b>	
4	Application of Act . . . . .	4
4.1	Provisions that apply to all band members . . . . .	4
	<b>DEFINITION AND REGISTRATION OF INDIANS</b>	
	<b><i>Indian Register</i></b>	
5	Indian Register . . . . .	5
6	Persons entitled to be registered . . . . .	5
7	Persons not entitled to be registered . . . . .	11
	<b><i>Band Lists</i></b>	
8	Band Lists . . . . .	11
9	Band Lists maintained in Department . . . . .	11
10	Band control of membership . . . . .	12
11	Membership rules for Departmental Band List . . . . .	13
12	Entitlement with consent of band . . . . .	16
13	Limitation to one Band List . . . . .	17
13.1	Decision to leave Band List control with Department . . . . .	17
13.2	Return of control to Department . . . . .	17
13.3	Entitlement retained . . . . .	18
	<b><i>Notice of Band Lists</i></b>	
14	Copy of Band List provided to band council . . . . .	18
	<b><i>Inquiries</i></b>	
14.1	Inquiries relating to Indian Register or Band Lists . . . . .	18
	<b><i>Protests</i></b>	
14.2	Protests . . . . .	18
14.3	Appeal . . . . .	19
	<b><i>Payments in Respect of Persons Ceasing to be Band Members</i></b>	
15	. . . . .	20
16	. . . . .	20
	<b><i>New Bands</i></b>	
17	Minister may constitute new bands . . . . .	21

Table of Contents

	<b>RESERVES</b>	
18	Reserves to be held for use and benefit of Indians . . . . .	21
18.1	Children of band members . . . . .	21
19	Surveys and subdivisions . . . . .	21
	<b>POSSESSION OF LANDS IN RESERVES</b>	
20	Possession of lands in a reserve . . . . .	22
21	Register . . . . .	22
22	Improvements on lands . . . . .	23
23	Compensation for improvements . . . . .	23
24	Transfer of possession . . . . .	23
25	Indian ceasing to reside on reserve . . . . .	23
26	Correction of Certificate or Location Tickets . . . . .	23
27	Cancellation of Certificates or Location Tickets . . . . .	23
28	Grants, etc., of reserve lands void . . . . .	23
29	Exemption from seizure . . . . .	24
	<b>TRESPASS ON RESERVE</b>	
30	Penalty for trespass . . . . .	24
31	Information by Attorney General . . . . .	24
32, 33	[Repealed 2014, c. 38, s. 5.] . . . . .	24
	<b>ROADS AND BRIDGES</b>	
34	Roads, bridges, etc. . . . .	24
	<b>LANDS TAKEN FOR PUBLIC PURPOSES</b>	
35	Taking of lands by local authorities . . . . .	25
	<b>SPECIAL RESERVES</b>	
36	[Repealed 2014, c. 38, s. 6.] . . . . .	25
36.1	Special reserves . . . . .	25
	<b>SURRENDERS AND DESIGNATIONS</b>	
37	Sales . . . . .	25
38	Surrender to Her Majesty . . . . .	26
39	Conditions — surrender . . . . .	26
39.1	Conditions — designation . . . . .	26
40	Certification — surrender . . . . .	27
40.1	Certification — designation . . . . .	27
41	Effect of surrenders and designations . . . . .	27
	<b>DESCENT OF PROPERTY</b>	
42	Powers of Minister with respect to property of deceased Indians . . . . .	27
43	Particular powers . . . . .	27
44	Courts may exercise jurisdiction with consent of Minister . . . . .	28
	<b>WILLS</b>	
45	Indians may make wills . . . . .	28
46	Minister may declare will void . . . . .	28
	<b>APPEALS</b>	
47	Appeal to Federal Court . . . . .	29



Table of Contents

	<b>DISTRIBUTION OF PROPERTY ON INTESTACY</b>	
48	Surviving spouse's share . . . . .	29
49	Devisee's entitlement . . . . .	30
50	Non-resident of reserve . . . . .	31
50.1	Regulations . . . . .	31
	<b>MENTALLY INCOMPETENT INDIANS</b>	
51	Powers of Minister generally . . . . .	31
	<b>GUARDIANSHIP</b>	
52	Property of infant children . . . . .	32
	<b>MONEY OF INFANT CHILDREN</b>	
52.1	Distributions of capital . . . . .	32
52.2	Money of infant children of Indians . . . . .	32
52.3	Attaining majority . . . . .	33
52.4	Relief . . . . .	33
52.5	Effect of payment . . . . .	33
	<b>MANAGEMENT OF RESERVES AND SURRENDERED AND DESIGNATED LANDS</b>	
53	Transactions re surrendered and designated lands . . . . .	33
54	Assignments . . . . .	34
55	Surrendered and Designated Lands Register . . . . .	34
56	Certificate of registration . . . . .	34
57	Regulations . . . . .	34
58	Uncultivated or unused lands . . . . .	35
59	Adjustment of contracts . . . . .	36
60	Control over lands . . . . .	36
	<b>MANAGEMENT OF INDIAN MONEYS</b>	
61	Indian moneys to be held for use and benefit . . . . .	36
62	Capital and revenue . . . . .	36
63	Payments to Indians . . . . .	36
64	Expenditure of capital moneys with consent . . . . .	36
64.1	Limitation in respect of paragraphs 6(1)(c), (d) and (e) . . . . .	37
65	Expenditure of capital . . . . .	39
66	Expenditure of revenue moneys with consent of band . . . . .	39
67	Recovery of certain expenses . . . . .	39
68	Maintenance of dependants . . . . .	40
69	Management of revenue moneys by band . . . . .	40
	<b>LOANS TO INDIANS</b>	
70	Loans to Indians . . . . .	40
	<b>FARMS</b>	
71	Minister may operate farms . . . . .	41
	<b>TREATY MONEY</b>	
72	Treaty money payable out of C.R.F. . . . .	41
	<b>REGULATIONS</b>	
73	Regulations . . . . .	41
	<b>ELECTIONS OF CHIEFS AND BAND COUNCILS</b>	
74	Elected councils . . . . .	42

## Table of Contents

75	Eligibility . . . . .	43
76	Regulations governing elections . . . . .	43
77	Eligibility of voters for chief . . . . .	43
78	Tenure of office . . . . .	43
79	Governor in Council may set aside election . . . . .	44
80	Regulations respecting band and council meetings . . . . .	44
	<b>POWERS OF THE COUNCIL</b>	
81	By-laws . . . . .	45
82	[Repealed 2014, c. 38, s. 7.] . . . . .	46
83	Money by-laws . . . . .	46
84	Recovery of taxes . . . . .	47
85	[Repealed R.S.C. 1985, c. 17 (4th Supp.), s. 11.] . . . . .	47
85.1	By-laws relating to intoxicants . . . . .	47
86	Publication of by-laws . . . . .	48
	<b>TAXATION</b>	
87	Property exempt from taxation . . . . .	48
	<b>LEGAL RIGHTS</b>	
88	General provincial laws applicable to Indians . . . . .	49
89	Restriction on mortgage, seizure, etc., of property on reserve . . . . .	49
90	Property deemed situated on reserve . . . . .	49
	<b>TRADING WITH INDIANS</b>	
91	Certain property on a reserve may not be acquired . . . . .	50
92	[Repealed 2014, c. 38, s. 10.] . . . . .	50
	<b>REMOVAL OF MATERIALS FROM RESERVES</b>	
93	Removal of material from reserves . . . . .	50
94–100	[Repealed R.S.C. 1985, c. 32 (1st Supp.), s. 17.] . . . . .	50
	<b>OFFENCES, PUNISHMENT AND ENFORCEMENT</b>	
101	Certificate of analysis is evidence . . . . .	51
102	Penalty where no other provided . . . . .	51
103	Seizure of goods . . . . .	51
104	Disposition of fines . . . . .	51
105	[Repealed 2014, c. 38, s. 13.] . . . . .	52
106	Jurisdiction of provincial court judges . . . . .	52
107	Appointment of justices . . . . .	52
108	Commissioners for taking oaths . . . . .	52
109–113	[Repealed R.S.C. 1985, c. 32 (1st Supp.), s. 20.] . . . . .	52
	<b>SCHOOLS</b>	
114	Agreements with provinces, etc. . . . .	52
115	Regulations . . . . .	53
116	Attendance . . . . .	53
117	When attendance not required . . . . .	53
118–121	[Repealed 2014, c. 38, s. 17.] . . . . .	53
122	Definitions . . . . .	53