

chapter C-13

COLONIZATION ROADS ACT

Repealed, 1992, c. 54, s. 56.
1992, c. 54, s. 56.

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REPEAL SCHEDULE

1. *The Minister of Transport shall have charge of the carrying out of this Act.*

R. S. 1964, c. 105, s. 1; 1972, c. 54, s. 17.



The Minister for Transport exercises, under the authority of the Minister of Transport, the functions with respect to the application of this Act. O.C. 1622-89 of 89.10.11, (1989) 121 G.O. 2 (French), 5556.

DIVISION I

CLASSIFICATION OF ROADS

2. *The Government may, from time to time, designate as colonization roads such lines of road or projected road as it may be deemed advisable to open or improve, wholly or in part, at the expense of Québec.*

It may also declare any existing roads which have been opened or improved, in whole or in part, at the expense of Québec, to be colonization roads.

R. S. 1964, c. 105, s. 2.

3. *The Minister of Transport may authorize the carrying out of all construction, repair, improvement or maintenance work on colonization roads.*

R. S. 1964, c. 105, s. 3; 1972, c. 54, s. 18.

4. *The Government may declare that a road or a part of a road is no longer a colonization road.*

R. S. 1964, c. 105, s. 4.

DIVISION II

PROTECTION OF COLONIZATION ROADS

5. *Whenever work is being carried out on a colonization road, the Minister may prohibit or restrict the circulation of vehicles on such road.*

He may also, in order to protect such road during the thawing period or during a rainy period, prohibit, for such time as he may deem necessary, the circulation of any vehicle having a total mass, load included, of over 1 000 kg.

Any person making use of a vehicle in contravention of a prohibition enacted under this section commits an infringement and renders himself liable to a fine not exceeding \$50.

R. S. 1964, c. 105, s. 5; 1984, c. 47, s. 213; 1990, c. 4, s. 135.

6. *It is forbidden, at all times of the year, to obstruct a colonization road or the ditches bordering the same or to deposit wood or rubbish on any part of the right of way of such road, on penalty of a fine not exceeding \$50.*

R. S. 1964, c. 105, s. 6; 1990, c. 4, s. 136.

DIVISION III

GENERAL PROVISIONS

7. *Such colonization roads or parts thereof as are within a municipality shall not be deemed to be public works within the meaning of the Municipal Code (chapter C-27.1) unless expressly so declared by Order-in-Council.*

R. S. 1964, c. 105, s. 7.

8. *Every provision which may be so made by Order-in-Council for defining and assuring all requisite provincial superintendence of such roads, or for modifying—in respect thereof or of any part thereof or of bridges thereon—any rule or law applicable to roads and bridges generally, or for declaring any of them to be otherwise county works or local works, or front roads or by-roads, as the case may require, shall have force of law.*

R. S. 1964, c. 105, s. 8.

DIVISION IV

COLONIZATION WORKS

9. *The Minister, and any person employed to make colonization roads and bridges under his direction by means of grants of public money, or in part by such grants and in part by local grants, may lay out and construct, on any lands to whomsoever belonging, roads and bridges and other works which they may deem necessary for the development of colonization.*

R. S. 1964, c. 105, s. 9; 1972, c. 54, s. 19.

10. *Roads and bridges in a municipality, built wholly or in part or subsidized by the Government, shall be colonization roads and bridges in the sense of this act, and shall be kept by such municipality, or by the county municipality, in the same manner as all other roads and bridges.*

R. S. 1964, c. 105, s. 10; 1977, c. 5, s. 14.

11. *Every municipality may regulate, by procès-verbal, any colonization road or bridge partly or altogether built by the Government within the boundaries of its territory; but may not order it to be closed without an order of the Minister of Transport to that effect.*

R. S. 1964, c. 105, s. 11; 1972, c. 54, s. 20; 1977, c. 5, s. 14.

12. *The lands through which such colonization roads have been traced and built shall be the property of the Crown, and, whenever such lands are situated in a township, no indemnity shall be payable for the ground.*

Seigniories acquired by Québec, in whole or in part, and subsequently conceded by location ticket, shall be considered as townships for the purposes of this act.

R. S. 1964, c. 105, s. 12.

13. *The Minister or his agents may take from any lot of land in the vicinity of such colonization roads or bridges all timber, stone, earth, gravel and sand required for their construction, and may cut down all trees for 9 m from each side of such road or bridge, without being bound to pay any indemnity, except for clearings on the line, if any.*

After the opening of a road upon any of the lands Transferred to the Ministère des Transports, if any surplus timber remain, the Minister may dispose of the same either by sale or by making use of it for the works under his control.

R. S. 1964, c. 105, s. 13; 1972, c. 54, s. 21; 1977, c. 5, s. 14; 1984, c. 47, s. 213.

14. *So long as a colonization road is under the control of the Minister, the owners of lands adjoining such road shall have no right to exact, either from him or from the Government, any servitude, as between neighbors, such as fences, ditches and the like.*

R. S. 1964, c. 105, s. 14; 1977, c. 5, s. 14.

15. *All suits or contestations respecting the execution of colonization or other public works, or in relation to such works, shall be instituted and carried on by the Attorney General in the name of Her Majesty.*

R. S. 1964, c. 105, s. 15.

16. *The Public Works Act (chapter T-15) and sections 11.1, 11.3 and 11.4 of the Act respecting the Ministère des Transports (chapter M-28) apply, mutatis mutandis, to colonization works mentioned in this Act, where applicable.*

Notwithstanding the foregoing, the Minister, by ministerial order, in the cases and on the conditions he determines, may assign to any municipality or any other person the ownership of colonization roads and bridges, and the ownership of lands contemplated in section 12, subject to the following:

- (1) the roads must have been the subject of the declaration contemplated in section 4;*
- (2) in the case of an assignment to a municipality, the roads, bridges and lands must be situated inside the limits of the municipality;*
- (3) in the case of an assignment to another person, the roads, bridges and lands must be adjacent to the lands that are the property of the person.*

The ministerial order constitutes the deed of assignment. It may be registered by deposit. Where the order is registered, it must be entered in the index of immovables in respect of the lots mentioned in the order. The roads, bridges and lands must be described in accordance with article 2168 of the Civil Code of Lower Canada.

R. S. 1964, c. 105, s. 16; 1983, c. 40, s. 67; 1983, c. 54, s. 13.

DIVISION V



This Division ceased to have effect on 17 April 1987.

17. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 105 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter C-13 of the Revised Statutes.

