

BILL

No. 70 of 1923.

An Act to Impose a Tax upon Minerals.

(Assented to _____, 1923.)

HIS 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 Taxation Act.*"

2. In this Act, unless the context otherwise requires,—

- (a) "Mineral owner" shall mean a person with the right to search for, work, win or get any mineral, who derives such right by lease, grant, licence or otherwise from the Dominion of Canada or the Province, and also every person who possesses the same by virtue of a reservation or exception thereof, or as an incident or part of his ownership of land;
- (b) "Minerals" shall, but not so as to restrict in any way the ordinary meaning of the word, include natural gas, petroleum, gasoline and all oils of a mineral nature;
- (c) "Minister" shall mean the Minister of Municipal Affairs;
- (d) "Non-taxable person" shall mean the Crown and any person who is not liable to taxation by the Province;
- (e) "Person" shall include corporation;
- (f) "Taxable person" shall mean any person who is liable to taxation by the Province.

PART I.

3.—(1) Every mineral owner, who is a taxable person in respect of any parcel of land in, on or beneath the surface of which he is entitled to search for, work, win or get any mineral, shall pay in every year to the Minister a tax of three cents per acre of the surface of such parcel of land.

(2) The said tax shall fall due upon the first day of August in each year.

4. Every mineral owner shall, before the first day of September in each year forward to the Minister a statement of the parcels of land in respect of which he is taxable under the provisions of this Act.

5. If it seems desirable the Minister may prescribe the form and manner in which the statement is to be drawn up and the information to be given therein, and may require that the statement be verified by the statutory declaration of the mineral owner.

6. Together with such statement the mineral owner shall send to the Minister all taxes due by him under the provisions of this Act.

7. In case of any failure to forward the tax payable within the time prescribed herein, the Minister shall add to such sum ten per cent. thereof.

8.—(1) In case any mineral owner does not forward the tax payable by him under the provisions of this Act to the Minister before the first day of October next following the day upon which the tax falls due, together with the penalty for non-payment thereof, the Minister shall notify such person of the fact of non-payment by sending a registered letter to his address as shown by his certificate of title, or where no such address is shown, to any address at which it appears to the Minister that he may be likely to be found.

(2) The Minister shall cause a record to be kept of all registered letters so dispatched, and the entry of the dispatch of a letter with the initials of the official in charge of the record placed opposite thereto shall be *prima facie* evidence of such dispatch.

9.—(1) In the event of payment of the tax imposed in respect of any parcel of land and of the penalty not being made within three months from the dispatch of such notice, the Minister shall in case the minerals in, on or beneath the parcel of land affected are registered in the name of a taxable person, either by separate certificate, or together with the surface, or together with other surfaces or minerals, direct the Registrar of the Land Registration District within which such parcel lies to make a memorandum upon the proper certificate of title that all mines and minerals in, on or beneath the surface of the said parcel of land are the property of the Province, and thereupon the property in all minerals in, on or beneath the surface of such land shall pass to the Crown in the right of the Province, together with full liberty to the Province and to the persons authorized by it to enter upon the said parcel of land and sink pits, erect buildings and fix machinery and works of any kind for winning, working, getting or converting any such minerals and to carry away the same at pleasure, upon paying such compensation as may be fixed by agreement, or in default, by arbitration in accordance with the provisions of *The Arbitration Act*.

(2) If the said mineral owner pays to the Minister all taxes and penalties in respect of the said parcel of land together with a further penalty of ten per cent. of the amount so due before the expiry of one year from the dispatch of the said notice, the Minister shall direct the Registrar to remove the said memorandum from the certificate of title.

(3) If such amount is not paid prior to the expiry of the said year, the Registrar shall issue to the Crown in the right of the Province a certificate of title to the said minerals.

(4) Any mineral owner who so desires may surrender to the Province all minerals and all right to search for, work, win or get the same, which are in, on or beneath the surface of any parcel of land, and upon receipt of such surrender the Minister shall direct the Registrar to make a similar memorandum to that hereinbefore provided for, and the mineral owner shall be exempt from all taxation in respect of such minerals or mineral rights during the year in which he so surrenders the same, and in all subsequent years.

10. In the event of payment of the tax and of the penalty not being made within one month from the dispatch of such notice, the Minister shall, in case the parcel in, on or beneath the surface of which the minerals lie in respect of which the tax has not been paid belongs to a non-taxable person, proceed to enforce the payment of the tax by suit or by distraint levied in the same way and to the same extent as if the Minister were a landlord who had demised the surface of the parcel of land and the minerals in, on or beneath the same to the mineral owner.

11.—(1) As long as any mineral owner punctually pays any taxes due by him under the provisions of any other Act he shall not be liable to pay under the provisions of this Act in respect of any quarter section of land which is being worked or developed by him with the object of extracting minerals therefrom.

(2) The Lieutenant Governor in Council may frame regulations as to the amount and sort of development necessary to confer exemption upon any mineral owner under the provisions of the preceding subsection.

12. The Lieutenant Governor in Council shall have power to frame all such rules and regulations as may be necessary or convenient for the purpose of carrying out the provisions of this Act.

13. This Act shall not apply in the case of any parcel of land less than ten acres in extent, where the ownership of the surface and the right to search for, work, win or get minerals are not separated.

14. This Act shall come into force upon the day on which it is assented to.

No. 70.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL
An Act to Impose a Tax upon
Minerals.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

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