

Bill 53
Mr. Oberle

BILL 53

2005

SURFACE RIGHTS AMENDMENT ACT, 2005

(Assented to , 2005)

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

Amends RSA 2000 cS-24

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

2 The following is added after section 13:

Right of entry for reclamation under EPEA

13.1(1) Where a person who is an operator within the meaning of section 134(b) of the *Environmental Protection and Enhancement Act*

- (a) has received notice under section 139(2) of that Act that the reclamation certificate issued under Part 6 of that Act has been cancelled,
- (b) has a duty under section 137 of that Act to effect reclamation, within the meaning of that Act, of land that has been affected by the working of a mineral or an activity related to a pipeline, and
- (c) does not have the consent of the owner or occupant of the surface of the land or any other legal authorization to access the surface of the land for that purpose,

the Board may make an order granting right of entry to that person in respect of the surface of the land for the purpose of enabling that reclamation.

(2) The Board may make an order under subsection (1) granting right of entry to a successor of a person described in that subsection.

(3) A person granted an order under this section has all the rights and obligations under this Act of an operator.

Explanatory Notes

1 Amends chapter S-24 of the Revised Statutes of Alberta 2000.

2 Right of entry for reclamation under the Environmental Protection and Enhancement Act.