

Bill No. 64 of 1953

A BILL TO AMEND THE MINES AND MINERALS ACT

NOTE

This Bill amends *The Mines and Minerals Act*, being chapter 66 of the Statutes of Alberta, 1949.

Section 9 of the Act outlines the jurisdiction of the Department and it is amended by the addition of a new clause dealing with tax recovery minerals.

The provisions in section 19 authorizing the Lieutenant Governor in Council to establish a tariff of fees is amended to provide for a fee for consenting to the conveyance of any right granted to a lessee.

Section 25a deals with the right of an operator to work through other minerals in the same tract as a mineral which he is seeking to recover. A new section is added immediately following to deal with the case of an operator drilling a well directionally from a point outside the tract in which his mineral is situated, and to provide for the right to work through the minerals outside of the tract to the extent necessary.

A new subsection is added to section 42 providing that a person authorized by the Minister in the course of his duties may enter upon lands in the Province or into a plant for the recovery, processing or treating of a mineral, and to provide further that he may require certain information from whoever is in charge of such a plant.

Section 275a authorizes the Lieutenant Governor in Council to make regulations governing the granting of licenses of natural gas rights. A new subsection is added authorizing the Lieutenant Governor in Council to prescribe the granting of natural gas leases where natural gas is needed for a utility or to complete a well spacing unit.

The Registration of Assignments of Crowns Lands Act, being chapter 88 of the Statutes of Alberta, 1949, is repealed and a new Part is added to *The Mines and Minerals Act*, Part VIII, dealing with the registration of assignments. This Part in providing for the registration of assignments carries forward the provisions, other than those dealing with taxation, of the old *The Registration of Assignments of Crown Lands Act*. Two of the provisions of the Part however are new. One provides that in an assignment not more than four persons may appear as assignee. The other

provision states that the same person may be an assignor and an assignee in an assignment, and thus clears up an uncertainty which existed previously.

This Bill comes into force on the first day of April, 1953.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 64 of 1953

An Act to amend The Mines and Minerals Act

(Assented to _____, 1953)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Mines and Minerals Act*, being chapter 66 of the Statutes of Alberta, 1949, is hereby amended.

2. Section 9 is amended by adding immediately after clause (j) the following new clause: Section 9 amended

“(k) disposition of any mineral vested in the name of the Minister of Municipal Affairs, or vested in the name of a municipality and passed to the control of the the Minister of Municipal Affairs, and which is declared by the Lieutenant Governor in Council to be subject to the jurisdiction, control or administration of the Department.”.

3. Section 19, clause (g) is amended Section 19 amended

(a) by adding the word “and” at the end of subclause (iv);

(b) by adding immediately after subclause (iv) the following new subclause:

“(v) for consenting to sub-leases, farmouts or other contracts conveying any right granted to the lessee in an agreement;”.

4. The following new section is added immediately after section 25a: New section 25b

“**25b.** Notwithstanding the provisions of section 5, any person who has the right to any mineral or the right to work the same in a tract and who has obtained a license from the Minister under *The Oil and Gas Resources Conservation Act, 1950*, to drill a well for the removal of the mineral, the orifice of which well will be located outside of the tract, may work through all minerals outside of the tract to the extent necessary to obtain his mineral for the removal of which the license was granted, without permission from or compensation to any other person for the right to work through the minerals outside of the tract, subject, however, to the provisions of this Act and *The Oil and Gas Resources Conservation Act, 1950*.”. Right to work through minerals outside of the tract

Section 42
amended

5. Section 42 is amended

- (a) by renumbering the section as subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:

Access upon
any lands

“(2) It shall be lawful for any person authorized by the Minister at any time to enter upon any lands in the Province irrespective of who may own the lands, or into any plant for the recovery, processing or treating of any mineral, in the performance of any investigation or inspection, and the person at the time in charge of the plant or any process carried on at the plant shall render the person authorized such assistance and supply him with such information regarding the plant, its products or the mineral recovered, processed or treated as may be requested.”.

Section 275a
amended

6. Section 275a is amended

- (a) by adding immediately after subsection (1) the following new subsection:

Lieutenant
Governor
may
authorize
natural
gas lease

“(1a) The Lieutenant Governor in Council may authorize the Minister to grant a lease of natural gas rights which are the property of the Crown in lands or zones within lands, upon such terms, conditions and stipulations as may be prescribed, if,

“(a) in the opinion of the Lieutenant Governor in Council, the natural gas which may be obtained is essential in the operation of a natural gas utility; or

“(b) the location is required to complete a spacing unit under *The Oil and Gas Resources Conservation Act, 1950*, for a commercially productive natural gas well.”;

- (b) by striking out the words “For the purposes of such regulations,” where they occur in subsection (2) and by substituting the words “In a disposition made under this section, for purposes”.

New
Part VIII

7. The following new Part is added immediately after section 287:

“PART VIII

“Registration of Assignments

Books for
registering
assignments

“288. (1) The Minister shall cause to be kept in the Department books for registering assignments of agreements.

“(2) Subject to the other provisions of this Act and of the regulations made under this Act, an assignment of an agreement which the lessee is not prohibited from assigning or agreeing to assign by any provision of this Act or any regulation or by the terms of the agreement, may be registered with the Minister.

"(3) The Minister may refuse to register an assignment unless, Minister may refuse registration

"(a) it is unconditional,

"(b) its execution has been proved to the satisfaction of the Minister, and

"(c) it is in a form satisfactory to the Minister.

"(4) The Minister may refuse to register an assignment in which more than four persons are assignees.

"(5) An assignment registered under this Part shall be valid against and prior to any unregistered assignment or subsequently registered assignment. Priority of assignments

"289. For the purpose of removing doubt, it is hereby declared that Lessee may assign to himself

"(a) a lessee may assign an agreement to himself and another person or persons, and upon registration of the assignment shall be entitled to the interest which the assignment purports to convey to him to the same extent as if he were not the assignor, and

"(b) two or more persons, being the lessees of an agreement, may assign the agreement to one or more of them, who upon registration of the assignment shall be entitled to the interest which the assignment purports to convey to him or them to the same extent as if he or they were not assignors."

8. Sections 288 and 289 are renumbered as sections 290 and 291. Sections 288 and 289 renumbered

9. *The Registration of Assignments of Crown Lands Act*, Repeal being chapter 88 of the Statutes of Alberta, 1949, is hereby repealed.

10. This Act comes into force on the first day of April, 1953. Coming into force

No. 64

FIRST SESSION
TWELFTH LEGISLATURE

2 ELIZABETH II

1953

BILL

An Act to amend The Mines and
Minerals Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. MANNING
