

Bill No. 42 of 1955

A BILL TO AMEND THE MINES AND MINERALS ACT

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NOTE

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

Amendments are made to correct references to other Acts in substitution for which new Acts have been passed or may be passed this year. These amendments are made to subsection (1) of section 2, subsection (2) of section 5, sections 10 and 11, section 25a, subsection (7) of section 32, subsection (4) of section 219 and section 228.

Clause (k) of section 9 is amended so that it will be in accordance with an amendment being made to *The Tax Recovery Act*.

A new section 24a is added to resolve uncertainties as to the ownership of minerals that arose from the exception in letters patent of lands for road purposes.

Section 40 is amended to enable the Department to accept documents signed on behalf of a corporation by two directors. This will bring the provision in line with a practice frequently followed by smaller companies.

Section 41 is amended for clarification.

Section 59, subsection (3) prohibited the prospecting for quartz claims on lands granted or reserved under this Act. By amendment, this prohibition applies only to lands granted pursuant to section 64a.

Sections 215, 228 and 266 are amended. These sections deal with royalty returns by lessees of coal-mining leases and petroleum and natural gas leases. The amendments will enable an agent of the lessee authorized in writing to make the royalty statements.

Subsection (1) of section 217 is amended for clarification.

Section 220, dealing with school houses in mining towns, placed on the lessee of Crown coal-mining rights an obligation not borne by lessees of other Crown minerals or operators of other coal rights. This section is repealed.

Section 224 is amended for clarification.

Section 228 deals with royalty returns by lessees of road allowance coal-mining leases. In addition to the amendments already referred to, a reference to section 216 is corrected in the light of an amendment to that section made in 1954.

Section 256 under which a lessee of petroleum and natural gas rights may surrender his lease is amended. The principal change will permit the lessee to surrender a part of a lease on which he otherwise would have to drill an offset well.

New section 288a is added. It authorizes regulations to provide for the registration of documents affecting agreements.

This Bill comes into force upon assent and the amendments to references to *The Coal Mines Regulation Act* will be effective when *The Coal Mines Regulation Act, 1955*, comes into force.

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. 42 of 1955

An Act to amend The Mines and Minerals Act

(Assented to \_\_\_\_\_, 1955)

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. The said Act is amended by adding immediately after the words "*The Coal Mines Regulation Act*" where they occur in subsection (2) of section 5, in section 25*a*, in subsection (4) of section 219 and in clause (b) of section 228 the figures ", 1955".

3. Section 2, subsection (1), clause (aa) is amended by striking out the figures "1947" and substituting the figures "1954". Section 2 amended

4. Section 9, clause (k) is amended by striking out the words "and which is declared by the Lieutenant Governor in Council to be subject to the jurisdiction, control or administration of the Department". Section 9 amended

5. Sections 10 and 11 are amended by striking out the figures "1947" where they occur and by substituting the figures "1954". Sections 10 and 11 amended

6. The following new section is added immediately after section 24: New section 24*a*

"24*a*. (1) Where by letters patent

"(a) the surface of land and a mineral or minerals in the land were granted, and Minerals underlying road

"(b) an area or strip of land was excepted or reserved for a road, roadway or trail,  
the letters patent shall be deemed for all purposes to have conveyed such mineral or minerals underlying the road, roadway or trail.

"(2) Subsection (1) does not apply to a mineral or minerals granted by other letters patent before the 1st day of October, 1930, or by notification before the 1st day of May, 1951, whether before or after the letters patent referred to in subsection (1). Exception

“(3) Where, under subsection (1), doubt arises as to whether an exception or reservation of an area or strip was for a road, roadway or trail, the Minister shall rule thereon and his ruling when delivered in writing to the Registrar is final.”.

Section 32  
amended

**7.** Section 32, subsection (7), clause (a) is amended by adding immediately after the word “Act” the figures “, 1948”.

Section 40  
amended

**8.** Section 40 is amended by adding immediately after the word “officer” the words “or two directors”.

Section 41  
amended

**9.** Section 41 is amended by striking out the words “, condition or regulation made whilst the demised premises are held” and substituting the words “or condition therein or of any regulation”.

Section 59  
amended

**10.** Section 59 is amended by striking out subsection (3) and by substituting the following:

“(3) No person may enter, locate, prospect or stake out a claim for minerals pursuant to this Part on lands comprised in a lease or other agreement granted pursuant to section 64a.”.

Section 215  
amended

**11.** Section 215, subsection (1) is amended by striking out the words “lawful attorney” and by substituting the words “agent authorized in writing.”

Section 217  
amended

**12.** Section 217, subsection (1), clause (b) is amended by striking out the word “underground”.

Section 220  
repealed

**13.** Section 220 is repealed.

Section 224  
amended

**14.** Section 224 is amended by adding immediately after the word “may” the words “in addition”.

Section 228  
amended

**15.** Section 228 is amended

- (a) by striking out the words “paragraph (a)” where they occur in clauses (a) and (b) and by substituting the words “subsection (1)”, and
- (b) as to clause (b) by striking out the words “lawful agent” and by substituting the words “agent authorized in writing”.

Section 256  
amended

**16.** Section 256 is amended

- (a) as to subsection (1), by striking out the words “who has complied in every respect with the provisions of this Act and *The Oil and Gas Resources Conservation Act, 1950*,”
- (b) by striking out subsection (2) and by substituting the following:

- “(2) The portion of the location to be retained  
 “(a) shall conform to section 232, or  
 “(b) if a well on the location is capable of producing petroleum or natural gas in commercial quantity, shall be the area allocated to the well by The Petroleum and Natural Gas Conservation Board for the purposes of production.

“(3) Notwithstanding the provisions of subsection (2), where a lessee has been served with a notice requiring him to drill a well to offset a petroleum or natural gas well in accordance with section 252, he may relinquish that portion of the location which would be the spacing unit of the offset well.”.

**17.** Section 266, subsection (1) is amended by striking out the words “lawful attorney” and substituting the words “agent authorized in writing.”. Section 266 amended

**18.** The following new section is added immediately after section 288: New section 288a

“**288a.** The Lieutenant Governor in Council may make regulations Lieutenant Governor in Council may make regulations respecting registration  
 “(a) providing for the registration of documents affecting agreements, other than assignments of agreements and mechanics’ liens, with the Minister,  
 “(b) prescribing the form of documents that may be registered and the conditions under which they may be registered,  
 “(c) delimiting the effect of the registration of any document, and for this purpose, suspending or modifying the provisions of subsection (5) of section 288, and  
 “(d) prescribing fees for the registration of documents and for services supplied by any registration office in the Department.”.

**19.** (1) This Act comes into force on the day upon which it is assented to. Coming into force

(2) Notwithstanding the provisions of subsection (1), section 2 comes into force on the day upon which *The Coal Mines Regulation Act, 1955*, comes into force.

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The Mines and  
Minerals Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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