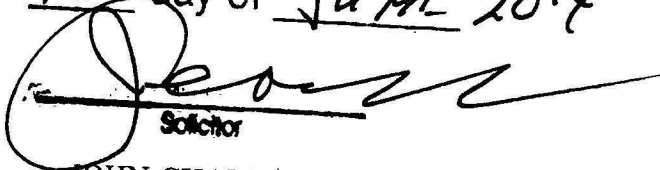


Shuswap Indian Band
Land Code
May, 2014

Certified A True Copy
this 16th day of JUNE 2014



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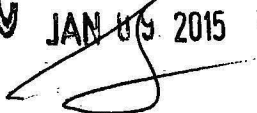
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PREAMBLE

WHEREAS the Shuswap Indian Band's aboriginal rights and title have never been ceded, surrendered or extinguished;

AND WHEREAS the Shuswap Indian Band wishes greater autonomy in exercising its right to self government;

AND WHEREAS the Shuswap Indian Band is committed to principles of economic sustainability, environmental stewardship, and self determination in respect of its land and resources;

AND WHEREAS the Shuswap Indian Band, through this Land Code will be given the ability to develop and manage its lands and resources in a responsible manner which will promote economic development while preserving Shuswap's culture, heritage and traditions;

AND WHEREAS, as one step towards reaching its goal of governing its lands and resources, the Shuswap Indian Band has entered into the *Framework Agreement on First Nation Land Management* with Canada on April 13th, 2012, as amended, and which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act*.

NOW THEREFORE, this Land Code is adopted by the Shuswap Indian Band in accordance with the *First Nations Land Management Act*.

PART 1 PRELIMINARY MATTERS

1. Title

Title

1.1 The title of this enactment is the *Shuswap Indian Band Land Code*.

2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

"Lands Committee" means the Lands Committee established under this Land Code.

"community land" means any *Shuswap Indian Band* land in which all members have a common interest and which have not been allocated.

"Council" means the Chief and Council of the *Shuswap Indian Band*.

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“eligible voter” means, for the purpose of voting in respect of land matters under this Land Code, a member who has attained the age of eighteen (18) years of age on the day of the vote.

“extended family”, in respect of a person, means the person’s grandparent, parent, uncle, aunt, cousin, sister, brother, child, grandchild, niece, nephew and spouse or common law spouse.

“First Nations Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement*.

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, including the Shuswap Indian Band, on February 12, 1996, as amended.

“immediate relatives”, in respect of a person, means the person’s parent, sister, brother, child, spouse or common law spouse.

“individual agreement” means the individual First Nation Agreement made between the First Nation and Her Majesty in the right of Canada in accordance with clause 6.1 of the Framework Agreement.

“interest” means an interest in Shuswap Indian Band lands, including an allotment, lease, right of way, license, mortgage, permit, easement and sublease.

“Lands Administrator” means a person appointed by Resolution to oversee the day to day operations of the Shuswap Land Office and the administration of this code.

“law” means a law enacted pursuant to this Land Code.

“Panel” means the Dispute Resolution Panel established under section 40.

“meeting of members” means a meeting under section 13 to which the members are invited to attend.

“Member” means a person whose name appears or is entitled to appear on the Shuswap Indian Band Membership List.

“First Nation” means the *Shuswap Indian Band*.

“First Nation land” means any portion of a reserve that is subject to this Land Code under section 5.

“ratification vote” means a vote of eligible voters under section 14.

“resolution” means a resolution of the Council enacted under this Land Code.

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spouse” means a person who is married to another person, whether by a traditional, religious or civil ceremony.

“Common-law Spouse” means the union of two individuals who, though not married to each other have lived together as Spouses for a period of not less than 2 years.

“Transfer Agreement” means the Individual Transfer Agreement made between First Nation and Her Majesty in right of Canada.

Paramountcy

2.2 If there is an inconsistency between this Land Code and any other enactment of the Shuswap Indian Band, this Land Code prevails to the extent of the inconsistency.

2.3 If there is an inconsistency or conflict between this Land Code and the Framework Agreement, the Framework Agreement shall prevail to the extent of the inconsistency or conflict.

Culture and traditions

2.4 The structures, organizations and procedures established by or under its Land Code shall be interpreted in accordance with the culture, traditions and customs of the Shuswap Indian Band, unless otherwise provided.

Non-abrogation

2.5 Nothing in this Land Code is intended to fulfill, deny, diminish, waive, abrogate, derogate, or replace or otherwise affect the constitutional Aboriginal rights or freedoms which pertain to First Nations or its members.

Fair Interpretation

2.6 This Land Code shall be interpreted in a fair, large and liberal manner.

Fiduciary Relationship

2.7 Nothing in this Land Code is intended to fulfill, deny, diminish, waive, abrogate, derogate, or replace or otherwise affect the constitutional and fiduciary and other legal duties of the Crown in right of Canada or the Crown in right of British Columbia, including any obligation to inform and meaningfully consult Shuswap about proposals and decisions that may impact Shuswap Rights.

Lands and interests affected

2.8 A reference to “land” in this Land Code means all rights and resources that belong to the land, and includes:

- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to that land, to the extent that these are under the jurisdiction of Canada; and
- (b) all the interests granted to the *First Nation* by her Majesty in right of Canada listed in the Transfer Agreement.

3. Authority to Govern

Origin of authority

3.1 The traditional teachings of the *Shuswap Indian Band* speak of the obligation of the people of the Shuswap Indian Band to care for and respect the land. By

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enacting this Land Code, the Shuswap Indian Band is re-assuming this special responsibility.

Flow of authority

3.2 The authority of the *Shuswap Indian Band* to govern its lands and resources flows from the people to the Chief and Council according to the culture, traditions, customs and laws of the Shuswap Indian Band.

Administration

3.3 Council must perform all the duties and functions, and exercise all the powers that are not specifically assigned to an individual or body established under this Land Code.

Delegation

3.4 Despite Section 3.3, Council may, by Resolution, delegate administrative authority to an Individual or body established or authorized under this Land Code.

4. Purpose

Purpose

4.1 The purpose of this Land Code is to set out the principles and administrative structures that apply to *First Nation* lands and by which the *First Nation* will exercise authority over those lands.

5. Description of *First Nation* land

First Nation land

5.1 The Land Code governs all of the land legally described in the Individual Agreement.

Excluded lands

5.2 Despite section 5.1, the land described as follows is excluded from the application of this Land Code and may only be included after it has been added as reserve lands.

Additional lands

5.3 The following lands may be made subject to this Land Code after the applicable condition is met:

- (c) any land owned jointly by the Shuswap Indian Band and another First Nation, when the First Nations involved agree upon a joint management scheme for those lands; or any land or interest acquired by the Shuswap Indian Band after this Land Code takes effect, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for community use, provided the lands are set aside as a reserve.

Land exchange

5.4 For greater certainty, section 5.2 does not apply to land acquired by land exchange, which is governed by the process in section 17.

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Inclusion of land or Interest

5.5 Council shall call a meeting of members under section 11 to obtain the views of members on any proposed inclusion of lands before Council makes any law or resolution to include lands referred to in sections 5.2 and 5.3 in this Land Code.

PART 2

FIRST NATION LEGISLATION

6. Law-Making Powers

Council may make laws

6.1 The Council may, in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of First Nation lands, and interests in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to the First Nation land.

Examples of laws

6.2 For greater certainty, and without limiting the generality of section 6.1, Council may make Laws respecting the following in relation to First Nation land:

- (a) the purchase, acquisition or sale of lands in accordance with the Act and this Land Code;**
- (b) regulation, control, authorization and prohibition of residency, access, occupation and development of First Nation land;**
- (c) zoning and land use planning;**
- (d) environmental assessment and protection;**
- (e) protection, regulation and granting of Interests in Natural Resources;**
- (f) fees or charges to be paid to the First Nation for the granting, transfer or registration of Interests in Community land;**
- (g) fees, stumpage, or royalties to be paid to the First Nation for the removal, extraction or use of Natural Resources from First Nation land, including for removal, extraction or use of minerals, gravels, timber and water from community land and from Allotments or CP lands;**
- (h) fees to be paid to the First Nation for permits, licenses, and other Interests and for applications and administrative processes including registrations;**
- (i) provision of local services and the imposition of user charges including development cost charges or their equivalent;**
- (j) authorization and regulation of subdivisions including requirements for contributions to community benefits, park dedications or grants in lieu of park dedications;**
- (k) the conduct of surveys of lands or Interests;**
- (l) setting aside, designation, regulation or management of parks, parklands, trails and recreational lands;**
- (m) rules and procedures for the receipt, management, expenditure, investment, and borrowing of moneys relating to First Nation land and Interests, and the establishment of administrative structure to manage such moneys;**

- (n) creation of management and administrative bodies or agencies;
- (o) removal and punishment of persons trespassing upon First Nation land or frequenting First Nation land for prohibited purposes;
- (p) public nuisance and private nuisance;
- (q) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;
- (r) construction, maintenance and regulation of boundary and internal fences;
- (s) construction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works;
- (t) regulation of traffic and transportation;
- (u) hunting, fishing, and management and protection of fish, wildlife and their habitat on First Nation land;
- (v) use and storage of fireworks, firearms, weapons and hazardous materials or substances;
- (w) management and control of domestic and agricultural animals; and
- (x) laws on the provision of services for the resolution, outside the courts, of disputes in relation to First Nation land.

7. Law-Making Procedure

Introduction of laws

- 7.1 A proposed law may be introduced at a duly convened meeting of the Council by:
- (a) the Chief or a Councilor; or
 - (b) the representative of any body or authority composed of members that may be authorized by Council to do so.

Tabling and posting of proposed laws

- 7.2 Before a proposed law may be enacted by the Council, it must first be:
- (a) tabled at a meeting of the council held at least 28 days before the law is to be enacted; and
 - (b) posted in public places on Shuswap land or posted through social media, as determined by Council, at least 21 days before the law is to be enacted.

Urgent matters

- 7.3 The Council may enact a law without the preliminary steps required under section 7.2, if the Council is of the opinion that the law is needed urgently to protect *First Nation* land or the members, but the law expires 120 days after its enactment, unless re-enacted in accordance with section 7.2

Approval of law by Council

- 7.4 A law is enacted if it is approved by a majority of the Council at a duly convened meeting of the Council that is open to the members.

Certification of laws

- 7.5 The original copy of any law or resolution concerning *First Nation* land shall be signed by a quorum of the council present at the meeting at which it was enacted.

8. Publication of Laws

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Publication

8.1 All laws shall be published in the minutes of the Council.

Posting laws

8.2 Within 7 days after a law has been enacted, the Council shall post a copy of the law in the administrative offices of the *First Nation*.

Registry of laws

8.3 The Council shall ensure that all land-related Laws, including those that have been repealed or are otherwise no longer in force, and land-related Resolutions are registered in the First Nations Lands Registry.

Copies for any person

8.4 Any Shuswap Band member may view or obtain a copy of a Shuswap law or resolution, upon request.

9. Commencement of Laws

Laws taking effect

9.1 A law enacted by the council takes effect on the date of its enactment or such later date as specified by the law.

PART 3

COMMUNITY APPROVALS

10. Rights of Eligible Voters

Rights of eligible Voters

10.1 Each member who is at least 18 years of age is eligible to vote at a meeting of members and at a ratification vote.

11. Community Input

Prior meeting of Members

11.1 The Council may convene a meeting of members to receive their input prior to the introduction of the following laws:

- (a) a law respecting a community plan or subdivision plan;
- (b) a law declaring land or an interest referred to in section 5.2 [*excluded lands*] or 5.3 [*added lands*] to be subject to this Land Code;
- (c) a law affecting a heritage site or an environmentally sensitive property;
- (d) a law respecting environmental assessment;
- (e) a law respecting the transfer and assignment of interest in land;
- (f) a law respecting the rate and criteria for the payment of fees or rent for land, excluding rates for application processes; and
- (g) any other law or class of law that Council, by resolution, declares to be subject to this section.

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Process to Implement Laws

11.2 The Lands Committee shall, within a reasonable time after this Land Code takes effect, establish a community process to develop and implement the laws referred to in section 11.1.

12. Community Approval at a Meeting of Members

Community approval by meeting

12.1 Community approval by a ratification vote at a meeting of members must be obtained for the following:

- (a) any land use plan, but, for greater certainty, not future amendments to the land use plan that are consistent with the general vision set out in the land use plan approved by the ratification vote; and
- (b) any law or class of law that Council, by resolution, declares to be subject to this section.

13. Procedure at a Meeting of Members

Voting

13.1 Decisions at a meeting of members are to be made by a majority vote of the eligible voters present at the meeting.

Notice of meeting

13.2 The Council shall give written notice of the meeting of members that: specifies the date, time and place of the meeting; and contains a brief description of the matters to be discussed and decided on at the meeting.

Manner of notice

13.3 The notice of a meeting of members may be given to the members by one or more of the following methods:

- (a) posting the notice in a public place on Shuswap Indian Band land at least 21 days before the meeting;
- (b) mailing the notice to members;
- (c) publishing the notice in the community newsletter or the Band website at least 10 working days before the meeting; or
- (d) such additional method as the Council may consider appropriate in the circumstances.

Who may attend

13.4 All members have a right to attend a meeting of members, but other persons may attend with the permission of the Council.

Quorum

13.5 The quorum for a regular meeting of members under this Land Code is 10% plus 1 of the eligible voters. The quorum for a meeting of members to pass a Ratification Vote under Section 14.1 of this Land Code is 20% plus 1 of the eligible voters.

Other meetings

13.6 The Council may schedule more than one meeting of members to discuss and decide on a matter that requires a meeting of members.

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14. Ratification Votes

Community approval by ratification vote

14.1 Community approval by a ratification vote must be obtained for any law set out or prescribed under subsection 12.1.

Ratification process

14.2 Any ratification vote required under this Land Code shall be conducted in substantially the same manner as set out in section 13.

No verifier

14.3 A verifier is not needed in any ratification vote under this Part.

Minimum Requirements for Approval

14.4 A matter shall be considered approved at a ratification vote if a majority of the eligible voters in attendance at the meeting cast a vote in favor of the matter.

Other laws

14.5 For greater certainty, the Council may make laws respecting the Land Code amendment ratification process.

PART 4

PROTECTION OF LAND

15. Expropriation

Rights and interest that may be expropriated

15.1 The First Nation may expropriate an interest in First Nation land, or in any building or other structure on those lands, in accordance with the Framework Agreement and any land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

15.2 A community expropriation may only be made for a necessary community purpose or works of the First Nation, including but not limited to: a fire hall, sewage or water treatment facility, community center, public works, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.

Expropriation laws

15.3 Before proceeding to make any community expropriations in accordance with this Land Code, the Council shall enact a law respecting the rights and procedures for community expropriations, including provisions respecting:

- (a) the taking of possession of the interest;
- (b) transfer of the interest;
- (c) notice of expropriation and service of the notice of expropriation;
- (d) entitlement to compensation;
- (e) determination of the amount of compensation; and
- (f) the method of payment of compensation.

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Public report

15.4 Before the *First Nation* decides to expropriate an interest, it shall make a public report to the members on the reasons justifying the expropriation.

Rights that may not be expropriated

15.5 An interest of Her Majesty the Queen in Right of Canada or the province is not subject to expropriation by the *First Nation*.

Acquisition by mutual agreement

15.6 The right of the *First Nation* to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest in *First Nation* land.

Compensation for rights and interests

15.7 The *First Nation* shall, in accordance with its laws and the Framework Agreement,

- (a) serve reasonable notice of the expropriation on each affected holder of the interest to be expropriated; and
- (b) pay fair and reasonable compensation to the holders of the interest being expropriated.

Compensation calculations

15.8 The total value of the compensation under this section will be based on the following:

- the market value of the interest that is being expropriated;
- the replacement value of any improvement to the land that is being expropriated;
- the damages attributable to any disturbance; and
- damages for any reduction in the value of a remaining interest.

Market value

15.9 The "market value" of an expropriated interest is equal to the amount that would have been paid for the interest if it had been sold on the reserve by a willing seller to a willing buyer under no duress.

Neutral evaluation

15.10 A dispute concerning the right of the *First Nation* to expropriate an interest in *First Nation* lands shall be reviewed by neutral evaluation, in the same manner as provided in Part IX of the Framework Agreement, and the 60 day period referred to in clause 32.6 of the Framework Agreement shall be applied, as appropriate in the circumstance, by the neutral evaluator.

Arbitration to resolve Disputes

15.11 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the Framework Agreement:

- (a) disputes concerning the right of a person who claims an interest or license in expropriated *First Nation* lands to compensation; and
- (b) disputes concerning the amount of the compensation to be paid to the person who held an interest or license in expropriated *First Nation* lands.

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16. Heritage Sites

Community approval of development

16.1 No development shall be allowed on any site designated as a heritage site under the land use plan, unless the development receives community approval by a ratification vote

Land use plan

16.2 No amendment may be made to a land use plan to delete or undesignated a heritage site unless the amendment receives community approval by a ratification vote.

17. Voluntary Land Exchanges and Protections

Conditions for a land exchange

17.1 The First Nation may agree with another party to exchange a parcel of First Nation land for a parcel of land from that other party in accordance with this Land Code and the Framework Agreement.

No effect

17.2 A land exchange is of no effect unless it receives community approval by a ratification vote.

17.3 Land to be received

No land exchange may occur unless the land to be received in the exchange meets the following conditions: it must be equal to or greater than the area of the *First Nation* land to be exchanged;

- (a) it must be at least comparable to the appraised value of the *First Nation* land; and
- (b) it must become a reserve and *First Nation* land subject to this Land Code.

Negotiators

17.4 The persons who will have authority to negotiate a land exchange agreement on behalf of the *First Nation* must be designated by resolution.

Additional land

17.5 The *First Nation* may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred to above which is intended to become a reserve. Such other parcels of land may be held by the *First Nation* in fee simple or some other manner.

Federal Consent

17.6 Before the *First Nation* concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada:

- (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by resolution or as provided by an agreement with Canada; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

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- 17.7 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to eligible voters at least 21 days before the vote:
- (a) a description of the First Nation land to be exchanged;
 - (b) a description of the land to be received in the exchange;
 - (c) a description of any other compensation to be exchanged;
 - (d) a report of a certified land appraiser setting out that the conditions in section 17.3 have been met;
 - (e) a copy or summary of the exchange agreement; and
 - (f) a copy of the consent referred to in section 17.6

Process of land exchange

- 17.8 The land exchange agreement shall provide that:
- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
 - (b) the Council must pass a resolution authorizing Canada to transfer title to the First Nation land being exchanged, in accordance with the exchange agreement; and
 - (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Lands Register.

PART 5

ACCOUNTABILITY

18 Conflict of Interest

Application of rules

- 18.1 The rules in section 18 apply to the following persons:
- (a) a member of Council who is dealing with any matter before Council pertaining to the management or administration of First Nation Lands; and
 - (b) a member of the Lands Committee.
- 18.2 A person to which this Part applies has a conflict of interest when the person is being asked to deliberate or decide on a matter where there is the opportunity to further his or her private interest or the private interest of a member of his or her Immediate Family.
- 18.5 A person to which this Part applies has an apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the person's ability to deliberate or decide on the matter must have been affected by his or her private interest or the private interest of a member of his or her Immediate Family.

Meeting of eligible voters

- 18.6 If the Council is unable to vote on a proposed law or resolution due to a conflict of interest resulting in a lack of Council quorum, the Council may refer the matter to a community meeting and, if a quorum of eligible voters is present, a majority

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of the eligible voters present at the meeting may enact the land law or land resolution.

Inability to act

18.7 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to the Council.

Specific Conflict situations

18.8 Because of the unusual conflicts of interest possible in the community, not more than two members from the same extended family may be members of a board, committee or other body dealing with any matter that is related to First Nation land.

Disputes

18.9 Questions about whether a breach of this section has occurred may be referred to the Panel.

Other laws

18.10 For certainty, the Council may enact laws to further implement this section.

18.9 If a person to which this Part applies has reasonable grounds to believe that another person (the "Subject") to which this Part applies has a conflict of interest, the former may request a decision on whether the Subject is in compliance with this Part:

18.11 A decision of the Council or the Lands Committee, as the case may be, made pursuant to section 18.9 or 18.10 shall be final.

Failure to Establish Quorum due to Conflict

18.12 Where, as a result of a conflict of interest, a quorum of Council can not be established, the remaining members of the Council may refer the matter to a community meeting and, if a quorum of eligible voters is present, a majority of the eligible voters present at the meeting may enact the land law or land resolution.

18.13 Where, as a result of a conflict of interest, a quorum of the Lands Committee can never be established, the matter shall be referred to Council for decision.

19 Financial Management

Application

19.1 This section applies only to financial matters relating to First Nation land.

Establishment of Bank accounts

19.2 Council shall maintain one or more financial accounts in a financial institution and shall deposit in those accounts

- (a) transfer payments received from Canada for the management and administration of First Nation land;
- (b) moneys received by First Nation from the grant or disposition of any interests or licenses in First Nation land;
- (c) all fees, fines, charges, levies collected under a land law or land resolution;

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- (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licenses in *First Nation* land; and
- (e) any other land revenue received by the *First Nation*.

Signing officers

19.3 Council shall authorize a member of Council, the Lands Manager and the Controller to sign cheques and other bills of exchange or transfer drawn on the account.

Two signatures

19.4 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two of the signing officers authorized under subsection 0.

Fiscal year

19.5 The fiscal year of the First Nation begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

19.6 Council shall, by resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

Procedure

19.7 After adopting the land management budget or supplementary budget, Council shall, without undue delay:

- (a) explain the budget or supplementary budget to the members at an annual community meeting; and
- (b) make a copy of the budget or supplementary budget available at the administrative office of First Nation for inspection by members at reasonable hours.

If no budget

19.8 If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

19.9 The Council shall make rules respecting the preparation and implementation of land management budgets.

Expenditures

19.10 The Council shall not expend moneys related to land or commit itself, by contract or otherwise, to expend moneys related to land, unless the expenditure is authorized by or under a law or an approved budget.

Financial Policy

19.11 The First Nation may, in accordance with this Land Code, adopt a financial policy to further manage moneys related to First Nation land.

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20 Financial Records

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Financial records

20.1 First Nation shall keep financial records related to land in accordance with generally accepted accounting principles.

Offences

20.2 A person is guilty of an offence if the person

- (a) impedes or obstructs anyone from exercising their right to inspect the financial records of First Nation; or
- (b) has control of the books or account or financial records of *First Nation* and fails to give all reasonable assistance to anyone exercising their right to inspect the financial records. Define reasonable assistance

Preparation of financial statements

20.3 Within 90 days after the end of each fiscal year, the Council on behalf of the First Nation shall prepare a financial statement in comparative form, containing at a minimum:

- (a) a balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of First Nation.

Consolidated Accounts, etc.

20.4 The accounting, auditing and reporting requirements of this Land Code may be done together with, and consolidated with, the other accounts, audits and reports of the *First Nation*.

21 Audit

Appointment of Auditor

21.1 For each fiscal year, a duly accredited auditor shall be appointed to audit the land related financial records of the *First Nation*.

Holding Office

21.2 The auditor appointed under this section holds office until reappointed, or replaced.

Vacancy in office

21.3 Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term.

Remuneration

21.4 The auditor's remuneration shall be fixed by the Council.

Duty of auditor

21.5 The auditor shall, within 120 days after the end of the First Nation's fiscal year, prepare and submit to the Council, a report on the First Nation's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of the First Nation in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

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Access to records

21.6 In order to prepare the report on the First Nation's financial statement, the auditor may at all reasonable times inspect any financial records of the *First Nation* and any person or body who administers money on behalf of the *First Nation*.

Explanation of Auditor's report

21.7 The Council shall present the auditor's report to the members at a meeting of members.

22 Annual Report

Publish annual report

22.1 The Council, on behalf of the *First Nation*, shall publish an annual report on land issues within one month of receipt of the audit report.

Contents

22.2 The annual report will include:

- (a) an annual review of land management;
- (b) a copy and explanation of the audit as it applies to lands; and
- (c) any other matter as determined by the Council or Lands Committee.

23 Access to Information

Access

23.1 Any person may, during normal business hours at the main administrative office of the *First Nation*, have reasonable access to

- (a) the register of laws;
- (b) the auditor's report; and
- (c) the annual report on lands.

Copies for members

23.2 Any member may obtain a copy of the auditor's report or annual report.

Access to records

23.3 Any person authorized by the Council may, at any reasonable time, inspect the financial records of *First Nation* related to *First Nation* land.

PART 6

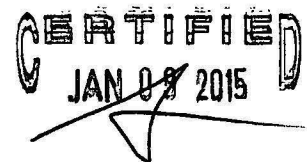
LAND ADMINISTRATION

24 Lands Committee

Lands Committee established

24.1 The Lands Committee is hereby established to

- (a) implement the Land Code;



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- (b) assist with the development of the land administration system;
- (c) advise the Council and its staff on matters respecting First Nation land;
- (d) recommend laws, resolutions, policies and practices respecting First Nation land to the Council;
- (e) hold regular and special meetings of members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- (f) assist in the communication of land issues between members and the Council;
- (g) oversee community approvals under this Land Code; and
- (h) do anything that is requested by Chief and Council by a band council resolution at a duly convened band council meeting.

Development of land related rules and procedures

24.2 Within a reasonable time after this Land Code takes effect, the Lands Committee shall, in consultation with the community, ensure that laws, rules and procedures, as may be appropriate, are developed that address the following matters:

- (a) environmental protection and assessment in relation to First Nation land;
- (b) any outstanding issues on the resolution of disputes in relation to *First Nation* land;
- (c) land use planning and zoning;
- (d) Section 39 respecting spousal separation and whether any change should be made to the policy upon which that section is based; and,
- (e) any other matter referred by Council.

Implementation of Policies

24.3 The laws, rules and procedures, once developed, shall be presented to the Council for consideration and implementation as policies, laws or amendments to this Land Code, whichever are most appropriate.

Internal procedures

24.4 The Lands Committee may establish rules for the procedure at its meetings and generally for the conduct of its affairs, not inconsistent with those established by this Land Code and the Council.

25 Membership of the Lands Committee

Composition

25.1 The Lands Committee shall be composed of the Lands Administrator, and 3 members, all of who must be eligible voters. The Land Administrator is a non-voting position.

Eligibility to be Nominated as a Lands Committee Member

25.2 Any eligible voter, whether resident on or off *First Nation* land, is eligible for appointment to the Lands Committee, except for the following persons:

- (a) any person convicted of an offence that was prosecuted by way of indictment;
- (b) any person declared a bankrupt; and
- (c) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

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Selection of Lands Committee members

25.3 The members of the Lands Committee are to be selected as follows:

- (a) Two eligible voters are to be elected by membership; and
- (b) one member of Council is to be appointed by the Council.

Term of Committee members

25.4 The council member of the Land Advisory Committee appointed pursuant to 25.(b) shall serve on the Lands Advisory Committee for so long as they remain eligible and remain a member of Council, unless Council removes that person and appoint a replacement Council member in their place.

25.5 Other members of the Lands Advisory Committee appointed pursuant to 25.4(a) shall serve for a term of four years unless they become ineligible or are reappointed for a further term.

Staggered terms

25.6 The commencement of the term of the members of the Lands Committee are to be staggered as follows:

- (a) the 1 appointed member to be appointed by the Council as soon as possible after the election of the Council;
- (b) the other elected members are to be elected mid-way through the term of the Council on a date fixed by the Council; and
- (c) The Committee members who are in place at the time the Land Code comes into effect shall remain in Office until the occurrence of (a) and (b) directly above.

Vacancy on Lands Committee

25.7 The seat of a member of the Lands Committee becomes vacant if the person,

- (a) resigns;
- (b) is or becomes ineligible under section 25.2;
- (c) transfers his or her of membership to another First Nation; or
- (d) is absent for 3 consecutive meetings of the Lands Committee for a reason other than illness or incapacity, and without being authorized in writing to do so by the Lands Committee.

Vacancy in term

25.8 Where the seat of an appointed member of the Lands Committee becomes vacant for more than 90 days before the date when another appointment would ordinarily be held, an appointment will be made in accordance with this Land Code, as the case may be, to fill the vacancy.

Balance of term of Office

25.9 A member of the Lands Committee appointed or elected to fill a vacancy remains on the Committee for the balance of the term in respect of which the vacancy occurred.

26 Chairperson of the Lands Committee

Chairperson

26.1 The Lands Administrator is the Chairperson of the Lands Committee.

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Alternate Chairperson

26.2 If the Chairperson is unavailable or unable to perform as Chairperson, either temporarily or on a long-term basis, the Lands Committee shall appoint one of the other Lands Committee members to act as or be the Chairperson, subject to confirmation by the Council.

Functions of Chairperson

26.3 The functions of the Chairperson include:

- (a) Ensuring there is an agenda prepared and circulated to the Committee before each meeting and minutes and action items circulated to the Committee after each meeting;
- (b) ensuring the preparation of financial statements relating to all activities of the Lands Committee, including the revenues and expenditures concerning First Nation lands;
- (c) tabling the Lands Committee's financial statements with the Council;
- (d) reporting to the First Nation on the activities of the Lands Committee; and
- (e) ensuring that the audited annual financial statements are published under section 21.

27 Revenue From Lands

Determination of fees and rent

27.1 The Lands Committee shall establish the process and recommend to Council for approval any laws, rules and policies for determining:

- (a) the fees for applications;
- (b) the fees and rent for interests in community land;
- (c) the fees for services provided in relation to any *First Nation* land; and,
- (d) the fees and royalties to be paid for the taking of natural resources from *First Nation* land.

28 Registration of Interests and Licenses

Enforcement of Interest and licenses

An interest in *First Nation* land created or granted after this Land Code takes effect is not enforceable unless it is registered in the First Nations Land Register.

Registration of Consent or approval

28.1 An instrument granting an interest in *First Nation* land that requires the consent of the Council, or community approval, shall include a certificate issued by the Land Administrator indicating that the applicable consent or approval has been obtained.

28.2 An instrument registered in the First Nation Land Register which does not include the certificate referred to in clause 28.2 is void.

Duty to deposit

28.3 An original copy of the following instruments shall be deposited in the First Nations Land Register in accordance with Shuswap laws, regulations and policies:

- (a) any grant of an interest or license in *First Nation* land;
- (b) any transfer or assignment of an interest or license in *First Nation* land;

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- (c) every land use plan, subdivision plan or resource use plan; and
- (d) this Land Code and any amendment to this Land Code.

28.4 Persons or entities involved in registering interests are responsible for ensuring the validity and accuracy of their documents. Neither Shuswap, nor the Lands Administrator shall be responsible or liable for ensuring that a document which affects or purports to affect Shuswap Lands:

- (a) is validly made;
- (b) complies with the Land Code;
- (c) should be registered or recorded; or
- (d) will be accepted by the First Nation Lands Registry Minister for registration or recording.

29 Duplicate Lands Register

Maintain duplicate register

29.1 The Council may make laws to establish and maintain a Duplicate Land Register either in the same form and with the same content as the *First Nations* Land Register or in a different form.

Duty of member to deposit

29.2 Every person who receives an interest in *First Nation* land shall follow the First Nation's land registry law or procedures and deposit an original copy of the relevant instrument with the First Nation and another with the First Nations Land Registry.

PART 7

INTERESTS AND LICENCES IN LAND

30 Limits on Interests

All dispositions in writing

30.1 An interest in *First Nation* land may only be created, granted, disposed of, assigned or transferred by a written document made in accordance with this Land Code.

Standards

30.2 Council shall, with the advice of the Committee, establish mandatory standards, criteria and forms for interests and licenses in *First Nation* land.

Improper Transactions void

30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the *First Nation*, a member or any other person purports to grant, dispose of, transfer or assign an interest or license in *First Nation* land after the date this Land Code takes effect is void if it contravenes this Land Code.

Non-members

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30.4 A person who is not a member may only hold an easement, permit, mortgage, lease or license in *First Nation* land and may never hold a Certificate of Possession, allocation or similar interest.

Grants to non-members

30.5 The written consent of the Council must be obtained for any grant or disposition of a lease, license, easement, mortgage or permit in *First Nation* land to a person or a company who is not a member.

31 Existing Interests

Continuation of existing interests

31.1 Any interest in *First Nation* land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions but will be subject to laws, regulations and policies passed under this Land Code.

31.2 For greater certainty, the First Nation is not liable for any decrease in value or use of an Interest arising in relation to a Law, Land Use Plan or regulation duly passed under or in relation to this Land Code.

32 New Interests

Authority to make dispositions

- 32.1 Subject to section 12.1, and to ensuring a fair return for use of Shuswap lands or resources, Council may, on behalf of *First Nation*, grant;
- (a) interests in community lands, including certificates of possession, leases, permits, easements and rights-of-ways; and
 - (b) licenses to take resources from community lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

32.2 The grant of an interest may be made subject to the satisfaction of written conditions as set out by Council or CP Holders.

Role of the Lands Committee

32.3 The Lands Committee shall advise Council on the granting of interests or licenses and may be authorized to act as a delegate of the Council under this section.

33 Certificates of Possession

Nature or interest in CP

- 33.1 Subject to this Land Code and First Nation laws, a certificate of possession in respect of a parcel of land is an interest that entitles the member holding it to:
- (a) Exclusive use and possession of the land;
 - (b) benefit from the resources arising from the land;
 - (c) grant subsidiary interests in the land, including leases, permits, easements and rights-of-ways;
 - (d) transfer, devise or otherwise dispose of the land to another member;

- (e) grant licenses to take resources from the land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances; and
- (f) any other rights, consistent with this Land Code, that are attached to certificates of possession under the *Indian Act*.

34 Allocation of Land

Allocation of lots

34.1 The Council may allocate a lot from available First Nation community land to a member in accordance with policies and procedures established by the Council.

- 34.2 No community approval is required for:
- (a) the allocation of lots to members; or
 - (b) the issuance of certificates of possession to members.

No allocation of lots to non-members

34.3 A person who is not a member is not entitled to be allocated a lot or to hold a CP or any permanent interest in *First Nation* land.

Issuance of CP

34.4 The Council shall issue a certificate of possession or CP to a member for a lot allocated to that member.

35 Transfer and Assignment of Interests

Transfer of CPs

35.1 A member may transfer or assign an interest that the member holds in *First Nation* land to another member without community approval or the consent of the Council.

35.2 In order for any transfers made pursuant to section 35.1 to take effect, Council must be notified in writing of the transfer within 10 days of the transfer, and the transfer must be registered in the Shuswap Indian Band Land Registry.

Consent of Council

- 35.3 Except for the transfers under section 35.1 and transfers that occur by operation of law,
- (a) there shall be no transfer or assignment of an interest in *First Nation* land without the written consent of the Council; and
 - (b) the grant of an interest is deemed to include section 35.3 (a) as a condition on any subsequent transfers or assignments.

36 Limits on Mortgages and Seizures

Protections

36.1 Subject to this Land Code, section 29, section 87 and subsections 89(1) and (2) of the *Indian Act* continue to apply to *First Nation* land.

Mortgage of CP

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36.2 The interest of a member in *First Nation* land may be subject to a mortgage or charge, but only to a member or, the *First Nation* with the written consent of the Council.

Mortgages of leasehold interests with consent

36.3 A leasehold interest may be subject to charge or mortgage, with the approval of the *First Nation*, in accordance with section 12.1 of this Land Code, or the written consent of the Council, as may be applicable.

Time limit

36.4 The term of any charge or mortgage of a leasehold interest shall not exceed:
(a) the term of the lease; or
(b) 25 years, or such longer period as may receive community approval.

Default in mortgage

36.5 In the event of default in the terms of a charge or mortgage of a leasehold interest, the leasehold interest is not subject to possession by the chargee or mortgagee, by way of foreclosure, power of sale or any other form of execution or seizure, unless
(a) the charge or mortgage received the written consent of the Council;
(b) the charge or mortgage was registered in the *First Nations* Land Register;
and
(c) a reasonable opportunity to redeem the charge or mortgage is given to the Council on behalf of *First Nation*.

Power of redemption

36.6 If the Council exercises its power of redemption with respect to a leasehold interest, the *First Nation* becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.

37 Residency and Access Rights

Right of residence

37.1 The following persons have a right to reside on *First Nation* lands;
(a) members, who have been allocated a residential lot by Council, and their spouses and children;
(b) members with a registered interest in *First Nation* land;
(c) any invitee² of a member referred to in clause (a) or (b); and
(d) lessees and permittees, in accordance with the provisions of the granting instrument.

Right of Access

37.2 The following persons have a right of access to *First Nation* lands;
(a) a lessee and his or her invitees;
(b) a person granted a right of access under a permit;
(c) *First Nation* members and their spouses and children;
(d) A person who is authorized by a government body or any other public body, established by or under an enactment of the *First Nation* Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey; or

² Invitee in 37.1 (c) and 37.2 (a) includes a common law spouse

(e) A person authorized in writing by the Council/Lands Committee or by a *First Nation* law.

Public access

37.3 Any individual may have access to *First Nation* land for any social or business purposes, if:

- (a) the individual does not trespass on occupied land and does not interfere with any interest in land;
- (b) the individual complies with all applicable laws; and no resolution has been enacted barring that individual.

Trespass

37.4 Any person, who resides on, enters or remains on *First Nation* land other than in accordance with a residence or access right under this Land Code is guilty of an offence.

Civil remedies

37.5 All civil remedies for trespass are preserved.

38 Transfers on Death

38.1 A member who claims to be entitled to possession of First Nation lands of an allotment or certificate of possession by testamentary disposition or succession pursuant to the *Indian Act* relating to the estate of an Indian is not entitled to such allotment or certificate of possession until:

- (a) such member has filed with Council, Shuswap Indian Band, or such person or body as may be designated by Council, an instrument in a form prescribed by Council, duly executed by the personal representative of the estate of the deceased member transferring such allotment to the member; and
- (b) the instrument referred to in subsection (a) is registered in the *First Nation* Land Register and the *First Nation Duplicate Land* Register, if one is established.

38.2 A member who purchases an allotment[or certificate of possession] pursuant to subsection 50(2) of the *Indian Act* is not entitled to such allotment until:

- (a) the purchaser has filed with Council, or such person or body as may be designated by Council, an instrument in a form prescribed by Council, duly executed by the person authorized under the *Indian Act* to execute a transfer of an Allotment acquired pursuant to section 50(2) of the *Indian Act*; and
- (b) the instrument referred to in subsection (a) is registered in the First Nation Land Register and the *First Nation Duplicate Land* Register, if one is established.

Spousal Property Law

Development of rules and procedures

39.1 Council shall enact a spousal property law providing rules and procedures applicable on the breakdown of a marriage, to the use, occupancy and possession of *First Nation* land; and the division of interests in that land.

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Enactment of rules and procedures

38.3 The rules and procedures contained in the spousal property law shall be developed by the Lands Committee in consultation with the community.

Enactment deadline

38.4 The spousal property law must be enacted within 12 months from the date this Land Code takes effect.

General principles

38.5 For greater certainty, the rules and procedures developed by the Lands Committee under this section must respect the following general principles;

- (a) each spouse should have an equal right to possession of their matrimonial home;
- (b) each spouse should be entitled to an undivided half interest in their matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex; and
- (d) only members are entitled to hold a permanent interest in *First Nation* Land or a charge against a permanent interest in *First Nation* land.

Immediate rules

38.6 In order that members benefit immediately from the legislative authority of the Council to address the issue of spousal property under this Land Code, the Council may enact a spousal property law as soon as this Land Code comes into force. As this law would be enacted before the work of the Lands Committee and the community consultation is complete, the law will expire at the end of the 12-month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

PART 8

DISPUTE RESOLUTION

Dispute Resolution

Panel established

40.1 The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes in relation to *First Nation* Land

Appointment of Panel

40.2 The Panel shall be composed of 5 or more individuals. The Lands Committee shall recommend the panelists

Term of office

40.3 The panelists hold office for a term of 3 years.

Remuneration

40.4 The Council shall determine the remuneration to be paid to the members of a Panel.

41 Dispute Procedure

Disputes

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41.1 Any person whose interest in First Nation land is affected by a decision of the Council or Land Committee may appeal the decision to the Panel.

Optional process

41.2 For greater certainty, an application to the Panel to resolve a dispute is optional and all other civil remedies continue to be available to members and non-members.

Disputes not resolved by Council

41.3 If a member, or a non-member with an interest in First Nation land, has a dispute with respect to a decision of the Lands Committee or the Council, the person must first attempt to resolve that dispute with the Council or the Lands Committee, before referring the dispute to the Panel.

Application Procedures

41.4 Applications to the Panel shall be made in accordance with the procedures established by the Panel.

Limitation period

41.5 An application to refer a dispute with respect to a decision of the Lands Committee or the Council to the Panel shall be made:
(a) within 30 days after the day the decision, act or omission being referred was made; or
(b) in the case of a dispute with the Lands Committee or the Council, 30 days after the Lands Committee or Council rejects the attempts at resolution made under section 41.3.

Panel of three

40.1 Disputes referred to the Panel are to be heard by 3 panelists chosen as follows:
(a) one panelist is to be chosen by each of the parties to the dispute; and
(b) one panelist, who is to be the chairperson, is to be chosen by the rest of the Panel.

41 Impartiality

Duty to act Impartially

41.1 The Panel shall act impartially and without bias or favor to any party in a dispute.

Offence

41.2 It is an offence for a person to act, or attempt to act, in a way to improperly influence a decision of the Panel.

Rejection of Application

41.3 In addition to any other sanction, the Panel may reject an application without hearing it if the Panel believes that the applicant acted, or attempted to act, in a way to improperly influence its decision.

42 Powers of Panel

Powers of Panel

42.1 The Panel may, after hearing a dispute

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- (a) confirm or reverse the decision, in whole or in part;
- (b) substitute its own decision for the decision in dispute;
- (c) direct that an action be taken or ceased; or
- (d) refer the matter or dispute back for a new decision.

Rules of Panel

42.2 The Panel may establish rules for the procedure at its hearings and generally for the conduct of its affairs.

Professional services

42.3 The Panel may obtain the service of professionals to assist it in fulfilling its functions, in which case it shall make best efforts to use professional services available in the community.

Written decisions

42.4 Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so.

Reasons

42.5 The Panel may give reasons for its decision, and shall do so in writing if a party to the proceedings requests them within 14 days after the date of the decision.

Appeal of decision

42.6 A decision of the Panel is binding but, subject review by the Federal Court (Trial Division).

PART 9

OTHER MATTERS

43 Liability

Liability Coverage

43.1 The Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation land to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

43.2 The extent of the insurance coverage shall be determined by the Council.

44 Offences

Application of the Criminal Code

44.1 Unless some other procedure is provided for by a *First Nation* law, the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time, apply to offences under this Land Code or under a First Nation law.

44.2 Any person who commits an offence under this Land Code or a First Nation law is liable to a fine not to exceed \$5,000 and to a term of imprisonment not to exceed six months or to both fine and imprisonment, provided however, that offences related to First Nation environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.

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44.3 Despite clauses 45.1 and 45.2, Council may pass laws and provide for offenses and penalties necessary to enforce laws and may provide for a variety of enforcement mechanisms including ticketing, stop-work orders, restorative or remediation orders, fines, and penalties which may include penalties which are different than the penalties referred to in clause 45.2.

45 Amendments to Land Code

45.1 This Land Code may be amended from time to time.

45.2 Council will post a notice and invite comments from community members at least thirty (30) days before making any major amendments to this Land Code.

45.3 For greater certainty, Council may make minor amendments to correct typographical errors or remedy inconsistencies in the Land Code without providing the notice set out in subsection.

46 Ratification of Land Code

46.1 This Land Code will be ratified if:

(a) The Members approve this Land Code and the Individual Agreement by a Ratification Vote held in accordance with the Community Ratification Process dated May 28, 2014 ;

(b) This Land Code has been certified by the Verifier in accordance with the Framework Agreement; and

(c) The Land Code will be approved if a Majority of registered voters vote in favour and the number of yes votes is greater than 25% of the number of eligible votes.

47 Commencement

Preconditions

47.1 This Land Code must come into effect if:

(a) The eligible voters approve this Land Code and the Individual Agreement with Canada by ratification vote held in accordance with the Shuswap Indian Band Community Ratification Process dated for reference May 28, 2014.

(b) This Land Code has been certified by the Verifier in accordance with the Framework Agreement.

47.2 This Land Code must come into effect on the first day of the month following certification of this Land Code by the Verifier.



ANNEX

2. The definitions as set forth in the Framework Agreement and Act shall have the same meaning in this Land Code;
- 2.1 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday.
- 2.2 Where the time limited for the doing of an act in the *First Nation* administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.
- 2.3 Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.
- 2.4 If there is an inconsistency or conflict between this Land Code and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.
- 2.6 This Land Code is not intended to affect the eligibility of *First Nation* or any Member to receive services or participate in such public or aboriginal programs as may be established from time to time to the extent that *First Nation* has not assumed responsibility for such services or programs.
- 2.7 The principles set out in the Preamble to this Land Code may be used to interpret this Land Code.
- 2.8 In this Land Code:
- (a) The use of the word "shall" denotes an obligation that, unless this Land Code provides to the contrary, must be carried out as soon as practicable after this Land Code comes into effect or the event that gives rise to the obligation;
 - (b) Unless it is otherwise clear from the context, the use of the word "including" means "including, but not limited to", and the use of the word "includes" means "includes, but is not limited to";
 - (c) Headings and subheadings are for convenience only, do not form a part of this Land Code and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Land Code;
 - (d) A reference to a law includes every amendment to it, every regulation made under it and any Law enacted in substitution for it or in replacement of it;

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- (e) Unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular; and
- (f) Unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine.

This Land Code is not intended to abrogate the fiduciary relationships between Her Majesty the Queen in right of Canada, *First Nation* and its Members.

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ANNEX

2. The definitions as set forth in the Framework Agreement and Act shall have the same meaning in this Land Code;
- 2.1 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday.
- 2.2 Where the time limited for the doing of an act in the *First Nation* administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.
- 2.3 Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.
- 2.4 If there is an inconsistency or conflict between this Land Code and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.
- 2.6 This Land Code is not intended to affect the eligibility of *First Nation* or any Member to receive services or participate in such public or aboriginal programs as may be established from time to time to the extent that *First Nation* has not assumed responsibility for such services or programs.
- 2.7 The principles set out in the Preamble to this Land Code may be used to interpret this Land Code.
- 2.8 In this Land Code:
- (a) The use of the word “shall” denotes an obligation that, unless this Land Code provides to the contrary, must be carried out as soon as practicable after this Land Code comes into effect or the event that gives rise to the obligation;
 - (b) Unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
 - (c) Headings and subheadings are for convenience only, do not form a part of this Land Code and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Land Code;
 - (d) A reference to a law includes every amendment to it, every regulation made under it and any Law enacted in substitution for it or in replacement of it;

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- (e) Unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular; and
- (f) Unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine.

This Land Code is not intended to abrogate the fiduciary relationships between Her Majesty the Queen in right of Canada, *First Nation* and its Members.

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