

1981 BILL 209

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 209**

**AN ACT TO AMEND THE SURFACE RIGHTS ACT**

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MR. R. SPEAKER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 209  
Mr. R. Speaker

## BILL 209

1981

### AN ACT TO AMEND THE SURFACE RIGHTS ACT

(Assented to , 1981)

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

1 *The Surface Rights Act is amended by this Act.*

2 *Section 15(1) is repealed and the following is substituted:*

(1) Where the surface of any land required by an operator for any of the purposes mentioned in this Act is owned by the Crown or any other person, the operator shall cause to be served on the owner of the land and on the occupier of the land if the land is not occupied by the owner, by personal service or by double registered mail,

- (a) a proposal for an agreement for the acquisition of such rights as the operator requires,
- (b) the name and address of the person to whom the response to the offer should be sent,
- (c) a notice in the form:

#### NOTICE THE SURFACE RIGHTS ACT

The Surface Rights Act provides that where an operator wishes to acquire surface rights he shall make a bona fide attempt to reach agreement with the owner of the surface and if no agreement can be reached the operator may make an application to the Surface Rights Board for a right of entry in respect to the surface of the land as may be necessary for the efficient and economical performance of his operations.

### **Explanatory Notes**

**1** This Bill will amend chapter 91 of the Statutes of Alberta, 1972.

**2** Replaces section 15(1) to provide a process to ensure that some attempt is made to reach agreement prior to applying to the Board.

and

(d) a copy of section 15 of this Act.

(1.1) During the 15 day period following the service of documents provided for in subsection (1), the operator shall attempt in good faith to reach an agreement with the owner of the land.

(1.2) Where the operator has, after following the procedure prescribed in subsections (1) and (1.1), been unable to reach an agreement with the owner of the land, the operator may, no sooner than 15 days after the service of the documents provided for in subsection (1), apply to the Board for a right of entry in respect of the surface of such land as may be necessary for the efficient performance of his operations.

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

**3** Coming into force.