

No. 93

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 93

A Bill respecting the Ownership of Certain Minerals

HON. MR. MANNING

Explanatory Note

General. As set out in the preamble, the purpose of this Act is to remove doubts and to specify that certain substances are minerals.

2. The Act applies to all land, including Crown land.

3. Substances declared to be minerals.

4. Protection of persons dealing in the substances in good faith, before the commencement of this Act.

BILL

No. 93 of 1961

An Act respecting the Ownership of Certain Minerals

(Assented to _____, 1961)

WHEREAS the ownership of certain natural substances is a matter of doubt and uncertainty as it may be dependent on whether their occurrence is rare and exceptional and on whether they are regarded as minerals in the vernacular of the mining world, the commercial world and landowners; and

WHEREAS under *The Land Titles Act* separate titles may be issued for a parcel of land and for the minerals therein, which titles are intended to be indefeasible under the land titles system, and it is not in the public interest that any such title should be extinguished or restricted or enlarged from time to time by a change in the views of the mining world, the commercial world and landowners; and

WHEREAS it is desirable in the public interest to resolve doubts and uncertainties and to allay fears and to declare that the substances named herein are and always have been minerals:

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

1. This Act may be cited as "*The Mineral Declaratory Act*".

2. This Act applies to all lands in the Province and to the owners thereof, including the Crown in right of Alberta.

3. Each substance named in the Schedule hereto that naturally occurs within, upon or under land is hereby declared to be and at all times to have been a mineral.

4. Where any substance named in the Schedule hereto has been dealt with or removed from any land prior to the commencement of this Act

(a) by the owner of any part of the land, other than that substance, or

(b) by any person claiming through him,

acting in good faith and in the honest belief that he was entitled thereto, no right of action lies against such owner or person for damages or for compensation by reason of

5. Right of surface owner to disturb any of the substances in the course of using the surface.

6. Authority to take named substances for use in public works construction.

7. Commencement of Act.

such dealing with or removal of such substance prior to the commencement of this Act.

5. A person who owns or has an interest in the surface of land but who does not own or have an interest in a substance named in the Schedule hereto, has the right

- (a) to excavate and otherwise disturb the substance for the purpose of constructing, maintaining or abandoning any building, water well, road, highway or other structure incidental to the use or occupancy of the surface of the land, and
- (b) to disturb the substance in the course of any operations he is entitled to conduct at or on the surface of the land,

without permission from or compensation to any person.

6. (1) Notwithstanding anything contained in this or any other Act, where the Crown or a municipality

- (a) owns the surface of any land, or
- (b) has the right to excavate and carry away material from the surface of any land,

the Crown or the municipality has, for the purpose of constructing, maintaining or abandoning a highway, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, culvert, ditch or drain, the right to excavate and carry away any substance named in the Schedule hereto that naturally occurs upon, within or under that land, without permission from or compensation to any person.

(2) In this section "municipality" means a city, town, new town, village, county, municipal district, improvement district or special area.

7. This Act comes into force on the day upon which it is assented to.

SCHEDULE

NAMES OF SUBSTANCES

Anhydrite	Gypsum	Sandstone
Barite	Limestone	Serpentine
Bauxite	Marble	Shale
Bentonite	Marl	Slate
Diatomite	Mica	Talc
Dolomite	Mirabilite	Thenardite
Epsomite	Potash	Trona
Fire Clay	Quartz Rock	Volcanic Ash
Granite	Rock Phosphate	

No. 93

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act respecting the Ownership of
Certain Minerals

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
