

7 ELIZABETH II.

CHAP. 20

An Act to amend The Lake of the Woods Control Board Act, 1921.

[Assented to 13th August, 1958.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1921, c. 10

1. Section 2 of *The Lake of the Woods Control Board Act, 1921*, is repealed and the following substituted therefor:

“2. (1) There shall be a Board, to be known as “The Lake of the Woods Control Board” consisting of four members to be appointed as follows, namely, one by the Governor General in Council, two by the Lieutenant Governor of Ontario in Council and one by the Lieutenant Governor of Manitoba in Council. **Establishment of Board**

(2) A person is not eligible to be appointed a member of the Board unless he is a duly qualified engineer. **Qualifications**

(3) Each appointing authority mentioned in subsection (1) may appoint an alternate member for every member to be appointed by him to act in the place of the member in the event that he is absent or unable to act or the office is vacant. **Alternate members**

(4) Each member and each alternate member holds office during the pleasure of the authority that appointed him, and an appointment to fill any vacancy on the Board shall be made by the authority who made the previous appointment to that office. **Tenure of office**

(5) An alternate member of the Board while acting as a member of the Board has all the powers of a member.” **Vacancies**

2. Section 3 of the said Act is repealed and the following substituted therefor:

“3. It shall be the duty of the Board to secure severally and at all times the most dependable flow and the most advantageous and beneficial use of the waters of the Winnipeg river and of the English river, and for these purposes the Board shall have power **Purposes and powers**

(a) to regulate and control the outflow of the waters of the Lake of the Woods so as to maintain the level of the Lake between the elevations that have been recommended by the International Joint Commission in their final report of the 12th June, 1917, or between such elevations as may be agreed upon by the United States and Canada; **As to Lake of the Woods**

(b) to regulate and control the outflow of the waters of Lac Seul so as to maintain the level of the Lake between such elevations as the Board, with the approval of the Governor General in Council, the Lieutenant Governor of Ontario in Council and the Lieutenant Governor of Manitoba in Council, may recommend; **As to Lac Seul**

- (c) to regulate and control the flow of waters into Lac Seul through the Lake St. Joseph diversion works when the level of Lac Seul rises above the following elevations in any year, namely, 1168 feet in the period commencing the 1st day of February and ending the 31st day of May, 1170 feet in the period commencing the 1st day of July and ending the 31st day of December and 1169 feet in the months of January and June; **As to Lac Seul and Lake St. Joseph diversion**
- (d) to regulate and control the flow of the waters of the Winnipeg river between its junction with the English river and the Lake of the Woods, and also the flow of the water in the English river between its junction with the Winnipeg river and Lac Seul; and **As to Winnipeg river and English river**
- (e) to regulate and control the level and flow of such other waters of the watershed of the Winnipeg river as the Governor General in Council, the Lieutenant Governor of Ontario in Council and the Lieutenant Governor of Manitoba in Council may agree to place under the jurisdiction of the said Board, save and excepting the operation and control of all dams and regulating works extending across the international boundary, and the dam and regulating works across the Canadian channel at Kettle Falls.” **As to other waters**

3. Section 5 of the said Act is repealed and the following substituted therefor:

“**5.** (1) The Board has the powers necessary for effectively carrying out the duties vested in it by this Act or by any Act passed by the legislatures of the provinces of Ontario and Manitoba. **General powers**

(2) An order of the Board may be filed in the Exchequer Court of Canada, the Supreme Court of Ontario or *Her Majesty’s Court of Queen’s Bench for Manitoba* and may within the territorial jurisdiction of the court in which it is filed be enforced in the same manner as a judgement of that court.” **Enforcement of orders**

4. Section 9 of the said Act is repealed and the following substituted therefor:

“**9.** The expenses of the Board, including the remuneration of the members of the Board, shall be paid out of such funds as may be appropriated by the Parliament of Canada and the legislatures of Ontario and Manitoba for paying expenses incurred for the purposes of this Act in such proportions as the Governor General in Council, the Lieutenant Governor of Ontario in Council and the Lieutenant Governor of Manitoba in Council may agree.” **Mode of payment of Board's expenses and remuneration**

5. Section 10 of the said Act is repealed and the following substituted therefor:

“**10.** The Governor General in Council may, with the concurrence of the Lieutenant Governor of Ontario in Council and the Lieutenant Governor of Manitoba in Council, make regulations for carrying the purposes and provisions of this Act into effect.” **Regulations**

NOTE:

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