

EXPLANATORY NOTES

BILL No. 52

An Act to amend *The Heritage Property Act*

Clause of Bill

- 1 *The Heritage Property Amendment Act, 2026*
- 2 *The Heritage Property Act – SS 1979-80, c H-2.2 amended*
- 3 **Existing Provision**

Research permit

67(1) No person shall, for the purpose of collecting from, researching or otherwise managing heritage property:

- (a) carry out a survey;
- (b) make collections; or
- (c) conduct excavations or other activities;

which may disturb or dislocate archaeological or palaeontological objects unless the person holds a valid and subsisting investigation permit issued pursuant to this section.

(2) The minister may:

- (a) issue an investigation permit authorizing the person named in the permit to do any of the things mentioned in subsection (1) on the land in Saskatchewan described in the permit;
- (b) make the issuance of a permit subject to any terms and conditions respecting supervision and reporting or any other terms and conditions that he may prescribe;
- (c) limit the time within which the permit holder may carry out his operations.

(3) The holder of a permit issued under subsection (2) shall:

- (a) within any time that may be specified in the permit, furnish to the minister a progress report on the work done pursuant to the permit in any detail that the minister may require;
- (b) upon completion of the excavation, restore the site insofar as it is reasonably possible to do so, unless the minister otherwise specifies; and

- (c) deliver to the minister or to any public institution that the minister may designate, possession of any archaeological or palaeontological objects recovered while collecting or excavating pursuant to the investigation permit.
- (4) The minister may appoint the holder of a permit or any other person to be the custodian of the recovered objects and materials subject to any conditions the minister may impose.
- (5) No permit is transferable.

1979-80, c.H-2.2, s.67; 1993, c.26, s.11.

Explanation

Subsection 67(2) is amended to provide the Minister authority to charge a non-refundable application fee for archaeological and palaeontological investigation permits.

Subsection 67(2) is amended by striking out the portion preceding clause (a) and substituting the following:

“On receipt of an application in a form specified by the minister and the application fee, if any, prescribed in the regulations, the minister may:”.

4 Existing Provision

Powers of Lieutenant Governor in Council

79 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) respecting the review board;
- (b) prescribing forms to be used and procedures to be followed in the carryingout of the functions of the review board;
- (c) defining any word or expression used in this Act but not defined in this Act;
 - (c.1) defining any forms of preserved remains or traces of multicellular organisms that are not included within the definition of palaeontological object pursuant to clause 2(n.1);
- (d) prescribing the form for the purposes of subsection 68(8);
 - (d.1) respecting the disposition of heritage property that is the property of the Crown, including the exclusion of any heritage property or category of heritage property from sale, lease or exchange or other disposition;
 - (d.2) for the purposes of section 5.1, prescribing activities and programs that the Foundation may undertake;

(e) respecting any matter that he considers necessary or advisable to carry out the intent and purpose of this Act.

1979-80, c.H-2.2, s.79; 1993, c.26, s.16; 2010, c.21, s.5.

Explanation

Section 79 is amended to authorize the Lieutenant Governor in Council to prescribe the permits and amount of fee required to be paid.

Section 79 is amended:

(a) by renumbering it as subsection 79(1);

(b) by adding the following clause after clause (1)(c.1):

“(c.2) for the purposes of subsection 67(2), prescribing application fees for permits”; and

(c) by adding the following subsection after subsection (1):

“(2) A regulation made pursuant to clause (1)(c.2) may be made retroactive to a day not earlier than April 1, 2026”.

5 Coming into force

This Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 1, 2026.

Prepared by the Ministry of Parks, Culture and Sport