



Province of Alberta

MINES AND MINERALS ACT

AMMONITE SHELL REGULATION

Alberta Regulation 152/2004

With amendments up to and including Alberta Regulation 305/2009

Office Consolidation

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Note

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(Consolidated up to 305/2009)

ALBERTA REGULATION 152/2004

Mines and Minerals Act

AMMONITE SHELL REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Mines and Minerals Act*;
- (b) “agreement” means an agreement issued under section 3;
- (c) “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;
- (d) “Dispositions Regulation” means the *Dispositions Regulation* (AR 101/98) made under the *Historical Resources Act*;
- (e) “holder” means the holder of an agreement;
- (f) “HRA exemption” means an exemption granted under section 30(2) of the *Historical Resources Act* that permits the person to whom the exemption is granted to make an excavation for the purpose of seeking or collecting ammonite shell;
- (g) “non-exposed ammonite shell” means ammonite shell that is not exposed on the ground surface.

Recovery of ammonite shell

2 No person shall recover non-exposed ammonite shell unless the person is the holder of an agreement.

Application for and issuance of agreements

3(1) An application for an agreement may be made in person or by mail.

(2) An application for an agreement must be in a form acceptable to the Minister and be accompanied by

(a) the application fee prescribed in the Schedule to the *Mines and Minerals Administration Regulation* (AR 262/97), and

(b) the rent for the first year of the term of the agreement.

(3) On receipt of an application that meets the requirements of subsection (2), the Minister may issue an agreement.

(4) An agreement must specify the location of the land in respect of which the agreement is issued.

Term and renewal of agreement

4(1) The initial term of an agreement is 15 years from the term commencement date.

(2) An agreement may be renewed for further terms of 5 years each.

(3) The holder of an agreement may apply for a renewal not more than 120 days prior to the expiry of the term being renewed.

(4) An application for the renewal of an agreement must be in a form acceptable to the Minister.

(5) Subject to subsections (6) and (7), the Minister may

(a) renew an agreement in accordance with the terms of the application, or

(b) refuse to renew the agreement.

(6) The Minister shall refuse to renew an agreement unless at the end of the previous term

(a) the holder continues to recover ammonite shell from the location covered by the agreement, or

(b) the Minister is satisfied that recovery of ammonite shell from the location covered by the agreement will occur during the renewal term of the agreement.

(7) The Minister shall refuse to renew an agreement if any rent, royalty or other charge arising under the agreement remains payable beyond its due date.

(8) The Minister may amend the terms and conditions of an agreement when the Minister renews the agreement.

Area of location covered by agreement

5 The area of the location covered by an agreement may not be more than 256 hectares and the extent and boundaries of the location of the agreement must be acceptable to the Minister.

Conditions of agreement

6 Every agreement is subject to the following conditions:

- (a) the holder must, not later than 4 months after the date of issue of the agreement, make an application for an HRA exemption in respect of the location covered by the agreement;
- (b) the holder must at all times after the issue of an HRA exemption in respect of the location covered by the agreement hold that HRA exemption for the duration of the agreement and any renewal of it;
- (c) the agreement only gives the right to recover ammonite shell in the location covered by the agreement and title to any ammonite shell so recovered remains vested in the Crown in right of Alberta until title to it is transferred to the agreement holder by the Minister responsible for the *Historical Resources Act* pursuant to the *Dispositions Regulation*;
- (d) the Minister responsible for the *Historical Resources Act* or a person to whom a permit is issued under section 30(1) of the *Historical Resources Act* may at any time enter on the location covered by the agreement and recover ammonite shell that that Minister or person determines to be of scientific or display value;
- (e) the Minister responsible for the *Historical Resources Act* may retain any of the ammonite shell recovered pursuant to the agreement that the Minister determines to be of scientific or display value;

- (f) the agreement is subject to the Act and the regulations made under the Act.

Cancellation of agreement

7 It is a term of every agreement that the Minister may cancel the agreement if the holder

- (a) contravenes the Act or this Regulation, or
(b) is in breach of any condition of the agreement.

Expiry

8 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 November 30, 2016.

AR 152/2004 s8;305/2009

Repeal

9 The *Ammonite Shell Regulation* (AR 59/89) is repealed.