



Province of Alberta

HISTORICAL RESOURCES ACT

DISPOSITIONS (MINISTERIAL) REGULATION

Alberta Regulation 101/1998

With amendments up to and including Alberta Regulation 133/2010

Office Consolidation

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(Consolidated up to 133/2010)

ALBERTA REGULATION 101/98

Historical Resources Act

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Schedules

Definitions

1 In this Regulation,

- (a) “ammonite shell” means a work of nature consisting of or containing evidence of the external skeleton of an extinct cephalopod having ammonitic sutures, that is, sutures with subdivided lobes and saddles;
- (b) repealed AR 133/2010 s3;
- (c) “HRA exemption” means an exemption granted under section 30(2) of the Act that allows the person to whom it is granted to make an excavation for the purpose of seeking or collecting any palaeontological resource listed in Schedule 1;
- (d) “land” means land described in the first column of Schedule 2.

AR 101/98 s1;251/2001;133/2010

Certificate application

- 2(1)** A person who possesses an archaeological resource or palaeontological resource that was collected by that person before July 5, 1978 may apply to the Minister for a certificate under subsection (2) or (3).
- (2)** The Minister, on being satisfied that an archaeological resource referred to in subsection (1) was collected before July 5, 1978, may register the resource as acquired before July 5, 1978 and issue to the person a certificate that states that the property in the resource is not vested in the Crown in right of Alberta.
- (3)** The Minister, on being satisfied that a palaeontological resource referred to in subsection (1) was collected before July 5, 1978, may register the resource as acquired before July 5, 1978 and issue to the person a certificate that states that the property in the resource is not vested in the Crown in right of Alberta.
- (4)** Subject to subsection (5), any person who has been issued a certificate under subsection (2) or (3) may not apply for any additional certificates under this section.
- (5)** A museum or other institution that is entitled to acquire donated collections of archaeological resources or palaeontological resources may apply for additional certificates on receipt of those resources.

AR 101/98 s2;133/2010

Resource acquisition

- 3(1)** A person who possesses a palaeontological resource acquired on or after July 5, 1978 may apply to the Minister to acquire the property in that resource that is vested in the Crown in right of Alberta.
- (2)** On receipt of an application under subsection (1), the Minister may dispose of the property in that resource that is vested in the Crown in right of Alberta by sale or gift to the person if the resource is listed on the Control List in Schedule 1 and the Minister is satisfied that
- (a) the resource
 - (i) does not have scientific value, or
 - (ii) is not of sufficient quality for display purposes,
 - or
 - (b) the resource is of a type found in such quantity that it is not required for scientific or display purposes.

(3) The Minister may prescribe a fee or charge for an application under this section.

AR 101/98 s3;133/2010

Custody of resources

4(1) A person who possesses an archaeological resource or a palaeontological resource acquired on or after July 5, 1978 that is not listed on the Control List in Schedule 1 may apply to the Minister for custody of the resource.

(2) The Minister may issue to the person applying under subsection (1) a certificate stating that

- (a) the person has custody of the resource subject to subsection (3), and
- (b) the property in the resource is vested in the Crown in right of Alberta.

(3) A person who has custody of a resource under subsection (1) is subject to the following requirements:

- (a) on the death of the person, and with the prior approval of the Minister, custody of the archaeological resource or palaeontological resource may pass to the heirs, executors or administrators of that person;
- (b) on the death of the person, in the absence of heirs, executors or administrators of that person, custody of the archaeological resource or palaeontological resource must be returned to the Minister;
- (c) the archaeological resource or palaeontological resource may not be traded, sold, altered or removed from Alberta without the written permission of the Minister;
- (d) all or portions of the archaeological resource or palaeontological resource must be made available to the Minister upon request for the purpose of professional curation of specimens, scientific study or analysis, record keeping or display in a public institution;
- (e) any further requirements that the Minister may impose.

(4) The property in all archaeological resources and palaeontological resources in the custody of a person under this section is vested in the Crown in right of Alberta.

(5) A person who has been issued a certificate under subsection (2) may not apply for any additional certificates under this section.

Collection exchange

5(1) The Minister may exchange a specimen or collection of palaeontological resources with a government, museum, institution, non-profit incorporated organization or person for a specimen or collection of palaeontological resources that in the opinion of the Minister is of scientific or cultural value to Albertans.

(2) The Minister may exchange a specimen or collection of archaeological resources with a government, museum, institution, non-profit incorporated organization or person for a specimen or collection of archaeological resources that in the opinion of the Minister is of scientific or cultural value to Albertans.

AR 101/98 s5;133/2010

Collection sale, gift

6(1) The Minister may, if the Minister considers it to be in the public interest, sell or give a collection of palaeontological resources to a museum, educational institution or a non-profit incorporated organization on such conditions as the Minister may impose which may include any of the following conditions:

- (a) that curatorial services for the collection are provided;
- (b) that scientific study or analysis of the collection is allowed;
- (c) that display of the collection to the public is allowed.

(2) The Minister may, if the Minister considers it to be in the public interest, sell or give a collection of archaeological resources to a museum, educational institution or a non-profit incorporated organization on such conditions as the Minister may impose which may include any of the following conditions:

- (a) that curatorial services for the collection are provided;
- (b) that scientific study or analysis of the collection is allowed;
- (c) that display of the collection to the public is allowed.

AR 101/98 s6;133/2010

Collection lease

7(1) The Minister may, if the Minister considers it to be in the public interest, lease a collection of palaeontological resources to a government, museum, educational institution, non-profit incorporated organization or person on such conditions as the Minister may impose which may include any of the following conditions:

- (a) that curatorial services for the collection are provided;
- (b) that scientific study of the collection is allowed;
- (c) that display of the collection to the public is allowed.

(2) The Minister may, if the Minister considers it to be in the public interest, lease a collection of archaeological resources to a government, museum, educational institution, non-profit incorporated organization or person on such conditions as the Minister may impose which may include any of the following conditions:

- (a) that curatorial services for the collection are provided;
- (b) that scientific study of the collection is allowed;
- (c) that display of the collection to the public is allowed.

AR 101/98 s7;133/2010

Disposition of ammonite shell

8(1) Subject to this Regulation, the Minister hereby disposes of all the interest of the Crown in right of Alberta in ammonite shell that naturally occurs on or under the parcel of land listed in the first column of Schedule 2 to the respective person listed in the 2nd column of Schedule 2 if the Minister determines that the ammonite shell

- (a) does not have scientific value, or
- (b) is not of sufficient quality for display purposes.

(2) The Minister may issue a Disposition Certificate to a person described under subsection (1) or that person's lawful agent, successor or assign.

Restrictions

9 No person shall recover ammonite shell by any means from any land unless that person

- (a) has an HRA exemption,
- (b) has a permit issued under section 30(1) of the Act,
- (c) has received a disposition of the interest of the Crown in right of Alberta in ammonite shell under section 8(1), or

- (d) is an Indian or member of a band within the meaning of the *Indian Act* (Canada) and is recovering ammonite shell for religious or ceremonial purposes.

AR 101/98 s9;251/2001;133/2010

Disposition Certificate

10 No person, other than a person authorized under section 9(c) or (d) to recover ammonite shell, shall exercise ownership rights to any ammonite shell recovered from any land unless that person has acquired a Disposition Certificate from the Minister.

AR 101/98 s10;133/2010

Possession where of value

11 The Crown in right of Alberta owns and is entitled to the possession of any ammonite shell recovered from the land that the Minister determines to be of scientific or display value.

Repeals

12(1) The *Dispositions Regulation* (AR 393/87) is repealed.

(2) The *Ammonite Shell Disposition Regulation* (AR 306/89) is repealed.

Expiry

13 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 1, 2015.

AR 101/98 s13;182/2002;12/2010;133/2010

Schedule 1

Control List

- (a) ammonite shell, including all gemmological by-products of ammonite shell
- (b) oyster shell
- (c) petrified wood
- (d) fossil leaf impressions

Schedule 2

Land and Persons Subject to Ammonite Shell Disposition

Land	Person
section 29, township 6, range 22, west of the 4th meridian, containing 259 hectares, more or less	Kormos Resources Ltd.
section 30, township 6, range 22, west of the 4th meridian, which lies to the east and south of the St. Mary River, containing 159.554 hectares, more or less	Kormos Resources Ltd.
section 31, township 6, range 22, west of the 4th meridian, which lies to the south and east of the St. Mary River, containing 37.2 hectares, more or less	Kormos Resources Ltd.
section 32, township 6, range 22, west of the 4th meridian, which lies to the south and east of the St. Mary River, containing 201.28 hectares, more or less	Kormos Resources Ltd.
south-west quarter of section 34, township 6, range 22, west of the 4th meridian, containing 64.7 hectares, more or less	Clara D. Salberg
north half of section 34, township 6, range 22, west of the 4th meridian, which lies to the south and east of the St. Mary River, containing 118.1 hectares, more or less	Clara D. Salberg
east half of section 28, township 6, range 22, west of the 4th meridian, containing 129 hectares, more or less	William J. Wocknitz
east half of the north-west quarter of section 33, township 6, range 22, west of the 4th meridian, containing legal subdivisions 11 and 14	William J. Wocknitz
east half of the south-west quarter of section 33, township 6, range 22, west of the 4th meridian, containing legal subdivisions 3 and 6	William J. Wocknitz

west half of section 3, township 7, range 22, west of the 4th meridian, which lies to the south of the St. Mary River, containing 39.86 hectares, more or less	William J. Wocknitz
south-east quarter of section 4, township 7, range 22, west of the 4th meridian, which lies to the south of the St. Mary River, containing 12.34 hectares, more or less	William J. Wocknitz
that portion of the north-west quarter of section 19, township 6, range 22, west of the 4th meridian, which lies to the south and east of the St. Mary River, containing 10.1 hectares, more or less	Grace Arlene Huffman
north-east quarter of section 19, township 6, range 22, west of the 4th meridian, containing 64.7 hectares, more or less	Lalovee Jensen Mines and Minerals Inc.
north-west quarter of section 20, township 6, range 22, west of the 4th meridian, containing 129 hectares, more or less	Lalovee Jensen Mines and Minerals Inc.
west half of section 4, township 7, range 22, west of the 4th meridian, which lies to the south of the St. Mary River, containing 34.96 hectares in the south-west quarter and 14.762 hectares in the north-west quarter, more or less	367858 Alberta Ltd.
west half of section 28, township 6, range 22, west of the 4th meridian, containing 129 hectares, more or less	367858 Alberta Ltd.
west half of section 33, township 6, range 22, west of the 4th meridian, containing legal subdivision 4 (16.2 hectares, more or less), legal subdivision 5 (16.2 hectares, more or less), subdivision 12 (15.94 hectares, more or less) and legal subdivision 13 (15.94 hectares, more or less)	367858 Alberta Ltd.