

1968 Bill 71

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 71

An Act to amend The Right of Entry Arbitration Act

THE MINISTER OF MINES AND MINERALS

First Reading

Second Reading

Third Reading

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1968

An Act to amend The Right of Entry Arbitration Act

(Assented to _____, 1968)

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

1. *The Right of Entry Arbitration Act* is hereby amended.

2. Section 12 is amended by striking out subsection (6) and by substituting the following:

(6) An order of the Board granting right of entry, user or taking of the surface of land is deemed to vest in the operator,

(a) unless otherwise provided in the order, the exclusive right, title and interest in the surface of the land other than

(i) the right to a certificate of title issued pursuant to *The Land Titles Act*, and

(ii) the right to carry away sand, gravel, clay and marl from the land, and

(b) to the extent necessary for his operations, the right to excavate or otherwise disturb any minerals within, upon or under the land without permission from or compensation to the Crown or any other person with respect to such minerals.

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

Explanatory Notes

1. This Bill amends chapter 290 of the Revised Statutes.

2. Section 12 (6) presently reads:

(6) Notwithstanding any other Act, an order of the Board granting right of entry, user or taking of the surface of land is deemed to vest in the operator,

(a) unless otherwise provided in the order, the exclusive right, title and interest in the surface of the land other than

(i) the right to a certificate of title issued pursuant to The Land Titles Act, and

(ii) the right to carry away sand, gravel, clay and marl from the land, and

(b) the right to excavate or otherwise disturb any minerals within, upon or under the land to the extent necessary for his operations without permission from or compensation to the Crown or any other person.

The amendment clarifies that an operator on obtaining an order of the Board is subject to other Statutes of the Province.