

1990 BILL 24

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

MINES AND MINERALS AMENDMENT ACT, 1990

MRS. BLACK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 24
Mrs. Black

BILL 24

1990

MINES AND MINERALS AMENDMENT ACT, 1990

(Assented to , 1990)

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

- 1 The Mines and Minerals Act is amended by this Act.*
- 2 Section 5(1) is amended by adding the following after clause (d):*
 - (d.1) prescribing annual rentals for agreements;
- 3 Section 8(1)(e) is repealed and the following is substituted:*
 - (e) reinstate an agreement, a part of the location of an agreement or a zone in the location of an agreement, that has been surrendered, cancelled or forfeited, if
 - (i) an application for reinstatement is received in the Department within 90 days after the date of the surrender, cancellation or forfeiture,
 - (ii) the Minister has not already issued another agreement in respect of the location, the part of the location or the zone in the location, as the case may be, in respect of which the application is made, and
 - (iii) the Minister considers that the circumstances warrant the reinstatement;
- 4 The following is added after section 39:*
 - 39.1** Where the annual rental provided for in an agreement differs from the annual rental prescribed for the agreement by the

Explanatory Notes

1 This Bill will amend chapter M-15 of the Revised Statutes of Alberta 1980.

2 Section 5(1)(d) presently reads:

5(1) The Lieutenant Governor in Council may make regulations

(d) respecting the terms and conditions of agreements;

3 Section 8(1)(e) presently reads:

8(1) The Minister may

(e) reinstate an agreement, a part of the location of an agreement or a zone in the location of an agreement that has been surrendered, cancelled or forfeited, if application for the reinstatement is made

(i) within 30 days of the date of the surrender, cancellation or forfeiture, or

(ii) within 90 days of the date of the surrender, cancellation or forfeiture, when the surrender, cancellation or forfeiture was made in error;

4 Annual rentals.

regulations, the annual rental prescribed by the regulations prevails.

5 Section 53 is amended

(a) by repealing subsection (1) and substituting the following:

53(1) No person shall win, work or recover a mineral that is the property of the Crown in right of Alberta unless he is authorized to do so under this Act or by an agreement.

(b) by repealing subsection (5) and substituting the following:

(5) The Minister may authorize in writing the conducting of operations in respect of a mineral that is the property of the Crown in right of Alberta and that is not the subject of an agreement issued under this Act where the Minister is of the opinion that the operations are desirable in respect of the exploration for or the development, processing or recovery of minerals.

6 Section 59 is amended by adding the following after subsection (4):

(5) A prosecution for an offence under section 53(1) may be commenced within 60 months from the date on which the subject-matter of the prosecution arose, and not afterwards.

7 Sections 63(1), 76(1) and 83(1) are repealed.

8 Section 140 is amended by adding the following after subsection (10):

(11) When an agreement is reinstated pursuant to section 8(1)(e), the agreement is subject to all the security notices registered against the agreement when it was surrendered, cancelled or forfeited, as though the agreement had not been surrendered, cancelled or forfeited.

9 Section 150 is amended

(a) by repealing clause (b) and substituting the following:

5 Section 53 presently reads in part:

53(1) No person shall win, work or recover a mineral that is the property of the Crown in right of Alberta unless

(a) he is the holder of an agreement that pertains to that mineral, or

(b) he is authorized to do so under this Act or an agreement.

(5) The Minister may authorize in writing an applicant for an agreement to conduct operations on the land that is the subject of the agreement applied for before the agreement is issued.

6 Time limitation for prosecution.

7 Sections 63(1), 76(1) and 83(1) presently read:

63(1) The annual rental for a coal lease shall be \$2.50 per hectare payable yearly in advance.

76(1) The annual rental for a quarriable mineral lease shall be \$2.50 per hectare payable yearly in advance.

83(1) The annual rental under a lease of coal rights in a road allowance shall be \$50 payable yearly in advance.

8 Effect of reinstatement on security interests.

9 Section 150 presently reads in part:

150 In this Part,

(b) “exploration” means,

(i) in relation to petroleum and natural gas,

(A) any operations on or over land or water to determine geologic conditions underlying the surface of land or water, and

(B) any operations that are preparatory to or otherwise connected with the operations described in paragraph (A) that, in the opinion of the Minister, have the potential to cause surface disturbance,

and

(ii) in relation to minerals other than petroleum and natural gas,

(A) any investigation, work or act to determine the presence of a mineral that, in the opinion of the Minister, results in a disturbance of the surface of land, and

(B) any operations that are preparatory to or otherwise connected with the operations described in paragraph (A) that, in the opinion of the Minister, have the potential to cause surface disturbance,

but does not include operations exempted from this Part by the regulations;

(b) by repealing clause (d) and substituting the following:

(d) “exploration equipment” means any equipment used or employed in exploration but does not include any type of equipment exempted from this Part by the Minister;

10 Section 152(m) is repealed.

11 Section 153 is amended by renumbering it as section 153(1) and by adding the following after subsection (1):

(2) The Minister may exempt from this Part any equipment used or employed in exploration.

(b) "exploration" means any operations on or over land or water to determine geologic or other conditions underlying the surface of land or water, but does not include any kind of operation exempted from this Part by the regulations;

(d) "exploration equipment" means any equipment used or employed in exploration but does not include any type of equipment exempted from this Part by the regulations;

10 Section 152 presently reads in part:

152 The Lieutenant Governor in Council may make regulations

(m) exempting any kind of exploration equipment from this Part;

11 Section 153 presently reads:

153 The Minister may

(a) refuse to grant an exploration approval or refuse to issue a licence or permit, or

12 *The Builders' Lien Act is amended*

(a) *by repealing section 26(5);*

(b) *by adding the following after section 26:*

26.1(1) When a lien attaches to an estate or interest in minerals held directly from the Crown in right of Alberta and the estate or interest

(a) is less than a fee simple estate, and

(b) is not registered under the *Land Titles Act*,

the statement of lien shall be registered with the Minister of Energy and not with the Registrar and this Act applies to all claims of lien so registered with the Minister of Energy.

(2) When

(a) the estate or interest in a mineral on which a lien attaches arises under an agreement issued in respect of the mineral under the *Mines and Minerals Act*,

(b) the agreement is surrendered, cancelled or forfeited after the lien attaches, and

(c) the agreement is subsequently reinstated under section 8(1)(e) of the *Mines and Minerals Act*,

the agreement is, for the purposes of the lien, deemed not to have been surrendered, cancelled or forfeited.

13 *Sections 4 and 7 come into force on Proclamation.*

(b) make an exploration approval, licence or permit subject to any conditions he prescribes.

12 Consequential.

13 Coming into force.